

Overall Score:

48 - Very Weak

Legal Framework Score:

81 - Strong

Actual Implementation Score:

22 - Very Weak

Category I. Civil Society, Public Information and Media

I-1. ⁶²Civil Society Organizations

1. Are anti-corruption/good governance CSOs legally protected?

67

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

YES | NO

Comments:

According to the Law on Public Organizations, citizens have a right to form CSOs, including those focused on anti-corruption or good governance.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1295\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1295)=eng)

YES: A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

1b. In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

YES | NO

Comments:

According to the Law On Public Organizations, non-governmental organizations have the right to get funding from foreign sources; for instance, from the Soros foundation, embassies, USAID grants, etc.

Efforts have been made (still ongoing since the term of former president Robert Kocharyan) to study project funding and subject it to a so-called expertise by a special commission that was going to be established. Fortunately, this goal was not realized.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1295\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1295)=eng)

Point 1 of article 17 of the Law On Public Organizations

YES: A YES score is earned if anti-corruption/good governance CSOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

NO: A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for CSOs focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

YES | NO

Comments:

The Law On Public Organizations does not require that non-governmental organizations (NGOs) publicly disclose their funding sources. There is no legal requirement of public disclosure of NGO finances. However, point 5 of article 16 states: "The organization is obliged to submit to the state bodies reports and information in the manner and cases stipulated by the law."

This is a very general formulation. We submit our financial reports to the tax department on our income and to the social security service (pension fund) on social security payments, but we do not have to provide information on the donors from whom we receive funding.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1295\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1295)=eng)

YES: A YES score is earned if anti-corruption/good governance CSOs are required to publicly disclose their sources of funding.

NO: A NO score is earned if no such public disclosure requirement exists.

2. Are good governance/anti-corruption CSOs able to operate freely?

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.

100 | 75 | 50 | 25 | 0

Comments:

In practice, non-governmental organizations (NGOs) do not face any obstacles from the government in organizing and establishing an NGO.

According to my information, there is one bad practice taking place in this field: A registered organization that has a seal and the relevant documents, is often sold by the founder to another interested person. This means that the seller makes a personal profit, which makes the organization somewhat like a business. There are about 5,000 registered organizations in Armenia. Of them, a maximum number of 100 of them are functioning. It is understandable that the so-called trade can happen taking into consideration this situation.

The working organizations, which are active and well known, cannot be sold" in this way; it is, in fact, almost impossible.

There is one issue that I think creates some difficulty in registering an NGO: State Registration of Legal Entities, the registering body of the NGOs, is located in the state register office, which is a department of the Ministry of Justice. In addition, the head of the state registration office is the deputy minister of the Ministry of Justice. This structure is based in Yerevan, the capital. If the initiators of the NGO are from the regions (for example, Kapan, Meghri, etc.) then they have to travel to Yerevan. Therefore, a new NGO, which may not have many resources, may have difficulties in registering.

The state tax for registration fee is AMD 10,000 (US\$26); the fee for the seal is AMD 12,000 (US\$31). The total costs for state registration adds up to AMD 22,000 (US\$57). Taking into consideration the high rate of unemployment and difficult social conditions, some groups will not have the opportunity to register their initiative as an NGO.

References:

<http://www.parliament.am/legislation.php?sel=show&ID=1281>=eng

<http://www.parliament.am/legislation.php?sel=show&ID=1295>=eng

<http://www.parliament.am/legislation.php?sel=show&ID=1370>=arm (in Armenian only)-point 13 of article 16

100: CSOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

75:

50: CSOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

2b. In practice, anti-corruption/good governance CSOs actively engage in the political and policymaking process.

Comments:

There are few non-governmental organizations (NGOs) that are involved in the fight against corruption. For example, the Transparency International Anti-corruption Center, the Asparez journalists' club, our organization, etc.

In May 2008, the Advocacy and Assistance Anti-corruption centers were created in all the regions with the support of United States Agency for International Development (USAID). The centers were opened jointly with the government within a USAID contract aiming to involve NGOs in anti-corruption actions implemented by state governmental bodies.

Of course, different discussions and conferences are organized where NGOs and the representatives of state structures jointly discuss the anti-corruption issues. Actually, the participation of NGOs in anti-corruption strategy development is very little. Previous anti-corruption strategy meeting (2003-2007) had no real results. Though an anti-corruption council has been created where NGOs were also involved, their participation had no real influence.

At present, there is a new program for 2009-2012, which has been approved by the government. However, the NGOs, which were involved in the formation of that program, display a loyal attitude toward the authorities. For example, Transparency International refused to participate in the strategy development, as their serious suggestions were not taken into account. The problem is, not only that the NGOs had very little role in the development of the program contents, but these NGOs did not have mechanisms of real control and participation. The government can formally refer to the participation of NGOs and they can name a network of organizations, but you will not find that the NGOs showed initiative in revealing or preventing concrete incidents of corruption, including the bringing criminal cases.

And those NGOs which aimed at making policy directed toward corruption prevention are left out from the process of policy-making. It means that not only the government's anti-corruption policy is only a formality and not a real one, but also the role of civil society institutes is also only a formality in the development and implementation of the anti-corruption policy.

References:

www.transparency.am (media_archive.php)

www.asparez.am

www.hcav.am

www.maac.am

www.gov.am/en/anticorruption/

100: Civil society organizations focused on anti-corruption or good governance are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a leading role in shaping public opinion on political matters.

75:

50: Anti-corruption/good governance CSOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

0: Anti-corruption/good governance CSOs are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

YES | NO

Comments:

There is no information on the shutting down of any non-governmental organization.

References:

Archive for 2009 for the following media:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragjr.am/>

YES: A YES score is earned if there were no CSOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

NO: A NO score is earned if any CSO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3. Are civil society activists safe when working on corruption issues?

33

3a. In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

YES | NO

Comments:

In relation to corruption that took place during elections, a criminal case was brought against an activist from the Helsinki Association, Arshaluys Hakobyan, who delivered a message to the law enforcement bodies). It was alleged that he had struck a police officer who was in his house.

A. Hakobyan was arrested on June 5, 2009, imprisoned on June 6, 2009 and was kept under detention until October 16, 2009.

References:

http://www.hahr.am/index.php?option=com_content&task=blogcategory&id=50&Itemid=105

YES: A YES score is earned if there were no CSO activists imprisoned because of their work covering corruption. YES is a positive score.

NO: A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

3b. In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

YES | **NO**

Comments:

There was violence against Edik Baghdassaryan, Argishti Kiviryan and others.

References:

www.a1plus.am/archive/

www.lragir.am

www.hzh.am

www.aravot.am

YES: A YES score is earned if there were no documented cases of CSO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues have been killed.

YES | NO

References:

Archive for 2009 for the following media:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

YES: A YES score is earned if there were no documented cases of CSO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

4. Can citizens organize into trade unions?

50

4a. In law, citizens have a right to organize into trade unions.

YES | NO

Comments:

In accordance with the Armenian legislation, citizens have a right to establish trade unions.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1504\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1504)=arm) (in Armenian)

The Constitution of the Republic of Armenia (with Amendments), <http://www.concourt.am/english/constitutions/index.htm>

Article 28 (Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions).

The Law about Trade Unions (in Armenian), [http://www.parliament.am/legislation.php?sel=show&ID=1504\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1504)=arm)

YES: A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

100 | 75 | 50 | 25 | 0

Comments:

No publication, information, or news can be found regarding trade unions. In practice, the employees, no matter if they are civil servants, employees of state or private institutions, are in a typically slave situation. There are no guarantees of their labor rights.

In some cases, citizens apply to court on their own initiative to protect their rights. Trade unions as an institute through which the citizens can protect their labor rights in their relationship with their employers are not formed.

The existing trade unions are a heritage from the Soviet Union that have no real links with employees and, therefore, have no influence.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

75:

50: Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

25:

0: Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

I-2. Media

5. Are media and free speech protected?

100

5a. In law, freedom of the media is guaranteed.

YES

NO

Comments:

See Article 4 of the Law on Mass Media.

References:

http://www.ypc.am/eng/?go=leg/media_law

[http://parliament.am/legislation.php?sel=show&ID=1890\)=eng](http://parliament.am/legislation.php?sel=show&ID=1890)=eng)

YES: A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech is guaranteed.

YES | NO

Comments:

See articles 4 and 6 of the Law on Freedom of Information.

References:

[http://parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://parliament.am/legislation.php?sel=show&ID=1390)=eng)

YES: A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

6. Are citizens able to form print media entities?

100

6a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | 50 | 25 | 0

Comments:

There is no information that the formation of a mass media outlet and its registration by the Ministry of Justice has been interfered with by the government.

References:

[http://parliament.am/legislation.php?sel=show&ID=1890\)=eng](http://parliament.am/legislation.php?sel=show&ID=1890)=eng)

<http://www.freedomhouse.org/template.cfm?page=251&country=7557&year=2009>

<http://www.hrw.org/en/node/87532>

100: Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

Comments:

In accordance with RA Law on Mass Media for printed media, there is no requirement for getting a license. Publication of printed media is not subject to licensing.

References:

<http://parliament.am/legislation.php?sel=show&ID=1890>=eng

<http://www.freedomhouse.org/template.cfm?page=251&country=7557&year=2009>

<http://www.hrw.org/en/node/87532>

[http://armhels.org/DownloadFile/302eng-Ditord_8\(46\)_2009.pdf](http://armhels.org/DownloadFile/302eng-Ditord_8(46)_2009.pdf) (Report of Armenian Helsinki Committee)

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

NO: A NO score is earned if there is no appeal process for print media licenses.

6c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Citizens do not have to get a license in order to establish a print media outlet because there is no requirement for that. We do not have evidence that there have been obstacles for someone who wanted to start a print media publication.

References:

<http://parliament.am/legislation.php?sel=show&ID=1890>)=eng

<http://www.freedomhouse.org/template.cfm?page=251&country=7557&year=2009>

<http://www.hrw.org/en/node/87532>

[http://armhels.org/DownloadFile/302eng-Ditord_8\(46\)_2009.pdf](http://armhels.org/DownloadFile/302eng-Ditord_8(46)_2009.pdf) (Report of Armenian Helsinki Committee)

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Since there is no need for a license, there is no cost for obtaining a print media license.

References:

<http://parliament.am/legislation.php?sel=show&ID=1890>)=eng

<http://www.freedomhouse.org/template.cfm?page=251&country=7557&year=2009>

<http://www.hrw.org/en/node/87532>

[http://armhels.org/DownloadFile/302eng-Ditord_8\(46\)_2009.pdf](http://armhels.org/DownloadFile/302eng-Ditord_8(46)_2009.pdf) (Report of Armenian Helsinki Committee)

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

7. Are citizens able to form broadcast (radio and TV) media entities?

7a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

100 | 75 | 50 | 25 | 0

Comments:

In 2002, the National Commission for Television and Radio made a decision that deprived the A1+ and the Noyan Tapan TV companies to compete for TV and radio broadcast frequencies. On June 19, 2008 the European Court of Human Rights adopted a resolution that declared that the Republic of Armenia had violated the right of A1+ TV and obliged Armenia to organize a new competition for free frequencies so that A1+ could participate and re-start its programs.

The Republic of Armenia did not execute the court decision, and on September 10, 2008, the parliament adopted a law on making TV bandwidths digital. This law put off the competition for free frequency bandwidth until 2011; that is, a law was created to avoid fulfilling the requirements of the European court.

References:

http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=10978

[http://armhels.org/DownloadFile/264eng-Ditord_5\(43\)_2009.pdf](http://armhels.org/DownloadFile/264eng-Ditord_5(43)_2009.pdf)

100: Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

25:

0: Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

7b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

Comments:

According to article 51 of the Law on TV and Radio, the rejection of a license application can be appealed in the court. Television and radio companies have a right to apply to the court to demand the canceling or changing the decisions of the National Commission. The existence of a lawsuit does not affect the implementation of the decision on implementing the written caution or the administrative fine.

References:

<http://parliament.am/legislation.php?sel=show&ID=1464>=eng

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

NO: A NO score is earned if there is no appeal process for broadcast media licenses.

7c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

The license for TV and radio broadcasting is granted under a competition, the order of which is defined by the National Committee of the Television and Radio, according to article 47 of the Law on Regulations of the National Committee of the Television and Radio. The same committee defines the conditions and time period of granting the license. In practice, the period starting from the summary of competition results to granting the license can be delayed up to six months.

References:

Interview with Mesrop Harutyunyan, expert from Committee of Protection of Information Freedom

Interview with the head of Lori-TV Company Armen Sakhlyan, Feb. 11.,2010

<http://parliament.am/legislation.php?sel=show&ID=1630>=eng

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

7d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | **50** | 25 | 0

Comments:

The points 9.7.1.1 of article 9 of the Law on State Taxes defines the amount of the tax for getting a license for TV broadcasting: When the broadcast is in Yerevan and in one or a few regions at a time, the cost is 500-fold of the basic tax (the basic tax is AMD 1,000 (US\$3) for one year.

