EU–ARMENIA CIVIL SOCIETY PLATFORM

FINAL REPORT

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CIVIL SOCIETY MONITORING OF CEPA IMPLEMENTATION IN ARMENIA

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FOREWORD

Negotiations between the Republic of Armenia and the European Union on the Comprehensive and Enhanced Partnership Agreement (hereinafter also CEPA) were officially launched on December 7, 2015 in Brussels. The logical conclusion of the process was the signing of the CEPA on November 24, 2017.

On April 11, 2018, the National Assembly of the Republic of Armenia unanimously voted for the ratification of the Comprehensive and Enhanced Partnership Agreement between Armenia and the European Union. Thus, it became partially effective on June 1, 2018.

On July 2, 2018, by the Decision No. 906 of the Prime Minister of the Republic of Armenia an interdepartmental commission to coordinate the implementation of the Agreement and the Partnership Priorities Document between Armenia and the EU was established.

In 2019 and 2021, the Government of the Republic of Armenia adopted two roadmaps for CEPA implementation. CEPA became fully effective in the Republic of Armenia on March 1, 2021.

Article 366 of CEPA provides for the establishment of a civil society platform composed of civil society representatives of the European Union, including the European Economic and Social Committee, and civil society representatives of the Republic of Armenia, including representatives of the Eastern Partnership National Platform, which will act as a platform for meetings and exchange of opinions.

The EU-Armenia civil society platform was established at the beginning of 2022. It includes representatives from civil society structures of the European Union and Armenia from three sectors: non-governmental organizations, trade unions and employers' organizations.

This report summarizes the outcomes of the two-year activities of the EU-Armenia Civil Society Platform, being the first comprehensive report of this platform on the monitoring of the implementation of the CEPA since its existence.

The report is based on 15 advisory opinions developed within the framework of the activities of the EU-Armenia Civil Society Platform authored by renowned civil society experts from Armenia. It reflects an assessment of the current situation and

challenges in CEPA implementation in a number of areas and, for its most part, does not contain recommendations on how to improve the situation. However, such recommendations are included in the advisory opinions that form the basis of this report and are posted on the website of the EU-Armenia Civil Society Platform.[1] The current report summarizes the assessment of the progress of CEPA implementation by December 31, 2023 and does not reflect the developments after.

Understandably, CEPA is a large document, covering many areas. However, due to the scarcity of time, human, financial and other resources, the members of the Platform had to give priority to certain topics in the two-year period of their activity, on which the advisory opinions summarized in this report were developed.

Among these topics it is extremely important to highlight respect for democratic principles, the rule of law, human rights and fundamental freedoms, taking into account the fact that Article 2 of CEPA recognizes them as the basis of the internal and external policies of the European Union and the Republic of Armenia and an essential element of the Agreement.

We will be remiss not to mention the fulfillment of such an important obligation prescribed by the Agreement, as the ratification of the Rome Statute of the International Criminal Court. We consider the role of the Constitutional Court of the Republic of Armenia to be essential in this respect, which by its Decision No 1680 of March 24, 2023 opened the door for the ratification of the Rome Statute, recognizing the obligations set forth in the Statute as conforming to the Constitution of the Republic of Armenia. Azerbaijan's armed attack on Nagorno Karabakh (Artsakh) on September 19, 2023, resulting in the forced displacement of Nagorno Karabakh Armenians, was the last straw that forced the National Assembly of the Republic of Armenia to finally make a political decision and ratify the Rome Statute.

Along with this, we consider it necessary to note that the process of concolidation of democratic institutions in Armenia continues to remain problematic. In this regard, we consider a number of developments and processes taking place in the National Assembly of the Republic of Armenia to be problematic. We definitely consider the election of the former chairperson of the Corruption Prevention Commission as a member of the same Commission in 2023 as a clear sign of democratic backsliding. The process unfolded in the National Assembly in December 2023 demonstrated the ruling faction's intolerance towards a competent and independent candidate. In

1 https://eu-armenia.am/%D6%84%D5%A1%D5%B2%D5%B0%D5%A1%D5%BD%D5%A1%D6%80%D5%A1%D5%AF%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%BA%D5%AC%D5%A1%D5%BF%D6%86%D5%B8%D6%80%D5%B4

this regard, we also consider the attacks of certain parliamentarians of the National Assembly on the EU-Armenia Civil Society Platform due to the position expressed by the Platform in this matter unacceptable.

Another sign of democratic backsliding was the process of the removal of the chairperson of the Standing Committee on Human Rights of the National Assembly nominated by one of the opposition factions. We consider the grounds of this dismissal, namely that the chaiperson in question failed to uphold the honour and dignity of the Armenian people during a sitting of the Committee to be lacking in soundness. Dismissal on this grounds clearly demonstrates that the ruling party lacks basic understanding of the institute of political responsibility.

Another significant episode of democratic decline in 2023 was the process of election of the Human Rights Defender, when the members of the ruling faction of the National Assembly levelled insults and threats to health and life of the candidate nominated by the opposition faction.

We definitely assess as a sign of democratic backsliding and rule of law the continuing cases of selective justice in the period following the revolution in the Republic of Armenia. We reaffirm the position of the Platform that encroachments on human honor and dignity, life and health are inadmissible, and the perpetrators of such encroachments should be equal before the law, regardless of whether they are members of the majority or minority factions. In this regard, we regret that we do not see a non-discriminatory attitude towards the offenders by the law enforcement system.

As a summary of this Foreword, we consider it necessary to emphasize that up until now there is a difference in the perceptions of the content of CEPA implementation by the Platform and the state authorities. While some state authorities perceive of the implementation of CEPA exclusively as formal implementation of the actions stipulated in the two road maps adopted by the Government of Armenia, the civil society, including the EU-Armenia Platform, emphasizes the necessity of substantive implementation of the Agreement in a way that CEPA tangibly contributes to the well-being of the people in the areas stipulated by CEPA by addressing the problems revealed. But what is more important, we expect to see CEPA implementation contributing to the strengthening of democratic institutions in the country. The above developments of the National Assembly are not fixed in any road map in any way, but this does not prevent the Platform from assessing them as a sign of backsliding from democratic principles and, accordingly, non-fulfillment of the obligations assumed under the Agreement.

1. THE PROGRESS OF JUDICIAL REFORM

Background

The implementation of judicial reforms is one of the most serious commitments undertaken under the CEPA. With a view to this, the Government approved a number of reforms aimed at the justice system, which, however, have not been fully implemented to date. In this regard, it should be noted that one of the main failures was the non-implementation of the initially promised vetting due to several reasons, including the lack of planning for systemic changes and measures, the lack of necessary human resources and capacities, the resistance within the judicial system, as well as the approaches and demands of international institutions.

The first Judicial and Legal Reform Strategy was adopted only in September 2019. The strategy was planned for 2019-2023. In 2022, the second four-year strategy was adopted without completing the actions planned by the first strategy and without analyzing the successes and failures thereof. Despite the aforementioned and a number of other existing problems, the RA Government has in the last three years undertaken and continues to implement actions aimed at strengthening the independence of the judiciary. The 2022-2026 Judicial and Legal Reform Strategy includes 12 general strategic goals, with some of them being identical with goals articulated in the 2019-2023 Strategy. Among them are, for example, the development of electronic justice in the country, the implementation of transitional justice, criminal law and civil law reforms, etc.

However, the commitments in the area of justice sector reform carried out in the post-revolutionary Armenia, which remain a source of greatest concern to the society, included the reforms of the formation and composition of the Supreme Judicial Council, the appointment and promotion of judges by the latter, as well as

the issues of disciplinary liability of judges. It was also important to consider the recently implemented system of integrity checks in the RA along with its gaps.