For broadcasting only in Yerevan, the tax is 400-fold higher than the basic tax (9.7.1.2 of article 9); If the broadcasting is in the territory of a few regions, the tax is 400-fold higher (9.7.1.3); If the broadcasting is only in one region it

makes 250-fold higher than the basic tax.

These are lump sums for the license.

Apart from this, there are costs for broadcasting every year. The TV company has to pay the following yearly costs: for broadcasting in Yerevan and in one or a few regions at a time, the tax is 300 fold of the basic tax; only in Yerevan, the costs is the 200-fold higher than the basic tax; in a few regions, the tax is 100-fold and only in one region is it 50-fold higher than the basic tax.

There are also costs defined for radio programs. For obtaining a license for radio broadcasting in Yerevan and in a few regions, the cost is 250-fold only in Yerevan, it is 200 fold; in a few regions, 200-fold, in the territory of only one region, it is 150 fold higher than the basic tax.

For radio broadcasting there is a yearly payment. In Yerevan and in a few regions it amounts to charge that is the 150-fold higher than the basic tax, only in Yerevan it is 100-fold; in a few regions, it is 50-fold and in one region it is 25-fold higher than the basic tax.

References:

Mesrop Harutyunyan, expert from the Committee of Protection of Information Freedom, interview via phone, Feb. 10, 2010

www.arlis.am (available only in Armenian)

[http://parliament.am/legislation.php?sel=show&ID=1370\)=arm](http://parliament.am/legislation.php?sel=show&ID=1370)=arm)

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

8. Can citizens freely use the Internet?

100

8a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

Comments:

There has been no article or information regarding the prevention of citizens' access to the contents of online publications.

References:

<http://www.a1plus.am> ; <http://www.lragir.am/>; www.hzh.am; www.aravot.am; www.168.am

100: The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

75:

50: Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

25:

0: Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

8b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

Comments:

The only case of censorship was in the period of March 1-20, 2008, when RA president R. Kocharyan ordered to the cessation of publications, including Internet publications, and there was no opportunity to publish online.

References:

//www.a1plus.am ; www.168.am; www.aravot.am; <http://www.lragir.am/>; www.hzh.am

100: The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

75:

50: In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

25:

0: The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

9. Are the media able to report on corruption?

50

9a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

YES

NO

Comments:

According to the Law on Freedom of Information and article 27 of the Republic of Armenia Constitution, everyone shall have the right to freely express his/her opinion. In addition, the law does not foresee any limitation on spreading accurate news about public figures.

References:

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

<http://concourt.am/english/constitutions/index.htm>

YES: A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

NO: A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

9b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100

75

50

25

0

Comments:

In 2009, there has been violence against journalists, such as Argishti Kiviryan, editor for Armenia Today news agency; Nver Mnatsakanyan, anchor for the private TV station Shant,; Edik Baghdassaryan, editor of the online news magazine Hetq and the chairman of Investigative Journalists Association.

Nikol Pashinyan, the editor-in-chief of the Haykakan Zhamanak daily was arrested. The court of first instance of Nork Marash and Kentron decided to stop the publication of Chorord Ishkhanutyun (4th Authority) saying it owes money to the Gind printing house, therefore the publication of the newspaper was stopped but some time later the editorial staff started to publish Chorord Inknishkhanutyun (4th Self-authority) daily.

There was information that different issues of a few newspapers in which corruption-related articles were published were systematically bought up before they were distributed to the public to keep these stories from the papers' regular readers.

References:

<http://www.hrw.org/en/node/87532>

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7557>

www.a1plus.am ; www.lragir.am

100: The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

75:

50: The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

25:

0: The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

9c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | **50** | 25 | 0

Comments:

The government prevents publication of corruption-related materials by those media which are under their control, such as Hayastani Hanrapetutyun or H1 public TV, which will give information only on corruption cases that are started by the prosecutor's office or the Special Investigative Service. But they will not present any corruption-related materials concerning government officials.

References:

www.hrw.am

www.freedomhouse.am

www.aravot.am

www.lragir.am

www.a1plus.am

www.chi.am

www.zhamanak.am

100: The government never prevents publication of controversial corruption-related materials.

75:

50: The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

25:

0: The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

10a. In law, print media companies are required to publicly disclose their ownership.

YES | **NO**

Comments:

No public disclosure of owners or founders of print media is required.

References:

www.aravot.am; www.hzh.am, www.zhamanak.com;

http://parliament.am/law_docs/211101HO252eng.pdf

YES: A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

YES | **NO**

Comments:

No public disclosure of owners or founders of print media is required.

References:

www.aravot.am; www.hzh.am, www.zhamanak.com;

http://parliament.am/law_docs/211101HO252eng.pdf

YES: A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

Comments:

Almost all media outlets have a code of conduct. Only the Aravot daily has a code of conduct that includes an ombudsman. A citizen can complain about this or that article and the ombudsman will give a conclusion as to whether or not the article corresponds to the principle of fair journalism and, of necessary, demand a refutation from the newspaper.

The Yerevan Press Club initiated the creation of a self-regulation body for the mass media that also discusses the complaints about publications in different media outlets. But the conclusions of this body concern only those media outlets whose representatives have agreed to be involved in the self-regulation body.

Actually, there is deep concern that journalists from different media outlets withhold materials on corruption in exchange some remuneration (money); or that they just print an article to order.

References:

Mesrop Harutyunyan, expert from the Committee of Protection of Information Freedom, interview via phone, Feb. 10, 2010

100: Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

75:

50: Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

25:

0: Editors and journalists are widely known to sell" favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | 50 | 25 | 0

Comments:

On May 31, 2009, municipal elections were held in Yerevan. During the pre-election campaign, fair and equal coverage of candidates was not ensured. The local parliament was to be formed by proportional principle. The Republican Party, the Armenian Revolutionary Party, Bargavach Hayastan Party/Prosperous Armenia, the Armenian National Congress, Armenian People's Party participated in the elections.

References:

<https://wcd.coe.int/ViewDoc.jsp?id=1508365&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>

www.a1plus.am

www.lragir.am

www.azatutyun.am

100: All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

75:

50: Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

25:

0: The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

Comments:

The public TV station and Hayastani Hanrapetutyun newspaper, both of which are funded by the state, either do not cover the opposition candidates or they cover them in a negative way.

References:

<https://wcd.coe.int/ViewDoc.jsp?id=1508365&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679>

www.a1plus.am; www.lragir.am; www.azatutyun.am

100: The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

75:

50: The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

25:

0: The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

11. Are journalists safe when investigating corruption?

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES | **NO**

Comments:

The Haykakan Zhamanak daily is one of the unique newspapers that presents corruption-related research, articles, and its editor in chief has been jailed on the charge of organizing a mass disturbance.

References:

<http://www.a1plus.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.hzh.am

www.nikolpashinyan.com

YES: A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

NO: A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

YES | **NO**

Comments:

Physical violence was committed against Gohar Veziryan (writer for IV Estate, beaten up on May 31, 2009), Tatev Mesropyan (Hayq, beaten up on May 31, 2009), and Marine Kharatyan (Zhamanak, beaten up on May 31, 2009) for their investigations of corruption.

References:

<http://www.hrw.org/en/node/87532>

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.hra.am

YES: A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

NO: A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

YES | NO

Comments:

No journalists investigating corruption have been killed.

References:

<http://www.hrw.org/en/node/87532>

<http://www.a1plus.am>

www.zhamanak.com

<http://www.aravot.am>

<http://www.lragir.am/>

YES: A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

NO: A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

63
I-3. Public Access to Information

12. Do citizens have a legal right of access to information?

12a. In law, citizens have a right of access to government information and basic government records.

YES | NO

Comments:

The Law on Freedom of Information defines the legal mechanism for citizens to get information from the government. This is perhaps the only real mechanism that citizens have.

References:

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

YES: A YES score is earned if there is a formal right to access government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon a public request.

NO: A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if access to a basic government record is denied.

YES | NO

Comments:

Article 14 of the Law on Freedom of Information foresees liability for violation of information freedom. On November 28, 2007, the parliament adopted the Administrative Procedure Code, which came into force on December 10, 2007. Article 1 of the Code defines the order of executing the court defense of physical and legal persons and actions against the state and local self-governmental bodies, the administrative and normative acts of their officials, and their actions or inactions.

References:

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

YES: A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

NO: A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

YES | NO

Comments:

In all state structures, there are press secretaries who are responsible for public relations through which journalists and citizens received information on adopted decisions and information on current activities.

The Law on Freedom of Information obliges the state bodies to have relevant structures — called Press Centers — in order to ensure citizens' right to get information.

References:

<http://www.gov.am/en/>

YES: A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

13. Is the right of access to information effective?

38

13a. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

The Law on Freedom of Information states that the responses to access to information requests should get a response within 5 days; in case of need for additional study, the maximum time is a month.

In practice, executing the law has not been well performed by state and local self-governmental bodies yet. Sometimes it is necessary to appeal requests to a court. For example, structures like national security, police service, Ministry of Defense are more conservative about responding to requests and they are hard to deal with. They do not tend to be open about giving information. A long-term court process is necessary to receive information from them. However, all the other structures give the information easily. A score 25 would be very strict, but 50 is given with a bit with reservation.

References:

www.asparez.am, Levon Barseghyan, the head of board of Asparez" journalists' club

www.foi.am, Shushan Doydoyan, head of Information Freedom Center

www.hcav.am

www.ypc.am

100: Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

75:

50: Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25:

0: Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

13b. In practice, citizens can use the access to information mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The Law on Freedom of Information states that there is no cost for responding to oral inquiries for up to 10 pages of printed or copied information, or for information sent via e-mail (Internet).

The information holder must inform the public about information concerning dangers facing the state, public security, public order, public health and morals, other rights and freedoms, including those involving the environment, and a person's property.

However, the Court Department has set costs for providing court decrees in accordance with the Law on State Tax that are rather expensive for an ordinary citizen: AMD 500 (US\$ 1.30) for the first page and AMD 150 (US\$0.48 cents) for each additional page.

References:

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

www.arlis.am (the Law on State Tax — available in Armenian)

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

It is almost impossible to get information on the actions of officials regarding corruption, especially if it concerns high-ranking

officials or the areas that are under their control or in which they have essential interests. In these cases, it is necessary to start long-term court procedures, but full success is hard to achieve here.

References:

www.asparez.am

hcav.am

www.a1plus.am

www.hzh.am

100: Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

75:

50: Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

25:

0: The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

A number of media publications report on cases when citizens' appeals either do not get any response or the responses are vague and uncertain; and where the people have to apply to the court, a process that can last for years and unfortunately, end without any result.

References:

www.aravot.am

www.lragir.am

www.a1plus.am

www.168.am

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | 50 | **25** | 0

Comments:

In Armenia, authority is rather centralized and the citizen has to apply directly to the government or president's staff or ministries for clarifications or getting a solution to his/her problems. This is more difficult for those who live far away. By the way, the people apply regarding little issues that could be solved in the regional administrations. The citizens have to pay their own transportation costs, but the high rate of unemployment and low level of social security in Armenia makes it very hard for most citizens to overcome these barriers.

References:

www.a1plus.am

www.lragir.am

www.hraparak.am

www.aravot.am

www.168.am

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

25:

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

100 | 75 | **50** | 25 | 0

Comments:

The reasons for denying access to politically sensitive information are provided but they are illogical, or contradict the law or are not understandable. That is why we apply to the court to find out the real reasons. But information in regard to unimportant issues is easily obtained.

References:
www.asparez.am

www.foi.am

www.ypc.am

100: The government always discloses to the requestor the specific, formal reasons for denying information requests.

75:

50: The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

25:

0: The government does not regularly give reasons for denying an information request to the requestor.

Category II. Elections

II-1. ⁴¹Voting & Citizen Participation

14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

YES | NO

Comments:

According to article 2 of the constitution, the people exercise their power through free elections and referenda, as well as through state and local self-governing bodies and public officials. And, according to article 2 of electoral code, those who have attained the age of 18 years have the right to vote.

References:

<http://www.concourt.am/english/constitutions/index.htm>

[http://parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

NO: A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

YES | NO

Comments:

The constitution defines the time-line for parliamentary, presidential and local-self government elections. The order of their organization is defined by the electoral code.

References:

<http://www.concourt.am/english/constitutions/index.htm>

[http://parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

NO: A NO score is earned if no such framework exists.

15. Can all citizens exercise their right to vote?

67

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

Comments:

Voting is open to all citizens, but there are problems for the disabled because there is no special access provided for them or for the blind; representatives of national minorities also face problems because of language barriers.

References:

www.a1plus.am

www.lragir.am

www.aravot.am

www.168.am

www.unison.am

100: Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

75:

50: Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

25:

0: Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

Comments:

There were cases in 2008 when there were not enough ballots and the commission head decided to make xerox copies of ballots, but it is not so usual.

References:

www.aravot.am

www.hzh.am

100: Ballots are secret, or there is a functional equivalent protection, in all cases.

75:

50: Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

25:

0: Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | 75 | 50 | 25 | 0

Comments:

The presidential and parliamentary elections are held in accordance with the schedule prescribed by the constitution. Special presidential elections were held once in 1998. Members of parliament are elected by proportional and majoritarian system.

Proportional elections were always held in defined order, since 2005 every 5 years (before the Constitutional changes it was every 4 years). Some of the members of parliament are elected by a majoritarian system. Last year, in 2009, additional elections of four members of Parliament were held by majoritarian system, as four opposition members — Khachatur Sukiasyan, Hakob Hakobyan, Sasun Mikayelyan and Myasnik Malkhasyan — were detained for political reasons. Three of them were set free with amnesty and additional elections were held for them.

References:

www.osce.org/item/26169.html

www.a1plus.am; www.lragir.am

www.elections.am (available in Armenian)

100: Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

75:

50: Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

25:

0: Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

16. Are citizens able to participate equally in the political process?

45

16a. In law, all citizens have a right to form political parties.

YES

NO

Comments:

Article 7 of the constitution recognizes pluralism and a multiparty system. Article 28 ensures that every citizen has the right to form political parties with other citizens and join such parties. The National Assembly also adopted the Law on Political Parties.

References:

<http://www.concourt.am/english/constitutions/index.htm>

<http://www.legislationline.org/documents/action/popup/id/3948>

YES: A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

NO: A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

YES | NO

Comments:

There is no restriction in the law on citizens who wish to run for political office.

References:

<http://www.concourt.am/english/constitutions/index.htm>

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

NO: A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | 0

Comments:

Some citizens are afraid to get involved in groups that take a very oppositional approach and also if the groups are against the authorities. In addition, citizens are forced to be involved in political parties. People agree to this so they do not lose their job, business, etc. In particular, the employees of small state structures, like schools, ministries, administration offices, and nursing schools are forced to affiliate with the ruling Republican Party.

For example, the head of staff of president, Karen Karapetyan, tried to create a party through a former parliamentary group called the People's Group in 2006-2007. However, this party was not created and moreover, in 2007, Karapetyan became (or was forced to become) a member of the Republican Party. He is now the head of president's staff.

His brother is an important businessman in Russia and Armenia, and from the viewpoint of their business interests, his membership in the party may provided an advantage.

A similar attempt to form a political party was made by former minister of Transport and Communication Andranik Manukyan, but he is now the adviser to the prime minister. Without the permission of the regime, it is risky for certain individuals to start their own political parties.

References:

<http://www.a1plus.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: While there is no guarantee of electoral success, political parties can form freely without opposition.

75:

50: Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

25:

0: Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | 50 | 25 | 0

Comments:

The authorities use their administrative force methods against the opposition and citizens. Media either do not enable to put advertisements or the prices are so high that the citizens can't afford.

References:

<http://www.a1plus.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.osce.org/item/26169.html

100: While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

75:

50: Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

25:

0: Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

Comments:

There is one opposition party in the legislature that is called the Heritage Party. It has 6 members (which adds up to 6 opposition members out of 131. (Vardan Khachatryan is no longer a member of Heritage party).

In the last parliamentary elections, the opposition Armenian National Congress did not have any seats.

References:

[http://www.parliament.am/deputies.php?sel=factions\)=eng](http://www.parliament.am/deputies.php?sel=factions)=eng)

100: The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

75:

50: The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

25:

0: The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

II-2. Election Integrity

18. Is the election monitoring agency effective?

0

18a. In law, the agency or set of agencies/entities is protected from political interference.

YES | **NO**

Comments:

There is no election monitoring agency.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

There is no election monitoring agency.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

100: Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

There is no election monitoring agency.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

100: The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

75:

50: The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

Comments:

There is no election monitoring agency.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

100: Reports are released to the public on a predictable schedule, without exceptions.

75:

50: Reports are released, but may be delayed, difficult to access, or otherwise limited.

25:

0: The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

There is no election monitoring agency.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

100: When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

75:

50: The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

19. Are elections systems transparent and effective?

58

19a. In practice, there is a clear and transparent system of voter registration.

100 | 75 | **50** | 25 | 0

Comments:

The voters' lists are transparent but there are some problems; e.g., voters cannot find out the polling station where they are to vote or they are not included in the list. Sometimes, they are not even on the lists for the next election.

References:

<http://www.elections.am/>

100: There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

75:

50: There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

25:

0: The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and ghostⁿ voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

YES | NO

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

NO: A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

Comments:

The candidates and parties can appeal the election results through the judicial system, but the voters cannot. However, the appeals are ineffective and no changes are made.

References:

www.osce.org/item/26169.html

100: The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

75:

50: The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

25:

0: The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

100: The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

75:

50: The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

25:

0: The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

YES | NO

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

Article 29 of the Electoral Code

YES: A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

NO: A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

100 | 75 | **50** | 25 | 0

Comments:

There are no procedural difficulties that face electoral observers, but in practice, if an observer or a journalist tries to correct a violation or complain about it, pressure is put on them. They may even be removed from the polling station.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.osce.org/item/26169.html

100: Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

75:

50: Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

25:

0: Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

0

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES | **NO**

Comments:

There is no a special election monitoring agency. The control over the process is held only by the proxies of candidates, local non-governmental organization observers and international organizations. There are election commissions, which exist only to organize elections.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

NO: A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

II-3. Political Financing

20. Are there regulations governing the financing of political parties?

83

20a. In law, there are limits on individual donations to political parties.

YES | NO

Comments:

Article 24 of the Law on Political Parties defines donations to a party. There are certain requirements related to donations. In particular, a party is not allowed to receive donations from:

- a) charitable and religious organization, as well as organizations that have founded them;
- b) state and local self-governing bodies, except for financing provided by such bodies pursuant to Article 27 of this Law;
- c) institutions and organizations of state and local self-governing bodies, as well as organizations founded with the participation of state and local self-governing bodies;
- d) state administrative institutions;
- e) state non-commercial organizations;
- f) legal entities registered in six months prior to the date of making the donation;
- g) foreign states, foreign citizens and legal entities, as well as legal entities with foreign participation, if the share of the foreign participant in the statutory (share, stock) capital of the given legal entity is more than 25 per cent;
- h) citizens of the Republic of Armenia, who have not attained the age of eighteen;
- i) international organizations and international public movements;
- j) anonymous persons.

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

YES: A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

YES | NO

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

Article 25.2

YES: A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

YES | NO

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

YES: A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

NO: A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

YES | NO

Comments:

In accordance with article 28 of the Law on Political Parties, every year, no later than March 25, the party shall submit to the state-authorized body a financial report on the money received and spent by the party during the reporting year.

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

YES | NO

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

Article 28.5.

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

YES | NO

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1364\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1364)=arm) (available in Armenian)

Tax Service of State Revenues Committee

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

21. Are there regulations governing the financing of individual political candidates?

100

21a. In law, there are limits on individual donations to political candidates.

YES | NO

Comments:

The amount of the personal contributions of the candidate for the president's pre-election fund shall not exceed the minimum salary by 10,000 times; each individual can pay voluntary contributions in the amount of up to 200 times the minimum salary.

A candidate for the member of parliament has the right to make a contribution to his/her own pre-election fund in the amount 1,000 times the minimum salary; each individual can make a voluntary contribution to pre-electoral funds of candidates and parties in the amount of up to fifty times the minimum salary.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

YES | NO

Comments:

The amount of the contributions by the party to their presidential candidates pre-election fund shall not exceed the minimum salary by 30,000 times and each legal person may donate up to 500 times the minimum salary.

The amount of the contributions to a candidate for the member of parliament can be up to 150 times the minimum salary.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

YES | NO

Comments:

In the event a candidate is elected as the President of the Republic, as well as in the event of getting more than five per cent of votes cast, the amount of the electoral deposit is paid back.

After the election, within one month of the official publication of the election results, the money that remains in the pre-election fund is transferred to the account of the party with whom the candidate was registered, or the money is used for charitable purposes.

After one month, the money that remains in the pre-election fund of the candidate is transferred to the state budget.

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

YES | NO

Comments:

The acceptance and disbursement of campaign funds, contributions made to the pre-election funds and other expenditures are recorded in conformity with the legislation of the Republic of Armenia, as established by the procedure of the Central Electoral Commission.

The Precinct Electoral Commission reports on financial expenditures to the Regional Electoral Commission within ten days after the elections are conducted. The Regional Electoral Commission reports on financial expenditures to the Central Electoral Commission within twenty days after the elections are conducted. The Central Electoral Commission reports to the Audit Chamber of the National Assembly of the Republic of Armenia within sixty days after the elections are conducted.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | NO

Comments:

The finances of individual political candidates' campaigns are monitored by the Central Election Commission, which creates an adjacent Control and Supervision Service.

References:

www.elections.am (available in Armenian)

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

22. Are the regulations governing the political financing of parties effective?

0

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

All limits on individual donations to political parties are ignored.

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

All limits on corporate donations to political parties are ignored.

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

100 | 75 | 50 | 25 | 0

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

75:

50: Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

There is no agency to monitor the financing of political parties.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2020\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2020)=eng)

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

Comments:

There has never been audits of contributions to political parties.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

http://transparency.am/upl_pubs/book_eng_web.pdf

100: Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

75:

50: Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

25:

0: Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

http://transparency.am/upl_pubs/book_eng_web.pdf

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

http://transparency.am/upl_pubs/book_eng_web.pdf

100: Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

There is no agency that monitors the financing of individual candidates' campaigns. The Central Election Commission has never initiated an investigation in spite of many requests.

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

25:

0: The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

There is no agency that monitors the financing of individual candidates' campaigns. The Central Election Commission has never initiated an investigation in spite of many requests.

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

100 | 75 | 50 | 25 | 0

Comments:

There is no agency that monitors the financing of individual candidates' campaigns. The Central Election Commission has never initiated an investigation in spite of many requests.

References:

http://transparency.am/upl_pubs/book_eng_web.pdf

100: The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

75:

50: The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

25:

0: The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

24. Can citizens access records related to the financing of political parties?

6

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

According to article 28 of the Law on Political Parties, a report on data relating to financial support and expenditures is to be made to the Ministry of Justice, but the sources are not publicized.

References:

<http://www.legislationline.org/documents/action/popup/id/3948>

100: Political parties disclose their sources of funding and expenditures at least every quarter.

75:

50: Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

In 2009, the Freedom Information Center asked a number of political parties for a copy of their 2008 financial report. A few of the parties did not provide the report. The organization appealed to the court to get the requested information.

References:

<http://foi.am/en/rcontent/14//2>

<http://foi.am/en/rcontent/14//3>

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

In 2009, the Freedom Information Center asked a number of political parties for a copy of their 2008 financial report. A few of the parties did not provide the report. The organization appealed to the court to get the requested information.

References:

<http://foi.am/en/rcontent/14//3>; <http://foi.am/en/rcontent/14//2>

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

In 2009, the Freedom Information Center asked a number of political parties for a copy of their 2008 financial report. A few of the parties did not provide the report. The organization appealed to the court to get the requested information.

References:

<http://foi.am/en/rcontent/14//2>; <http://foi.am/en/rcontent/14//3>

100: Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

25. Can citizens access records related to the financing of individual candidates' campaigns?

0

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

In practice, the data relating to financial support and expenditures are provided to the Central Election Commission but they are not publicized. The real sources are not disclosed.

References:

www.cec.am

100: Individual candidates disclose their sources of funding and expenditures at least every quarter.

75:

50: Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

Comments:

There is no such practice where citizens can access the financial records of individual candidates (their campaign revenues and expenditures).

References:

www.cec.am

www.a1plus.am

www.lragir.am

www.aravot.am

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

Comments:

There is no practice where citizens can access the financial records of individual candidates (their campaign revenues and expenditures).

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

The political candidates are not obliged to make public their campaign finance records. They are required to present them to the Central Electoral Commission, but their real sources are not mentioned.

References:

<http://www.a1plus.am> ; <http://www.tert.am> ; <http://www.aravot.am> ; <http://www.lragir.am/>
www.cec.am

100: Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.

Category III. Government Accountability

III-1. ⁴⁵ Executive Accountability

27. Can the chief executive be held accountable for his/her actions?

27a. In practice, the chief executive gives reasons for his/her policy decisions.

100 | 75 | 50 | 25 | 0

Comments:

Drafts of the government's decisions are not open to discussion. How much the government takes into account public opinion or their critics is not known to the opposition party, either.

If it is related to amendments to the law (e. g., The Law on Non-governmental Organizations), it is sometime possible to stop the process for a while, but no change of a government decision has ever occurred.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.gov.am

100: The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

75:

50: The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

25:

0: The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

YES | NO

References:

<http://parliament.am/legislation.php?sel=alpha><http://parliament.am/legislation.php?sel=show&ID=1556>)=eng

<http://parliament.am/legislation.php?sel=show&ID=1450>)=eng

YES: A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

100 | 75 | 50 | 25 | 0

Comments:

The judiciary in Armenia completely depends on the executive, except in a few cases when it was possible for them to reach a fair decision in regard to the illegal actions or inactions of the executive.

But even the decision on A1+ TV that was made by the European Court, was not carried out in Armenia.