Transitional Justice

Since 2018, the implementation of transitional justice has had a central role and demand by the society at large in the proposed judicial reforms. The latter features in the current strategy as a separate direction, implying the need to reveal systemic human rights violations through fact-finding.

It is noteworthy, however, that in the previous three years, sufficient actions were not taken in this regard, despite the fact that step-by-step approach was foreseen in the first strategy. In the given period, only one action was implemented, namely the law "On the Procedure of Formation and Activities of the Fact-Finding Commission" was drafted. Only in August 2023, the law on making amendments to the RA Law "On Public Council" was drafted. The latter envisages establishment of a fact-finding commission under the Public Council, aimed at the collection and inquiry into the facts of fundamental and periodic human rights violations in the period of September 1991 to 2022.

Development of Democratic Institutions

Included under this goal are:

- Implementation of constitutional reforms,
- Reforming of the electoral legislation on the basis of problems detected during previous elections.

A professional Constitutional Reform Commission was establised in 2020, which, however, did not operate for long.

In 2022 a new Constitutional Reform Council and a Constitutional Reform Commission were established, whose work is still in progress,

Formation and Composition of the Supreme Judicial Council

The main problem with regard to the SCJ is related to its composition, in particular election of its non-judicial members. Five members of the Council are elected by the General Assembly of Judges from among judges with at least ten years of judicial

experience. The Supreme Judicial Council has its judicial members from courts of all the three instances.

The other five non-judicial members of the Council are elected by the National Assembly with at least three-fifths of the votes of the total number of members from among legal scholars or legal practitioners who are nationals of the Republic of Armenia, have the right to vote, have high professional qualifications and at least fifteen years of professional employment history. The election of non-judicial members of the Council by the National Assembly, despite being a process regulated in compliance with international standards, has led to a number of complaints in practice. The criteria for the nomination of the candidates and their subsequent election by the legislature continue to be unclear. As the elections of the recent years have demonstrated, the nominated candidates were overwhelmingly from the circles close to the ruling power, and it was exclusively the ruling power that elected them in the Parliament, which raises concerns about the independence of the elected non-judicial members. The last such election, which engendered serious dissatisfaction and objective criticism, was the election of the former Minister of Justice and his Deputy as members of the Supreme Judicial Council in October of 2022. The demands of the civil society to nominate candidates through a competitive procedure remain ignored.

Election of Judges by the Supreme Judicial Council

Although the national legislation defines clear and objective criteria and requirements for judicial candidates, the administration of elections of judges raises integrity-related issues in connection with the appointment of certain judges. In 2020, the institute of integrity checks was introduced in the RA, the regulations of which are stipulated by the RA Judicial Code and the RA Law “On the Prevention of Corruption”. Integrity checks played an essential role in the process of judicial appointments, aiming to form a corruption-free judicial system of integrity, by verifying the appropriate qualities of judicial candidates. The process of formation of the judicial lists, and ultimately the election of judges by the SJC in the last two years has demonstrated that in individual cases persons in respect of who the Corruption Prevention Commission rendered negative integrity checks were also appointed to judicial positions. One of the most memorable appointments that engendered huge resistance by and dissatisfaction of the civil society was the appointment of the President of the General Jurisdiction Criminal Court of the city of Yerevan. This practice of the SJC repeated during the formation of the newly created Anti-Corruption Court.

Integrity Checks

Among positive developments, mention should be made of the integrity checks as a separate direction within the criminal justice sector reforms under the 2022-2026 Strategy.

In particular, with a view to reforming the system of investigative bodies, formation of structures for integrity checks of relevant candidates for investigators and persons included in the promotion lists was envisaged. It should be noted that it is already in effect in relation to the investigators of the Anti-Corruption Committee.
Similarly, the strategy also envisages the strengthening of prosecutors' integrity as an important prerequisite for the reform of the prosecutorial system.