If we additionally refer to what we explained we can mention ODIHR report <http://hra.am/en/events/2010/03/09/report>

Also 1609, 1620 resolutions mentioned about dependence of the judiciary. These prove that a few such decisions are exceptions and giving 25 score will be too much. To reach annulling government's decisions in the court is nonsense. It is possible to get the information defined by law when it has not been provided but to change a government's decision is impossible.

References:

<http://www.a1plus.am> ; <http://www.tert.am> ; <http://www.aravot.am> ; <http://www.lragir.am/>

<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta09/eres1643.htm>

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1620.htm>

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1609.htm>

<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta09/eres1677.htm>

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to rely upon the executive to initiate a constitutional or legal review.

75:

50: The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

Comments:

There is no mechanism to revise the government's decisions to bring them in line with legislation and the constitution. Often, with the government's resolutions there are limits placed on the implementation of the principles or norms defined by the legislation and the Constitution. The only hope for revision lies with the judiciary, which, unfortunately, is not independent of the executive.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75:

50: The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25:

0: The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

28. Is the executive leadership subject to criminal proceedings?

100

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

YES | NO

Comments:

In law, the heads of state and government can be prosecuted for crimes they commit, but the president can be also prosecuted after he retires.

References:

<http://www.concourt.am/english/constitutions/index.htm>

[http://parliament.am/legislation.php?sel=show&ID=1450\)=eng](http://parliament.am/legislation.php?sel=show&ID=1450)=eng)

Articles 308-315

YES: A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

YES | NO

References:

[http://parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://parliament.am/legislation.php?sel=show&ID=1349)=eng)

Articles 308-315. Ministerial-level officials do not have legal immunity, though no minister has been prosecuted for the crime he/she committed.

YES: A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

29. Are there regulations governing conflicts of interest by the executive branch?

41

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

YES | NO

References:

[http://parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://parliament.am/legislation.php?sel=show&ID=2731)=arm) (available in Armenian)

Article 5, point 2 of the Law on Declarations of Physical Entities, Property and Income

YES: A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

YES | NO

References:

[http://parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://parliament.am/legislation.php?sel=show&ID=2731)=arm)

Article 5 of the Law on Declarations of Physical Entities, Property and Income

YES: A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

NO: A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

YES | NO

Comments:

The issue is regulated by government resolutions and orders issued by the heads of different departments (Ministry of Finances, Central Bank of Armenia, etc.)

References:

www.gov.am (available in Armenian)

<http://www.arlis.am/> (available in Armenian)

Government's resolution #48 adopted on February 17, 1993 On the Order of Handing Over the Gifts Received as An Official"

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

YES | **NO**

References:

<http://parliament.am/legislation.php?sel=show&ID=2731>=arm (available in Armenian)

The Tax Department supervises the verification of the data, but there is no requirement for an independent audit.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | **NO**

References:

<http://concourt.am/english/constitutions/index.htm>

YES: A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | **0**

Comments:

There are no restrictions on post-government private sector employment, not only for the former heads of state or government or ministers, but also for those who are still in office. The private sector structures are registered with their family members' names.

Even the head of the Constitutional court, prosecutors, judges, police heads have business interests both during and after their employment in the government. There can be only one restriction — if they try to take another position with the government or if they become the opposition. Then their businesses will be restricted.

References:

www.a1plus.am

www.lragir.am

www.168.am

100: The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off” period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | 25 | 0

Comments:

There are no such effective regulations that govern gifts and hospitality to members of the executive branch. There is no information on what kind of gifts an official received that are subject to public disclosure.

References:

www.a1plus.am

www.lragir.am

www.aravot.am

www.168.am

100: The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | 50 | **25** | 0

Comments:

The audit of the expenditures from the state budget is performed by the Control Chamber for ministries, regional administrations and local self-governing bodies. Officials present reports on their assets, but the audit is not in-depth and complete and the reports have no real influence and conclusions based on that audit.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

30. Can citizens access the asset disclosure records of the heads of state and government?

63

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

YES | NO

Comments:

In law, the study of the Control Chamber is publicized on their website. The data are to be submitted only to the tax department but it is possible for a citizen to request access to the records.

References:

<http://www.coc.am/>

[http://parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://parliament.am/legislation.php?sel=show&ID=2731)=arm) (available in Armenian)

YES: A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

Mainly, journalists and non-governmental organizations can get the records by requesting the information through the Law on Freedom of Information. The process can take up to one month.

References:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

<http://www.coc.am/>

[http://parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://parliament.am/legislation.php?sel=show&ID=2731)=arm) (available in Armenian)

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some additional delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

According to the Law on Freedom of Information, the records are to be provided at a reasonable cost; the costs are mainly cover the copying of a certain amount of pages.

References:

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

<http://www.a1plus.am> ; <http://www.aravot.am> ; <http://www.lragir.am/>

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

The data regarding asset disclosure records of the heads of state and government are not complete; they are only partial.

References:

<http://www.a1plus.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

26. In law, can citizens sue the government for infringement of their civil rights?

100

26. In law, can citizens sue the government for infringement of their civil rights?

YES | NO

Comments:

In law, according to Civil Procedure Code and the Administrative Procedure Code, citizens have the right to sue in regard to the actions of state and local self-governmental bodies, their decisions or inaction, in cases where their rights have been violated. This applies to social rights, civil rights or other rights.

References:

<http://parliament.am/legislation.php?sel=show&ID=1918>)=eng

<http://parliament.am/legislation.php?sel=show&ID=3140>)=arm (available in Armenian)

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

NO: A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

0

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

Comments:

The heads of the executive branch and the president are also the heads of the ruling political party, so the two functions are combined.

References:

<http://www.a1plus.am>

<http://www.168.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

75:

50: The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

25:

0: The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

III-2. Legislative Accountability

32. Can members of the legislature be held accountable for their actions?

67

32a. In law, the judiciary can review laws passed by the legislature.

YES | NO

Comments:

Only the Constitutional Court can rule on a law that was adopted by the parliament as being anti-constitutional.

The rest of the justice system has no such right.

References:

<http://www.concourt.am/english/constitutions/index.htm>

Article 100, point 1

YES: A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

100 | 75 | 50 | 25 | 0

Comments:

According to the Constitution, the application to the Constitutional Court may be filed by courts on the issue of constitutionality of provisions of normative acts related to specific cases within their proceedings. (Article 101 paragraph 7) But in practice, there are few such cases.

References:

<http://www.concourt.am/english/constitutions/index.htm>

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragjr.am/>

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

75:

50: The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

YES | NO

Comments:

A member of the Parliament can be accused and detained with the consent of the National Assembly. (Article 66)

References:

<http://www.concourt.am/english/constitutions/index.htm>

YES: A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

NO: A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

33. Are there regulations governing conflicts of interest by members of the national legislature?

18

33a. In law, members of the national legislature are required to file an asset disclosure form.

YES | NO

Comments:

According to the 1st sub-point of point 2 of article 5 of the Law on Declarations of Physical Entities, Property and Income, members of Parliament must present an asset declaration; the form and order are presented in point 2 of article 3 of the same law.

References:

<http://parliament.am/legislation.php?sel=show&ID=2731>=arm (available in Armenian)

YES: A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

YES | **NO**

Comments:

There are no restrictions for national legislators entering the private sector after leaving the government.

References:

<http://www.concourt.am/english/constitutions/index.htm> (article 65)

YES: A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

YES | **NO**

Comments:

There are no regulations governing gifts and hospitality offered to members of the national legislature.

References:

<http://www.concourt.am/english/constitutions/index.htm>

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

YES | **NO**

Comments:

There is no mechanism of an independent audit, but an audit of asset disclosure forms of members of the national legislature is performed by the tax department. The bills are submitted to the department, which then verifies the correctness of data.

References:

[http://parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://parliament.am/legislation.php?sel=show&ID=2731)=arm) (article)

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

In fact, almost all of the national legislators have businesses and are entrepreneurs.

References:

<http://www.concourt.am/english/constitutions/index.htm>

<http://www.a1plus.am>

<http://www.chi.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.hrparak.am

www.168.am

www.zhamanak.com

100: The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

There are no regulations governing gifts and hospitality offered to national legislators.

References:

<http://www.concourt.am/english/constitutions/index.htm>

100: The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

The Control Chamber reviews the assets of the legislative member, but there no real effects come of this.

References:

<http://www.coc.am/> (available in armenian)

<http://www.a1plus.am>

<http://www.aravot.am>

<http://www.aravot.am>

<http://www.lragjr.am/>

100: Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

34. Can citizens access the asset disclosure records of members of the national legislature?

56

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

YES | NO

Comments:

According to the Law on Freedom of Information, it is possible to access the asset disclosure records of members of the national legislature.

References:

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

YES: A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Mainly journalists and non-governmental organizations can access legislative asset disclosure records. The response can take up to one month, but it depends on the department to which the request is made or the citizen who applies for the information. (According to law, the request should take up to one month.)

References:

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

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | **50** | 25 | 0

Comments:

According to the Law on Freedom of Information, the information is free of charge if it does not exceed 10 pages. After 10 pages, there are costs charged for copying. The information is also available electronically.

References:

[http://parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://parliament.am/legislation.php?sel=show&ID=1390)=eng)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

100 | 75 | 50 | **25** | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

35. Can citizens access legislative processes and documents?

75

35a. In law, citizens can access records of legislative processes and documents.

YES | NO

Comments:

For instance, the draft laws are circulated before they are included on the agenda and are available on the website of the Parliament. They are very rarely published in the media.

References:

<http://parliament.am/drafts.php?lang=arm> (available in Armenian)

YES: A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

NO: A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Yes, citizens can access the records of legislative processes and documents within a reasonable time period.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

Comments:

Taking into consideration the low level of social security for many citizens, it can be difficult to pay for access to the records of legislative processes and documents.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

54 III-3. Judicial Accountability

36. Are judges appointed fairly?

33

36a. In law, there is a transparent procedure for selecting national-level judges.

YES | NO

Comments:

The Justice Council shall study the nominated candidates in its session and invite them to an interview no later than December 25; the President of the Republic shall issue a decree approving the list compiled by the Justice Council, with candidates acceptable to him.

References:

[http://parliament.am/legislation.php?sel=show&ID=2966\)=eng](http://parliament.am/legislation.php?sel=show&ID=2966)=eng) (article 117)

YES: A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

NO: A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | 50 | 25 | 0

Comments:

Personal devotion to the president or the ruling authority is more important in Armenia than the professional criteria in selecting national-level judges.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

75:

50: Most national-level judges selected meet these qualifications, with some exceptions.

25:

0: National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

YES | NO

Comments:

The Justice Council makes the list of national-level judges and the president approves it.

References:

<http://parliament.am/legislation.php?sel=show&ID=2966>=eng (article 117)

YES: A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

NO: A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

37. Can members of the judiciary be held accountable for their actions?

42

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

YES | NO

Comments:

There is no legal obligation for the national-level judges to give reasons for their decisions.

References:

<http://parliament.am/legislation.php?sel=show&ID=2966>=eng (article 153)

YES: A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

NO: A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

Comments:

In practice, the judge does not give any explanations, either oral or written. But there is a supposition that when the judge makes a decision that the authorities or the executive body does not like, he can either be dismissed or demoted to a lower position.

References:

Archive for 2009 for the following media:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

100: Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

75:

50: Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

25:

0: Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

YES | NO

Comments:

The power to subject a judge to disciplinary liability is vested in the Justice Council. The mechanism is ensured by articles 155-167 of the Judicial Code.

References:

[http://parliament.am/legislation.php?sel=show&ID=2966\)=eng](http://parliament.am/legislation.php?sel=show&ID=2966)=eng) (article 153; 155- 167)

YES: A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

NO: A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

YES | NO

References:

<http://parliament.am/legislation.php?sel=show&ID=2966>=eng (article 10-11)

YES: A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

NO: A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100 | 75 | 50 | 25 | 0

References:

<http://www.court.am/?l=lo&id=27> (available in Armenian)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

75:

50: The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

25:

0: The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | **25** | 0

Comments:

The Council of Justice calls the judge to disciplinary liability. But in cases where the interests of the executive are involved and the judge is executing an executive's order, penalizing the judge is impossible. It is even impossible to subject a case like this to disciplinary proceedings.

References:

<http://www.court.am/?l=lo&id=27> (available in Armenian)

<http://www.a1plus.am>

<http://www.aravot.am>

<http://www.aravot.am>

www.zhamanak.com

www.168.am

<http://www.lragir.am/>

100: When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

38. Are there regulations governing conflicts of interest for the national-level judiciary?

29

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

YES | NO

References:

<http://www.parliament.am/legislation.php?sel=show&ID=2731>=arm (available in Armenian) (sub-point 4 of point 2 of article 5)

YES: A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

YES | NO

Comments:

<http://www.parliament.am/legislation.php?sel=show&ID=2966>=eng /Article 95. Prohibition of Judge Accepting Gifts 1. A judge shall not accept a gift from anyone or agree to accept a gift in the future. A judge must seek to keep his family members living with him away from such actions, as well. For purposes of this Code, a gift includes any pecuniary advantage that would reasonably not be given to a non-judge. For purposes of this Code, a gift also includes a ceded claim, assets sold or services rendered at a disproportionately low value, borrowings, free use of another one s assets, and the like.