Bodies Initiating Disciplinary Proceedings against Judges and Disciplinary Actions against Judges by the SJC

So far, the practice of initiating disciplinary proceedings by the two bodies with the authority to initiate disciplinary proceedings against judges, the RA Ministry of Justice and the Ethics and Disciplinary Commission of the General Assembly of Judges, remains problematic. While the activity of the Ethics and Disciplinary Commission can in no way be assessed as effective due to the fact that the Commission oftentimes serves corporate interests, the authority to initiate disciplinary proceedings by the Ministry of Justice of RA has been given a controversial assessment from the structures of the Council of Europe: negative by GRECO and temporarily acceptable by the Venice Commission.

The legislative initiative, according to which the number of non-judicial members of the Ethics and Disciplinary Commission will be increased to 5, is a positive development. It will allow reducing the cases when the Commission takes decision based on corporate interests of its judicial members. Similarly, in relation to the issue of bringing judges to disciplinary liability, the provision of a legal possibility to appeal the decisions of the Supreme Judicial Council in disciplinary cases, provided by the strategy, should be considered as a positive development, even though the regulations envisaged here are far from perfect.

As regards the disciplinary liability of judges, the main problems recorded in recent years are related to the practical aspects of subjecting judges to disciplinary liability and, in particular, the proportionality of the decisions made by the Council.

In 2023 a number of cases of termination of powers by the SJC of individual judges as a measure of disciplinary liability were recorded, which is problematic from the point of view of proportionality of the disciplinary measures in question. The reason for initiating proceedings in one of these cases was the fact that the judge expressed a public opinion regarding a case under examination in the Supreme Judicial Council. According to the body initiating the proceedings, the judge publicly questioned the given judicial act and the actions of the SJC as a court. In another similar case, the reason for initiating disciplinary proceedings was that the judge expressed a public opinion stating that the members of the Council are not independent and impartial in making their decisions, being constrained by certain directions or instructions. Although there are prima facie manifestations of violations of the rules of conduct by the judges in the mentioned cases, termination of the powers of these judges is considered an extreme measure.

The Commissions Formed by the General Assembly of Judges

According to the Judicial Code, the General Assembly of Judges forms the following Commissions: on Ethics and Disciplinary Issues, Educational Issues, as well as Evaluation of the Judges' Activities. The Commission for Evaluation of the Judges' Activities comprises five members - three judicial members and two non-judicial members. The Commission of Educational Issues comprises seven members, five judicial members and two - non-judicial members. As a logical continuation of the improvement of the composition of the Ethics and Disciplinary Commission, , it is necessary to amend the number of non-judicial members in all the rest of the existing commissions, with a view to ensuring greater opportunity for the participation of non-judicial members.

2. THE PROGRESS OF POLICE REFORMS

In 2020, the RA Government adopted the Police Reform Strategy and the 2020-2022 Action Plan thereof. However, due to a number of objective and subjective circumstances, both the schedule and the substance of the reforms that followed were quite different from the planned ones.

In 2020, a Council of Coordination of the Police Reforms was established under the RA Prime Minister, to which civil society representatives were also invited. The RA Ministry of Justice was appointed as the key agency responsible for the reforms. In January 2023, the RA Ministry of Internal Affairs was created, which replaced the Ministry of Justice as the key state agency responsible for police reforms, and Vahe Ghazaryan, Chief of the Police was appointed as the RA Minister of Internal Affairs. Immediately after that the civil society representatives quit the Police Reform Coordination Council for the stated reason that Vahe Ghazaryan was radically against the implementation of genuine reforms.

This report reflects a number of issues that have been in the focus of civil society's attention in recent years. Progress in these areas is assessed, except for issues related to the police-related economic reforms and the training of the police.

In recent years, there has been no change in the behavior, structure and capabilities of the police in terms of providing policing services during assemblies and protests. The main unit responsible for the maintenance of order during mass events is the police forces, which by their structure, knowledge and, to a certain extent, weapons are not a police unit, but a military unit.