2. The restrictions specified in the paragraph above shall not apply to the following:

- 1) Gifts and awards usually given in public events;
- 2) Books, computer software, and other similar materials provided at no cost for official use;
- 3) Treats provided during an official ceremony;
- 4) A gift related to the business, professional, or other type of autonomous activity of the judge s family member living with the judge, including a gift that could be used jointly with other family members, including the judge, provided that such gift cannot be reasonably perceived to serve the aim of influencing the judge;
- 5) A gift received in the course of family hospitality;
- 6) A gift received from a relative, friend, or associate on a special occasion, including a marriage, jubilee, or birth, provided that the essence and size of the gift reasonably correspond to the event and the nature of the relationship between them;
- 7) A gift received from a relative, friend, or associate, if the essence and size of the gift reasonably correspond to the nature of the relationship between them;
- 8) A scholarship, grant, or benefit awarded as a result of a public tender on the same conditions and criteria as those applied towards other applicants, or as a result of another transparent process; and
- 9) A borrowing from financial institutions at the ordinary or common terms.

3. If the value of gifts considered permissible under this Article, which were received from one person during the same calendar year, exceeds 250,000 Armenian drams, or if the total value of such gifts received during a calendar year exceeds 1 million Armenian drams, the judge must report it to the Ethics Committee of the Council of Court Chairmen within the shortest possible timeframe.

4. If a judge learns that a person within third degree of kinship with the judge, who does not live in the same household as the judge, received a gift that can be reasonably perceived to have the aim of influencing the judge, then the judge must report it to the Ethics Committee of the Council of Court Chairmen within a one-week period of obtaining such information.

5. If a judge was given a gift considered impermissible under this Article, which cannot be returned through reasonable effort, then the judge must transfer such gift to the Republic of Armenia. /

References:

<http://www.parliament.am/legislation.php?sel=show&ID=2966>=eng

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

YES | **NO**

Comments:

The Tax Department is responsible for the auditing of the asset disclosure forms of members of the national-level judiciary, but it is not an independent body.

References:

<http://www.parliament.am/legislation.php?sel=show&ID=2731>=arm (available in Armenian)

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

YES | **NO**

Comments:

There are restrictions for national-level judges entering the private sector only when they are in office. There are no restrictions for them after they leave their job.

References:

<http://www.concourt.am/english/constitutions/index.htm> (article 98)

YES: A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | 0

Comments:

As far as there are no regulations restricting post-government private sector employment for national-level judges, they cannot be effective.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

[http://www.parliament.am/legislation.php?sel=show&ID=2966\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2966)=eng)

100: The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

Comments:

There are no regulations governing gifts and hospitality offered to members of the national-level judiciary.

References:

Archive for 2009 for the following media:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

<http://www.concourt.am/english/constitutions/index.htm>

[http://www.parliament.am/legislation.php?sel=alpha\)=eng](http://www.parliament.am/legislation.php?sel=alpha)=eng)

100: The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

The asset disclosures of national-level judiciary are not audited and there is no audit mechanism for this.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2731)=arm)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

39. Can citizens access the asset disclosure records of members of the national-level judiciary?

38

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

YES | **NO**

Comments:

According to the Law on Freedom of Information, citizens can access the asset disclosure records of members of the national-level judiciary.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

YES: A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

Comments:

Journalists and non-governmental organizations can better make use of the Law on Freedom of Information and access judicial asset disclosure records in a reasonable time period — they can get them even through court. However, there is no information in regard to citizens' claims for such information. Besides, the law does not oblige the judiciary to make their information public.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

Comments:

Journalists and non-governmental organizations can better make use of the Law on Freedom of Information and get the judicial asset disclosure records at reasonable cost, but there is no information in regard to citizens' claim for such information.

Information up to 10 pages is free, then citizens have to pay, which for most of them can be expensive. By the way, citizens are not interested in accessing such information and consider it to be useless.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

III-4. Budget Processes

40. Can the legislature provide input to the national budget?

33

40a. In law, the legislature can amend the budget.

YES | NO

Comments:

According to the constitution and the Law on Regulation of the National Assembly, the budget can be amended by the legislature.

References:

<http://www.concourt.am/english/constitutions/index.htm> (article 75)

[http://www.parliament.am/legislation.php?sel=show&ID=38\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=38)=eng) (point 8 of article 84)

[http://www.parliament.am/legislation.php?sel=show&ID=1503\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1503)=eng) (3rd point of article 23)

YES: A YES score is earned if the legislature has the power to add or remove items to the national government budget.

NO: A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | 0

Comments:

In practice, the legislature is completely dependent on the executive and it approves whatever expenditures the government presents to it.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

75:

50: Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

25:

0: The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

Comments:

In practice, the legislature is completely dependent on the executive and it approves whatever the government presents to it.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

75:

50: Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

25:

0: Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

41. Can citizens access the national budgetary process?

8

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | 50 | 25 | 0

Comments:

The budget is discussed behind closed doors or at least within the commissions, but the legislature approves whatever the government presents to it. In practice, the legislature is completely dependent of the executive.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75:

50: There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25:

0: Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

Comments:

The draft of the state budget is not publicized, as are other draft laws, before they are put on the agenda of the Parliament. This is why citizens cannot comment on it.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Citizens, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

75:

50: Citizens or CSOs can provide input, but this information is often not relevant to budget decisions.

25:

0: Citizens or CSOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

Comments:

Citizens in Armenia are so alienated from the authorities that they are not involved in any participatory processes. There is no information on how much of the budget is allocated to what.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

100: Citizens, journalists and CSOs can access itemized lists of budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and CSOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

25:

0: Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

43. Is the legislative committee overseeing the expenditure of public funds effective?

8

43a. In practice, department heads regularly submit reports to this committee.

100 | 75 | 50 | 25 | 0

Comments:

The independent body that conducts the oversight of the budget is the Control Chamber, but no report is submitted to the Control Chamber as this oversight is done by the government. Therefore, the oversight of expenditures by the Control Chamber is ineffective.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

http://coc.am/orensdrutyun/vp_orenq.pdf (available in Armenian)

100: Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

75:

50: Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

25:

0: There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

Comments:

The chairperson of the Control Chamber is appointed by the National Assembly and the candidate is nominated by the president. The council of the Control Chamber consists of 7 members: the chairperson, his deputy and other five members.

The deputy chairperson and the other 5 members are appointed by the president at the suggestion of the chairperson. There is no regulation on party membership or the involvement of the opposition parties in the composition of this structure. The Control Chamber is completely dependent on the president, as is the parliament.

References:

http://coc.am/orensdrutyun/vp_oreng.pdf (articles 8, 10)

100: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

75:

50: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

25:

0: The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | 50 | 25 | 0

Comments:

This committee can initiate investigations into financial irregularities in response to an order from the president to punish." In this sense, the effectiveness of the whole system equals zero. But results can be achieved in specific cases.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

http://coc.am/index.php?cat_id=9 (available in Armenian)

100: When irregularities are discovered, the committee is aggressive in investigating the government.

75:

50: The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42. In law, is there a separate legislative committee which provides oversight of public funds?

YES

NO

Comments:

The only body which checks the effectiveness of expenditures is the Control Chamber, which is considered to be an independent body.

References:

<http://www.parliament.am/legislation.php?sel=show&ID=1503>=eng (article 24)

www.coc.am (available in Armenian)

YES: A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

NO: A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

IV-1. ³⁶Civil Service Regulations

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

100

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

YES | NO

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

Article 24, point 1

YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

NO: A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

YES | NO

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng (article 24, point 3)

YES: A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

NO: A NO score is earned if no such regulations exist.

44c. In law, there is an independent redress mechanism for the civil service.

YES | NO

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng (article 41)

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng Article 37

According to the law on Civil Service, Civil Service Council is the relevant body.

YES: A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

NO: A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

YES | NO

Comments:

Article 12 of the Law on Civil Service defines the rights of civil service workers. But it does not say that those convicted of corruption cannot be employed in civil service. A person has no right to occupy a civil service position if he or she has been sentenced for a crime or the criminal record has not been removed or cleared by the prescribed procedure.

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

YES: A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

NO: A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

45. Is the law governing the administration and civil service effective?

42

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

Civil servants of administrations, ministries and local self-government entities become a member of the ruling political party; they are involved in the election commissions, or are involved in election processes (such as campaigns, etc.).

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

http://www.hcav.am/articles.php/language_eng/date_2007-07-25/article_3267/ON_THE_RESULTS_OF_OBSERVATION_MISSION_OF_PARLIAMENTARY_ELECTIONS_ON_MAY_12_2007_.htm

www.osce.org/item/26169

100: Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

75:

50: Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

25:

0: Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

There a lot of discontent due to the fact that civil servants are appointed based on their relationships and acquaintances and not on professional criteria. The competition is very subjective and it is not transparent and understandable.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

100: Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

75:

50: Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

25:

0: Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | 25 | 0

References:

Interview with Arshavir Ghukasyan, expert

100: Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

75:

50: Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

25:

0: Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

100 | 75 | 50 | 25 | 0

Comments:

According to Article 10 of the Law on Payments to Civil Servants a bonus is defined as a regular increase in the pay. Bonuses are foreseen for a high-ranking person who was promoted from a low-ranking position.

According to Article 12, the bonus shall be no more than 5 percent of total pay. But if the civil servant works in a high mountainous region then the bonus is the 20 percent but not more than 8-fold of the minimum wages (AMD8,000; US\$20) in Armenia. Anyway, the low amount does not foresee the awarding of bonuses that would be related to the quality of the work. But, if the work is performed badly then a reduction is is possible.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1322\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1322)=arm) (available in Armenian)

100: Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

75:

50: Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

25:

0: Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The government publishes such a list on a regular basis.

75:

50: The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

25:

0: The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.

100 | 75 | 50 | 25 | 0

Comments:

There are two redress mechanisms: A civil servant can apply to the Civil Service Council, which is basically ineffective. There is not even any information on their website. The next mechanism is the court, but as the courts are not independent, the civil servant will not achieve success.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

<http://www.csc.am/eng/index.html>

100: The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

75:

50: The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

25:

0: The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | 25 | 0

References:

Interview with a civil servant who did not want his name to be mentioned.

100: In the past year, no civil servants have been paid late.

75:

50: In the past year, some civil servants have been paid late.

25:

0: In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | 25 | **0**

Comments:

There are no guarantees that convicted civil servants will not be prohibited from working again in the government; it is hard to be absolutely sure about this because the process is not transparent.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

Interview with a civil servant

100: A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

46. Are there regulations addressing conflicts of interest for civil servants?

33

46a. In law, senior members of the civil service are required to file an asset disclosure form.

YES | NO

References:

<http://www.parliament.am/legislation.php?sel=show&ID=2731>=arm (point 9a) of point 2 of article 5 The Law on the Property and Assets of Physical Entities); available in Armenian

YES: A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES | NO

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

YES: A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

NO: A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

YES | NO

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng (article 24, point 4)

YES: A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

YES | NO

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

YES: A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

NO: A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

YES | NO

Comments:

There is no independent audit the asset disclosure forms of senior members of the civil service. That function is performed by the Tax Department.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2731\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2731)=arm) (available in Armenian)

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

Comments:

There is no mechanism governing gifts and hospitality offered to civil servants.

References:

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

100: The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

75:

50: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

25:

0: Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

There is no auditing of civil service asset disclosures. Civil servants only submit their reports to the Tax Department.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

100: Civil service asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

47. Can citizens access the asset disclosure records of senior civil servants?

38

47a. In law, citizens can access the asset disclosure records of senior civil servants.

YES | NO

Comments:

Citizens can access the asset disclosure records of senior civil servants by making use of the Law on Freedom of Information.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

YES: A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

NO: A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Journalists and non-governmental organizations can access the asset disclosure records of senior civil servants within a reasonable time period, but there is no such access for the average citizen.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | 50 | **25** | 0

Comments:

Access the asset disclosure records of senior civil servants is free up to the first 10 pages. After that, payment is required, which can be expensive for most citizens.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

The information provided regarding the asset disclosure records of senior civil servants is not complete.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

IV-2. Whistle-blowing Measures

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

0

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1450\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1450)=eng)

http://www.parliament.am/law_docs/271201HO272eng.pdf?lang=eng

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | **0**

Comments:

In Armenia, the level of corruption is high, the state structure is very corrupt, and there is no case of a civil servant who would report cases of corruption. Even if they do make reports, they wait until after they leave the government. Even then, they are not protected.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

<http://www.transparency.am/publication.php?id=28>

100: Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

Comments:

In Armenia, only corrupt mechanisms function, and if someone speaks against it then he or she will be subjected to criminal prosecution.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

YES: A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | **0**

Comments:

In Armenia only corrupt mechanisms function, and if someone speaks against them, then he or she will be subjected to criminal prosecution.

Employees of the private sector mainly work in shady businesses as the law is unpredictable and unclear and they always depend on such authorities as the tax department.

There is a famous case of the Royal Armenia company where a criminal case was brought after the company declared that the employees of the custom house had demanded bribes from them.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.Iragir.am

100: Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

6

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

There is no state body that would deal with reporting of corruption on public sector relations.

Law enforcement bodies such as the prosecutor's office, police and investigative departments mainly deal with reports of corruption. The prosecutor's office has a special unit that deals with corruption crimes.

The United States Agency for International Development is implementing a program called Mobilized Action Against Corruption within the framework of which Advocacy and Anti-corruption Centers have been created in all regions in Armenia; they have been functioning for two years, though they have limited staff.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.maac.am

www.genproc.am

100: The agency/entity has staff sufficient to fulfill its basic mandate.

75:

50: The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

25:

0: The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

The funding of the advocacy centers stops in May and whether there will be further funding is not clear yet.

References:

www.maac.am

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

Comments:

Reports of serious corruption cases to the prosecutor's office, the special investigation service and to law enforcement bodies in general takes up to one year to be responded to. Moreover, it is unclear what will happen and the final results are not predictable. In this sense, there is serious concern regarding a discriminative attitude toward similar corruption cases based on the position of the official being investigated, his/her political orientation, and his/her relationship with the corruption authorities.

References:

<http://www.transparency.am/publications.php>

www.maac.am

www.asparez.am

www.hcav.am

100: The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

Comments:

Depending on the official who has been reported for corruption, his/her case may be investigated or not investigated at all.

References:

www.transparency.am

www.asparez.am

www.maac.am

www.hcav.am

100: When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

0

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

YES | **NO**

Comments:

There is a hotline in the police, Ministry of Defense, the Ministry of Education, but there is no mechanism for this in the law.

References:

There are some hot-line services for reporting corruption which are provided by the Organization for Security and Co-operation in Europe and Casals & Associates.

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

²
IV-3. Procurement

51. Is the public procurement process effective?

50

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

YES | **NO**

Comments:

Persons who shall not be permitted to participate in public auctions are presented in the article 3, points 1 and 2 of the Law on Public Auctions:

2. The auction organizer, founders of the organizer as a legal entity, staff of the organizer, and members of the tender committee (in case of a tender) can not participate in auctions.

Neither an auctioneer's children, parents, spouse, grandfather, grandmother, brothers and sisters, nor his/her spouse's parents, grandfather, grandmother, brothers and sisters can participate in auctions.

3. Parties that hold no ownership over the lot offered can not be participants in auctions.

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

NO: A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

YES | NO

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

25:

0: Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

YES | **NO**

Comments:

There is no agency monitoring the incomes of officials. They declare their incomes, but they are not monitored as there is no such agency.

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

YES: A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

NO: A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

YES | NO

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

http://www.parliament.am/law_docs/231204HO160eng.pdf

Article 3 On Procurements”

YES: A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

NO: A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

YES | NO

Comments:

There are regulations that limit the extent of sole sourcing.

References:

http://www.parliament.am/law_docs/231204HO160eng.pdf (article 23)

YES: A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

NO: A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

YES | NO

References:

http://www.parliament.am/law_docs/231204HO160eng.pdf (section 7)

http://www.parliament.am/law_docs/041103HO15eng.pdf (article 16 points 1 and 2)

YES: A YES score is earned if there is a formal appeal process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

YES | NO

References:

http://www.parliament.am/law_docs/231204HO160eng.pdf (article 56)'

http://www.parliament.am/law_docs/041103HO15eng.pdf (articles 16, points 1 and 2)

YES: A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

NO: A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

YES | NO

Comments:

There is no law in the criminal code to prevent a company that has been found guilty of major violations of procurement regulations (i.e. bribery) from participating in future procurement bids.

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

http://www.parliament.am/law_docs/231204HO160eng.pdf

[http://www.parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1349)=eng)

YES: A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

NO: A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100 | 75 | 50 | 25 | 0

Comments:

There is no such system to prohibit companies guilty of major violations of procurement regulations (i.e. bribery) from participating in future procurement bids.

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

http://www.parliament.am/law_docs/231204HO160eng.pdf

[http://www.parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1349)=eng)

100: A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

52. Can citizens access the public procurement process?

46

52a. In law, citizens can access public procurement regulations.

YES | NO

Comments:

The procedures for accessing public procurement regulations are defined in the Law on Procurement and the Law on Public Auctions.

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

http://www.parliament.am/law_docs/231204HO160eng.pdf

Article 5 of the law On Procurements”

YES: A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

NO: A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

YES | NO

Comments:

There is no requirement that the government publicly announce the results of the public procurement process.

References:

http://www.parliament.am/law_docs/041103HO15eng.pdf

http://www.parliament.am/law_docs/231204HO160eng.pdf

YES: A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The procedures of auctions and procurements are publicized in the media, though there are complaints that not all the data are released in some competitions.

Taking into account that there are limited number of print media, which have low circulation, and the auctions and procurements are not announced by TV outlets, citizens do not have access to the information. Even if there was more awareness, very few citizens could take part, as the scope of potential participants is very narrow: They are the representatives of the government or those who are protected by the political authority.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.hhpress.am

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | **50** | 25 | 0

Comments:

Citizens can access public procurement regulations according to the Law on Freedom of Information. The first 10 pages are free of charge. But as citizens are not informed about the process, they do not apply and so it is senseless to speak about any cost. But if a citizen comes personally to the commissions, which are in a centralized location, then they may face problems with transportation (especially the villagers).

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com; www.chi.am; www.lragir.am

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

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

No advertisements are made for major public procurements, as the scope of bidders is very small, the bidder has already been decided upon and the auction is a formality. The competition commission only formulates the documents.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.hhpress.am

100: There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | 50 | 25 | 0

Comments:

The bids of major public procurements are not known to the public.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Records of public procurement results are publicly available through a formal process.

75:

50: Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

25:

0: This information is not available to the public through an official process.

IV-4. Privatization

53. Is the privatization process effective?

33

53a. In law, all businesses are eligible to compete for privatized state assets.

YES

NO

References:

<http://www.privatization.am/uploads/orenqner/PrivatLawEng.doc>

Articles 8 and 10

YES: A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

NO: A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

YES | **NO**

Comments:

There is no legal mechanism for addressing conflicts of interest for government officials involved in privatization. Only last year the prime minister spoke about developing a policy in regard to conflicts of interest.

References:

[http://www.parliament.am/legislation.php?sel=alpha<ype=3\)=eng](http://www.parliament.am/legislation.php?sel=alpha<ype=3)=eng)

www.gov.am

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

NO: A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

100 | 75 | 50 | 25 | **0**

Comments:

There is no mechanism in practice in regard to enforcement of conflicts of interest regulations for government officials involved in privatization. Most of the privatization of state property is in the hands of the authorities. No attention is paid by the media publications in relation to conflicts of interest.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

25:

0: Conflict of interest regulations do not exist, or are consistently ineffective.

54. Can citizens access the terms and conditions of privatization bids?

50

54a. In law, citizens can access privatization regulations.

YES | NO

References:

[http://parliament.am/legislation.php?sel=show&ID=1657\)=eng#3](http://parliament.am/legislation.php?sel=show&ID=1657)=eng#3)

Article 27

YES: A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

NO: A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

The parliament adopts a law on the privatization of state property each year. The law includes the list of properties and the government defines the time period for their privatization. This is advertised only in the newspaper Hayastani Hanrapetutyun, of which 6,000 copies are printed. There are many important privatizations that are not advertised.

References:

<http://www.hhpress.am/?&flag=en>

100: There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

YES | NO

References:

[http://parliament.am/legislation.php?sel=show&ID=1657\)=eng#3](http://parliament.am/legislation.php?sel=show&ID=1657)=eng#3)

YES: A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The information regarding privatization regulations is not advertised but is announced in a newspaper of which 6,000 copies are published. It is usually disseminated among state structures, as citizens are not interested in it. There are no TV advertisements. Even a citizen who knows about the competition has to go to where the competition commission is located. The information is not available online, and even if it were, most of the citizens have no access to the Internet.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.hhpress.am

100: Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The newspaper Hayastani Hanrapetutyun costs AMD 100 (US\$0.30 cents); one hour of Internet access costs US\$0.60.

For an average citizen privatization regulations are available, though he or she cannot take part in the competition. In addition, transportation to the competition is expensive for an average citizen.

References:

www.hhpress.am

100: Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

56. Is the national ombudsman effective?

61

56a. In law, the ombudsman is protected from political interference.

YES | NO

References:

<http://www.parliament.am/legislation.php?sel=show&ID=1457>=eng (article 5)

YES: A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

The ombudsman is subjected to either a publicly disrespectful attitude by the general prosecutor's office, or his critics or he can be neglected.

The employees of the national security illegally entered the office of the first ombudsman in 2005 and confiscated the computer processor, which contained data on citizens; no one was held liable in this incident.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

100 | 75 | **50** | 25 | 0

Comments:

Armenia had two ombudsmen. The first one, who served during the transitional period, was removed for procedural violations. The second one has not been removed yet but after the expiration of his first term period, there is no guarantee he will be re-elected. The authorities act so unpredictably that it is impossible to rule out anything.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The staff of the ombudsman is professional but is limited.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.ombuds.am

100: The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

We have not noticed and fixed any cases of dependence of ombudsman staff. The second ombudsman, Armen Harutyunyan, was the representative of the former president in the Constitutional Court. But after the events of March 1 2008, Robert Kocharyan called him his worst appointment.

References:

www.ombuds.am

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

The agency receives funding from the state budget but it is not enough for them to be effective. At the same time, they implement grant projects. But there is some confidential information that the agency's staff is not fully included in the projects.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.ombuds.am

Interview with a staff member (who wanted not to be mentioned)

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | 50 | 25 | 0

Comments:

The ombudsman agency publishes current, annual and special reports.

References:

www.ombuds.am

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | 75 | 50 | 25 | 0

References:

Archive for 2009 for the following media:

<http://www.a1plus.am>

<http://www.tert.am>

<http://www.aravot.am>

<http://www.lragir.am/>

www.ombuds.am

100: The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

75:

50: The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | **0**

Comments:

The ombudsman agency does not have the right to impose penalties on offenders.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1457\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1457)=eng)

100: When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

The ombudsman reports, especially those by the law enforcement bodies, are often ignored.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.ombuds.am

100: Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.ombuds.am

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

57. Can citizens access the reports of the ombudsman?

33

57a. In law, citizens can access reports of the ombudsman(s).

YES

NO

Comments:

The printed reports are widely available, though in a limited number. They are available online, though citizens often do not have access to the Internet. In big cities, citizens can access the Internet more often.

References:

<http://www.ombuds.am/>

The Law of the Human Rights Defender Article 17. The Defender's Report

1. Each year, during the first quarter of the year, the Defender shall deliver a report on his activities and on the human rights situation in the previous year to the President of the Republic of Armenia and the representatives of executive, legislative and judicial authorities. The reports shall be presented to the National Assembly during the first sitting of the National Assembly's spring session. The Defender also presents his/her report to the mass media and relevant NGOs.

2. In exceptional cases that produce widespread public response, or in case of flagrant violation of human rights or mass occurrence of non-elimination of the violations in due time, the Defender shall have the right to deliver unscheduled reports.

YES: A YES score is earned if all ombudsman reports are publicly available.

NO: A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The time period for accessing the reports of the ombudsman depends on the resources that are available. But citizens are not interested and the reports are not covered by the media.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

<http://www.ombuds.am/>

100: Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The cost to access ombudsman reports also depends on what resources citizens have to access the Internet.

References:

<http://www.ombuds.am/>

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES | NO

Comments:

There is an ombudsman to whom the citizens apply when their rights have been violated by state and local government bodies. The Office of the Ombudsman is involved in the Palace of Advocates and their advocates provide legal consultation (state funded) only on criminal cases.

References:

www.ombuds.am

The name of the office is the Human Rights Defender Office

YES: A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

NO: A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

V-2. Supreme Audit Institution

59. Is the supreme audit institution effective?

59

59a. In law, the supreme audit institution is protected from political interference.

YES | NO

References:

<http://www.coc.am/>

[http://www.parliament.am/legislation.php?sel=show&ID=2835\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2835)=arm) (in Armenian)

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

The justifications for removing the head of the audit agency are defined by law — in case of resignation, change of citizenship, and for arrest leading to conviction.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2835\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2835)=arm) (article 8 point 5), available in Armenian

100: The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

http://www.coc.am/index.php?subcat_id=3&cat_id=3

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

The deputy head of the Chamber of Control and the composition of the council are appointed by the president at the suggestion of the head of the Chamber of Control. The appointments can be subjective. The appointments are not done with transparency for society.

References:

<http://www.coc.am>

[http://www.parliament.am/legislation.php?sel=show&ID=2835\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2835)=arm)

100: Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

<http://www.coc.am/>

[http://www.parliament.am/legislation.php?sel=show&ID=3419\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=3419)=arm) (The Law on 2009 State Budget, available in Armenian)

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

Comments:

The reports are available only online and are rarely covered by the media. There is no printed version for the public. They are submitted to the legislature and executive, but for the large public it has limited distribution.

References:

http://www.coc.am/index.php?cat_id=9

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25:

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

Comments:

There is no information on how much consideration the government gives the findings of the audit agency.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

References:

<http://www.parliament.am/legislation.php?sel=show&ID=2835>=arm (article 19, available in Armenian)

100: The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

75:

50: The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

25:

0: The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

60. Can citizens access reports of the supreme audit institution?

33

60a. In law, citizens can access reports of the audit agency.

YES | NO

Comments:

Citizens can access the audit agency reports only online; they are not printed in any way.

References:

http://www.coc.am/index.php?cat_id=9 (available in Armenian)

YES: A YES score is earned if all supreme auditor reports are available to the general public.

NO: A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Audit reports are available only online and with delays. Citizens do not have access to the Internet, except for those who are in large cities.

References:

http://www.coc.am/index.php?cat_id=9

100: Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Audit reports are available only online and with delays. Citizens do not have access to the Internet, except in large cities.

Even if the citizens apply to get the copies according to the Law on Freedom of Information, only the first 10 pages are free.

References:

http://www.coc.am/index.php?cat_id=9

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES | NO

Comments:

This audit agency is called the National Chamber of Control.

References:

<http://www.coc.am/>

YES: A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

64
V-3. Taxes and Customs

62. Is the tax collection agency effective?

88

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The appointment of tax collection agency heads is not transparent; they usually are loyal to the authorities. The staff members are selected in a competition, but the procedures of the competition do not lead to a selection based on professionalism.

References:

<http://www.taxservice.am/>

www.customs.am

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

References:

[http://www.parliament.am/legislation.php?sel=show&ID=3419\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=3419)=arm)

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

65. Is the customs and excise agency effective?

75

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The customs and excise agency has a full-time staff, but there are doubts about their professionalism.

References:

<http://www.customs.am>

<http://www.taxservice.am/>

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

The customs and excise agency receives regular funding from the state budget.

References:

<http://www.customs.am>

<http://www.taxservice.am/>

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

61. In law, is there a national tax collection agency?

100

61. In law, is there a national tax collection agency?

YES | NO

Comments:

The name of the agency is the State Revenue Committee Tax Service.

References:

<http://www.customs.am>; <http://www.taxservice.am/>

YES: A YES score is earned if there is a national agency formally mandated to collect taxes.

NO: A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

63. In practice, are tax laws enforced uniformly and without discrimination?

0

63. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

Comments:

There are economic monopolies in Armenia whose owners are legally and practically granted privileges; the law is enforced on average and small business. But the owners of large businesses have privileges and laws that are not applied strictly for them.

The law tax is applied as punishment against those business representatives who are in the opposition against authorities and with no relevant justification. One example involves the Sukiasyans family in 2008-2010; they were owners of Bjni™ factory.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

75:

50: Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

25:

0: Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

64. In law, is there a national customs and excise agency?

100

64. In law, is there a national customs and excise agency?

YES | NO

Comments:

On August 20, 2008, a State Revenues Committee was established and is responsible for customs, tax and excise collections.

References:

<http://www.taxservice.am/index.php?menuID=153&tid=2&pid=&lng=9>

<http://www.customs.am/index.php?menuID=12&tid=2&pid=&lng=2>

YES: A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

NO: A NO score is earned if that function is spread over several agencies, or does not exist.

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

0

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

Comments:

In a corrupt system, where the economy is under the control of an executive who is directly involved in business, discrimination in the enforcement of customs and excise laws happens on a regular basis.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

75:

50: Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

25:

0: Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

V-4. State-Owned Enterprises

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

45

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

YES | **NO**

Comments:

The Department of State Property Management by the Government of the Republic of Armenia was established on August 1, 2002, and the charter was approved on June 26, 2003 (#822).

The department is organized, re-organized and carries out its activities in accordance with the president's decree. The head of the department is appointed and removed by the prime-minister. The department head reports to the president and the prime-minister. There is no requirement for political impartiality.

The ministries are not protected from political interference.

References:

http://www.privatization.am/index.php?page=legislation&hl=en_US

YES: A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | **50** | 25 | 0

Comments:

The number of staff members of the agency overseeing state-owned companies is not known. The department's role in decision making is low. The government has the main role.

The staff of the ministries are partially professionalized, with both professional and nonprofessional employees.

References:

http://www.privatization.am/index.php?page=karucvacq&hl=am_AM

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

<http://www.gov.am/en/>

100: The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

75:

50: The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

The agency overseeing state-owned companies receives regular funding from the state budget.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=3419\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=3419)=arm)

<http://www.gov.am/en/>

100: The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

The ministries have the right to initiate investigations.

However, the Department of State Property Management by the Government of the Republic of Armenia does not have a right to initiate investigations.

References:

http://www.privatization.am/index.php?page=kanonadrutyun&hl=am_AM (charter available in Armenian)

<http://www.gov.am/en/structure/>

100: When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

75:

50: The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | 50 | **25** | 0

Comments:

The ministries can penalize the offenders but they are not effective and they do not cooperate with other agencies in the enforcement of penalties.

References:

<http://www.gov.am/en/structure/>

100: When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

75:

50: The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

69. Can citizens access the financial records of state-owned companies?

20

69a. In law, citizens can access the financial records of state-owned companies.

YES | NO

Comments:

The financial records can be accessed in accordance with the Law on Freedom of Information, but the law does not force state-owned companies to make their financial reports public.

References:

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

YES: A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

100 | 75 | 50 | 25 | 0

Comments:

The law does not oblige state-owned companies to make their financial data public.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

75:

50: State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

25:

0: Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

100 | 75 | 50 | 25 | 0

Comments:

In Armenia, there is a Law on Accounting, which is written in line with international standards. There are financial records that are subject to compulsory auditing, but there are some that are not.

The effectiveness of the audits is unclear.

References:

http://www.parliament.am/law_docs/310103HO515eng.pdf (article 20)

100: Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

75:

50: Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

25:

0: State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

At the government sessions, different ministries present their reports but they are not publicized, although they might be available online. The reports are not covered by the media.

The citizens can get the financial records of state-owned companies if they apply in accordance with the Law on Freedom of Information, but it is senseless to speak about a reasonable time period.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

Comments:

The citizens can access the financial records of state-owned companies if they apply in accordance with the Law on Freedom of Information. Only the first 10 pages are free of charge.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1390\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1390)=eng)

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

YES | NO

Comments:

The ministries directly oversee the activities of the companies under their jurisdiction. The agency that oversees state-owned companies is the Department of State Property Management by the Government of the Republic of Armenia. It is responsible for the management of the property of the given company.

References:

<http://www.privatization.am/>

<http://www.gov.am/en/links/>

YES: A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

55
V-5. Business Licensing and Regulation

70. Are business licenses available to all citizens?

75

70a. In law, anyone may apply for a business license.

YES | NO

Comments:

Article 7 of the Law on Licensing states that all entities can apply for a business license.

References:

http://www.parliament.am/law_docs/270601HO193eng.pdf?lang=eng

YES: A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

NO: A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required

70b. In law, a complaint mechanism exists if a business license request is denied.

YES | NO

Comments:

Article 47 of the Law on Licensing states that disputes shall be settled under judicial procedures prescribed by this law.

Article 39 states the regulations regarding the denial of a business license request.

References:

http://www.parliament.am/law_docs/270601HO193eng.pdf?lang=eng

YES: A YES score is earned if there is a formal process for appealing a rejected license.

NO: A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The law defines periods of time for reviewing the license application. In practice, there has not been any complaints about getting a license.

If the business is located in a remote settlement, then there can be transportation problems as the licensing departments are centralized in the capital.

References:

http://www.parliament.am/law_docs/270601HO193eng.pdf?lang=eng

100: Licenses are not required, or licenses can be obtained within roughly one week.

75:

50: Licensing is required and takes around one month. Some groups may be delayed up to a three months

25:

0: Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The fee for obtaining a license for a specific type of activity is very high for an average citizen and is not affordable for many people.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1370\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1370)=arm) (available in Armenian)

100: Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

0

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | **NO**

Comments:

Business regulatory requirements for meeting public health standards are not transparent and available, even to the business. The Law on Ensuring the Sanitary and Epidemic Security of the Population provides and general principles but the standards are not clear. The principles are defined by government resolutions, which are not readily available for viewing. In most cases, unawareness of them is used as a tool to penalize and put pressure on businesses.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2102\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2102)=arm) (in Armenian)

YES: A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | **NO**

Comments:

Basic business regulatory requirements for meeting public environmental standards are not transparent and are not publicly available.

There are a number of laws, but it is the Law on Environmental Impact Assessment that touches on standards, though only generally. The most concrete law are the government's resolutions, which are not available for viewing by citizens.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=2286\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2286)=arm)

[http://www.parliament.am/legislation.php?sel=show&ID=2293\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2293)=arm)[http://www.parliament.am/legislation.php?sel=show&ID=2778\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2778)=arm)

[http://www.parliament.am/legislation.php?sel=show&ID=1447\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1447)=arm)

[http://www.parliament.am/legislation.php?sel=show&ID=2806\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2806)=arm)

[http://www.parliament.am/legislation.php?sel=show&ID=2781\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2781)=arm)

http://www.parliament.am/law_docs/190400HO46eng.pdf?lang=eng

[http://www.parliament.am/legislation.php?sel=show&ID=2115\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2115)=eng)

[http://www.parliament.am/legislation.php?sel=show&ID=2764\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=2764)=arm)

YES: A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | NO

Comments:

The public safety standards are very changeable and there are different standards at local, national and regional levels. People are not informed about the changes. Ensuring the standards in itself is a complicated issue; therefore, few businesses are able to ensure even the document formulations. However, the demands by the government are not very strict.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1837\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1837)=eng)

[http://www.parliament.am/legislation.php?sel=show&ID=1272\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1272)=eng)

[http://www.parliament.am/legislation.php?sel=show&ID=1719\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1719)=eng)

[http://www.parliament.am/legislation.php?sel=show&ID=1499\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1499)=eng)

[http://www.parliament.am/legislation.php?sel=show&ID=1917\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=1917)=eng)

YES: A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

0

72a. In practice, business inspections by government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

There is discrimination regarding business inspections by government officials to ensure public health standards because the government is involved in the business sector. There are businessmen who have privileges in this area, such as ministers of parliament and government officials.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

There is discrimination regarding business inspections by government officials to ensure public health standards because the government is involved in the business sector. There are businessmen who have privileges in this area, such as ministers of parliament and government officials.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.iragir.am

100: Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

There is discrimination regarding business inspections by government officials to ensure public health standards because the government is involved in the business sector. There are businessmen who have privileges in this area, such as ministers of parliament and government officials.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

100: Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

Category VI. Anti-Corruption and Rule of Law

VI-1. ⁵²Anti-Corruption Law

73. Is there legislation criminalizing corruption?

89

73a. In law, attempted corruption is illegal.

YES

NO

Comments:

In law, there is no formulation regarding crimes of corruption. It is not defined which acts can be considered corruption or an attempts at corruption. Articles 308-315; 332-355 of the Criminal Code, however, are related to attempted corruption.

References:

<http://parliament.am/legislation.php?sel=show&ID=1349>=eng (articles 308-315; 332-355)

YES: A YES score is earned if corruption laws include attempted acts.

NO: A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

YES | NO

Comments:

According to article 311(2), extortion is illegal.

References:

<http://parliament.am/legislation.php?sel=show&ID=1349>

YES: A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

NO: A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

YES | NO

Comments:

In accordance with article 312 of the Criminal Code, offering a bribe is illegal.

References:

[http://parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://parliament.am/legislation.php?sel=show&ID=1349)=eng)

YES: A YES score is earned if offering a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

YES | NO

Comments:

In accordance with article 311 of the Criminal Code, offering a bribe is illegal.

References:

<http://parliament.am/legislation.php?sel=show&ID=1349>=eng

YES: A YES score is earned if receiving a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

YES | NO

Comments:

The law does not include an article in regard to the bribing a foreign official.

According to point 4 of article 308 of RA Criminal Code defines that foreign officials are also considered officials if they are charged with the following articles: receiving a bribe (article 311), or illegal payment (article 311.1), intentional use of real or supposed influence (article 311.2), giving a bribe (312) mediation for a bribe (313) officials performing crimes.

However, among the articles defined in chapter 29 of Criminal Code do not refer to foreign officials.

Therefore we can't say either yes or no, as in some cases it is yes and in some cases no

References:

<http://parliament.am/legislation.php?sel=show&ID=1349>=eng

YES: A YES score is earned if bribing a foreign official is illegal.

NO: A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

YES | NO

Comments:

Using public resources for private gain is not subject to criminal liability. The Criminal Code does not define any article that using public resources (financies, cars, buildings) for private gain is a crime. But article 308 concerns abuse of official authority, as this is a broad understanding and has a very general link with the question. From this viewpoint article 308 and 309, 311.2 can be referred to. So I say NO, just for the formulation, but I say YES, meaning that the mentioned articles exist.

References:

<http://parliament.am/legislation.php?sel=show&ID=1349>=eng

YES: A YES score is earned if using public resources for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

YES | **NO**

Comments:

Using confidential state information for private gain is not subject to liability.

References:

[http://parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://parliament.am/legislation.php?sel=show&ID=1349)=eng)

YES: A YES score is earned if using confidential state information for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

YES | NO

Comments:

In accordance with article 190 of the Criminal Code, money laundering is illegal.

References:

[http://parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://parliament.am/legislation.php?sel=show&ID=1349)=eng)

YES: A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

NO: A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

YES | NO

Comments:

According to articles that discuss different types of crime, criminal liability is possible if a crime was performed in an organized way by a group (article 312).

References:

[http://parliament.am/legislation.php?sel=show&ID=1349\)=eng](http://parliament.am/legislation.php?sel=show&ID=1349)=eng)

YES: A YES score is earned if organized crime is illegal.

NO: A NO score is earned if this is not illegal.

VI-2. Anti-Corruption Agency

75. Is the anti-corruption agency effective?

25

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

YES | NO

References:

[http://parliament.am/legislation.php?sel=show&ID=3124\)=arm](http://parliament.am/legislation.php?sel=show&ID=3124)=arm)

YES: A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100 | 75 | 50 | 25 | **0**

Comments:

The anti-corruption agency exists more to punish those who try to disobey the government, of course there are a few exceptions. There are cases that are brought for reasons that are not clear.

Stepanavan's mayor decided that an apartment should be given to one citizen, but in fact it was given to another one. The apartment was compensation for a loss during an earthquake. We managed to find out about that illegal decision and informed

the Armenian General Prosecutor's office about it.

At first, the general prosecutor announced that a criminal case would be prosecuted and that it had been delivered to the special investigation service. But after about a year, the case was redefined as one of formal negligence.

As the result of an amnesty that was declared by the Parliament and accepted in June 2009, the mayor avoided prosecution. By then, the apartment had also been sold. So, for this crime the mayor avoided responsibility for the mere reason that he is a member of Republican Party, which is headed by President of Armenia Serge Sargsyan, whose protection he has.

References:

[http://parliament.am/legislation.php?sel=show&ID=3124\)=arm](http://parliament.am/legislation.php?sel=show&ID=3124)=arm)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

First of all, none of the appointments to the anti-corruption agency are made transparently. In addition, people can be removed from the agency without justification if they do not follow orders.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director(s) can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

None of the appointments to the anti-corruption agency are transparent and there are no criteria for them. In fact, while the Special Investigative Service is an independent body, it is in the same building as the prosecutor's office is and so it is informally subject to the prosecutor general.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

It is not clear if the anti-corruption agency (or agencies) has a professional, full-time staff. The agency tends to ignore crimes that are committed by officials.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

References:

[http://parliament.am/legislation.php?sel=show&ID=3419\)=arm](http://parliament.am/legislation.php?sel=show&ID=3419)=arm) (2009 State Budget in Armenian)

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

100 | 75 | 50 | **25** | 0

Comments:

The anti-corruption agency is not obliged to make its reports public.

The General Prosecutor's office makes reports available on their website at least once a year.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.genproc.am

100: The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

Comments:

Whether the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate fully depends on the prosecutor's office.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

75:

50: The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

25:

0: The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

There is no information in regard to whether the anti-corruption agency (or agencies) independently initiates investigations. From the very beginning of the establishment of the Special Investigative Service, their activities have not provided grounds for such an opinion.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

75:

50: The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

76. Can citizens access the anti-corruption agency?

0

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The Special Investigative Service does not meet the deadlines for acting on complaints as set forth by the Criminal Procedure Code.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

http://parliament.am/law_docs/010998HO248eng.pdf?lang=eng

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

Comments:

Citizens either do not complain to the the anti-corruption agency, or make very few complaints, but there are no guarantees that they will not be subjected to recrimination.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

75:

50: Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

YES | NO

Comments:

The Special Investigative Service investigates crimes performed by officials.

The prosecutor's office has a special department that addresses corruption crimes.

References:

[http://parliament.am/legislation.php?sel=show&ID=3124\)=arm](http://parliament.am/legislation.php?sel=show&ID=3124)=arm) (in Armenian)

<http://www.genproc.am/>

YES: A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

NO: A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

42
VI-3. Rule of Law

77. Is there an appeals mechanism for challenging criminal judgments?

42

77a. In law, there is a general right of appeal.

YES | NO

Comments:

The Criminal Procedure Code enables appeals to be made to both court judgements and the illegal actions or inactions of the investigator, prosecutor, and the representative of the law enforcement bodies.

References:

http://www.parliament.am/law_docs/010998HO248eng.pdf?lang=eng (article 103)

YES: A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

NO: A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The appeals on the illegal actions or inactions of pre-trial bodies are not act upon immediately. In fact, there may not be any response; they may be ignored or they can be delayed without relevant justification.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

<http://www.hrw.org/en/node/87532>

100: Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

25:

0: Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Appealing the actions of the investigator in regard to criminal cases to the court is not expensive, but in order to appeal the verdict of the first instance court to higher instances it is necessary to pay a tax, which most citizens can't afford. The tax can make up to US\$60 for different cases.

Most citizens cannot afford a quality advocate's service. The state created a certain mechanism for socially insecure citizens; for example, a discount on the state tax if a the citizen presents a certificate that he/she cannot pay the tax; the decision on this is usually made by the judge. This legal mechanism is not efficient, either.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=1370\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1370)=arm) (available in Armenian)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

25:

0: The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

78. In practice, do judgments in the criminal system follow written law?

0

78. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

Comments:

The judicial system in Armenia does not implement fair trials on criminal cases. There are very few exceptions that occur when there is no pressure put on the judge by the prosecutor and the political authority.

The illegal practice of criminal cases brought against opposition politicians (especially the trials that were conducted in 2008-2009) shows that judgments are not based on a fair investigation of the case but are based on political reasons.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

75:

50: Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

25:

0: Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

79. In practice, are judicial decisions enforced by the state?

0

79. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

Comments:

There is a special structure for enforcement of court decrees that is a compulsory enforcement service.

There is another service on criminal cases: detention facilities of the penal system.

On civil and economic cases the compulsory enforcement service has serious problems. It is also used in a discriminatory way: if there is political interest involved (as in the case of Bjni" factory) then it is used to enforce an illegal judgment.

There are judgments, like the freeing of a territory which has been illegally occupied, etc., which are not enforced. In the relations between the citizens, where authorities may have no interest, there are complaints about either inaction of the law enforcement service or corrupt actions.

Very often, the employees of the enforcement service use violence and other illegal actions to enforce the execution of the judgment. Complaints about these illegal actions remain uninvestigated.

References:

http://www.parliament.am/law_docs/050698HO221eng.pdf?lang=eng

<http://www.harkadir.am/index.jsp?&lng=en>

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

75:

50: Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

25:

0: Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

80. Is the judiciary able to act independently?

50

80a. In law, the independence of the judiciary is guaranteed.

YES | NO

Comments:

The Constitution of Armenia prescribes the independence of the judiciary.

References:

<http://concourt.am/english/constitutions/index.htm> (articles 94; 96, 97, 98)

YES: A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

NO: A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

Comments:

The trials conducted in 2008-2009 showed that the judges make judgment as ordered by the authorities.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta09/eres1643.htm>

100: National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

75:

50: National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

25:

0: National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES | **NO**

Comments:

The presidents of the Court of Appeal and Court of Cassation distribute the cases themselves and there is no clear principle or system used.

References:

<http://www.court.am/?l=en&id=2>

http://www.court.am/?l=en&mode=common_court&id=28

YES: A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

NO: A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

YES | NO

References:

<http://concourt.am/english/constitutions/index.htm> (article 95)

[http://www.parliament.am/legislation.php?sel=show&ID=2966\)=eng](http://www.parliament.am/legislation.php?sel=show&ID=2966)=eng) (chapter 17-18)

YES: A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

NO: A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES | NO

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

YES: A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES | NO

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

YES: A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

82. Do citizens have equal access to the justice system?

54

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.Iragir.am

100: Judicial decisions are not affected by racial or ethnic bias.

75:

50: Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:

0: Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | **50** | 25 | 0

Comments:

Regardless of gender, education, etc. the right to a fair trial for all the citizens in Armenia is violated. However, there are serious problems in gender discrimination that have their impact in this area, too.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.Iragir.am

100: Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

75:

50: Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect

specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

25:

0: Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

YES | NO

Comments:

According to the Criminal Procedure Code, the suspect and the defendant have the right to be provided with counsel, so the pre-trial body and the court must provide them.

References:

http://www.parliament.am/law_docs/010998HO248eng.pdf?lang=eng

YES: A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

NO: A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | **25** | 0

Comments:

In the trial stage, the court provides a legal counsel but actually they persuade the defendant, through threats or pressure, to reject effective measures for their defense, especially when there exists a so-called agreement between the accusers (prosecutor and investigator) and the judge.

There is great mistrust toward the institute of the public attorney that is provided by the state for those who cannot afford their own defense. The public attorneys are of low quality and often they are part of the chain of corruption.

References:

http://www.parliament.am/law_docs/050698HO221eng.pdf?lang=eng

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

75:

50: State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

25:

0: State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

Comments:

Taking into account the low level of social security, the poverty rate (15-17 percent), the unemployment rate (up to 40 percent), the low pension (average AMD15,000=US\$38), low wages (minimum AMD 30,000; us\$77) citizens cannot afford to have a quality advocate (which costs US\$100 per month).

There are few programs that have been proposed by international organizations, such as Strategic Litigation, which make it possible to help citizens to pay the advocate's service, but the resources are too little compared to the number of people who need this support.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

www.osi.am

www.maac.am

100: In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

75:

50: In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

100 | 75 | **50** | 25 | 0

Comments:

In practice bringing a legal suit is affordable but usually to file a suit, it is just the opposite. The TAS department brings cases against businesses. The small business representatives do not have the guarantee that they would free from pressure.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

75:

50: In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

Comments:

The Courts of Appeal and Cassation are located in the capital and most citizens live too far away. The courts of common jurisdiction are in the regional centers and citizens from villages have difficulties with them; that is why a lot of cases are resolved without the court.

References:

http://www.court.am/?l=en&mode=common_court&id=28

[http://www.hcav.am/attachments_/210d9_report_h_r\[1\].pdf](http://www.hcav.am/attachments_/210d9_report_h_r[1].pdf)

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

[http://www.parliament.am/legislation.php?sel=show&ID=1370\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=1370)=arm)

100: Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

75:

50: Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

25:

0: Courts are unavailable to some regions without significant travel on the part of citizens.

VI-4. Law Enforcement

83. Is the law enforcement agency (i.e. the police) effective?

25

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

In Armenia, there is competition for civil servant staff recruitment that is related to corruption mechanisms. It is further influenced by the shortages in the legal field and the character of the state system. This is why professional standards for appointments are suspect.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

Comments:

The law enforcement agency budget is allocated from the state budget. The salary is like the civil servant's salary and the size depends on the rank and position. The advancement of position and size of the salary does not depend on the quality of the official's work.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=3419\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=3419)=arm)

100: The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

25:

0: The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

In Armenia, the whole state system is used by the political authority for their interests. There is no sphere where the relevant body is free of political interference.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

75:

50: The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

84. Can law enforcement officials be held accountable for their actions?

84a. In law, there is an independent mechanism for citizens to complain about police action.

YES | NO

Comments:

The independent mechanism for citizens to complain about police action is the Special Investigative Service.

References:

<http://www.parliament.am/legislation.php?sel=show&ID=3124>=arm (available in Armenian)

YES: A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

NO: A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

<http://www.hrw.org/en/node/87532>

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

YES | NO

Comments:

Illegal actions of any kind (including those that are corruption-related) that is performed by the officials of law enforcement bodies are investigated by the Special Investigative Service.

References:

[http://www.parliament.am/legislation.php?sel=show&ID=3124\)=arm](http://www.parliament.am/legislation.php?sel=show&ID=3124)=arm)

YES: A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

NO: A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100 | 75 | 50 | 25 | 0

Comments:

The public is unaware of any criminal cases that are initiated by this agency, except for one or two cases of a law enforcement agency official who has committed an action that was not in the interest of the political authority. I

In particular a criminal case was brought against Armen Sargsyan, the head of the Construction Department of the Ministry of Defense, with the charge that he made up the contents of an order signed by former Minister of Defense Mikael Harutyunyan (who was in office up to March 1, 2008) The order illegally created a military unit for use against the political opposition during their mass demonstrations.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

YES | NO

Comments:

In the Criminal Procedure Code there is no provision that the representatives of the law enforcement bodies — police, investigators and prosecutors — are immune from criminal proceedings.

References:

http://www.parliament.am/law_docs/010998HO248eng.pdf?lang=eng

YES: A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

NO: A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

100 | 75 | 50 | 25 | **0**

Comments:

In practice law enforcement officials are not immune from criminal proceedings. However, in practice there are very few cases brought against them, though complaints by the citizens happen more more often.

For example, a criminal case was brought against the former deputy of general prosecutor Gagik Jhangiryan; however, it was not based on the violations he committed as an official but on when he began to support the opposition.

References:

www.a1plus.am

www.aravot.am

www.168.am

www.zhamanak.com

www.chi.am

www.lragir.am

100: Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

75:

50: Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

25:

0: Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.