A number of objective indicators demonstrate that the introduction of the Police Patrol Service was a success. In Yerevan, crime detection following the introduction of police patrol increased by 2.5 times, while in Shirak and Lori regions - by 14 times. The detection of fugitive criminals has increased by 6 times, and the number of dangerous traffic violations (for example, drunk driving) has also increased considerably.

Moreover, police patrol officers are the only officers in Armenia who massively report bribery offered to them by citizens. According to the data received from the

Anti-Corruption Committee, dozens of patrol officers report bribery annually against maximum of 1-2 officials from other state bodies, which indicates a significantly higher average level of integrity among patrol officers.

The patrol service is also the only police department whose officers have undergone serious selection and filtering procedures (before service they pass a special induction course, an IQ test, a psychological test and an inclusive interview).

Although with the introduction of the Patrol Service, the fight by the external service against criminality was significantly improved, and adequate conditions for the creation of an image of the police as public service were created, the police leadership encouraged formal service rather than service for content, and undermined the principle of equal treatment in respect of all citizens.

No significant progress was made in increasing the efficiency of the fight against crime (apart from the external service). Contrary to what was intended by the strategy, there was no change in the management of the crime statistics, which is manipulative and creates an unrealistic image for the public (for example, 75 percent of murders over a 5-year period are considered "detected", but only 27 percent of such cases reach court). Since self-incriminating testimony is sufficient to consider a crime "detected", the police system, its units and individual police officers, rather than being motivated to collect evidence proving commission of a crime, prefer to put pressure (including torture) on suspects/defendants with a view to extracting self-incriminating evidence from them.

If such a testimony is obtained, the crime is considered "detected" (considering the fact that self-incriminating evidence is sufficient for the charge), the officer who obtained it, the unit that investigated it and the entire police force receive rewards (if it is a serious or particularly serious crime), while good statistics on "detected crimes" is generated.

In the recent period and, in particular, against the background of the increased number of crimes following the war in 2020 there has been a substantial increase in credible reports from citizens about the police refusing to accept reports of crime. In such cases, the police, first of all, try to find out whether the victim knows who committed the prohibited act and how easy it will be to identify that person. Underreporting begins when the police officer forms an inner belief that the case is difficult or unlikely to be deteced having the potential to badly reflect on the statistics.

The police also have significant problems in the fight against crime in terms of professionalism and capabilities. There are numerous reports of police criminal investigation officers failing to collect evidence at crime scenes (or collecting perishable evidence late), accidentally destroying evidence, delaying taking video footages of crimes before they are deleted, and other mistakes.

In 2019, the RA National Assembly amended the Law “On Operations-Intelligence Activities” and created an opportunity for the police to also carry out wiretapping and interception of telephone calls (monitoring of telephone conversations), which had been done by the National Security Service (which made it difficult for the police to investigate serious crimes) in the past. However, 4 years after the creation of this legislative possibility, the police have not yet acquired the appropriate technical equipment to be able to implement this intelligence measure.

Not only have the recent years failed to witness any positive changes in the area of the prevention of torture and ill-treatment, but the tools to prevent them have also been reduced (for example, the removal of donor-funded cameras in police stations). In 2023, 3 unprecedented cases (within the last 10 years) of violence in respect of defence lawyers were recorded in a police department. The number of credible reports of violence and torture by law enforcement officers of suspects has increased significantly. There have been widespread reports of ill-treatment of detained persons, (including LGBT), including beatings, insults, psychological pressures, and degrading treatment.

There is no anti-corruption policy in the police, and no police officer undergoes an integrity check at any stage, while some components of attestation (professional examination and interview) are practically formal in nature.

High levels of bribery and other forms of corruption in the police continue to be a concern. Credible reports and disclosures by law enforcement officers of corruption within different police departments are common. Moreover, although technologies create opportunities to prevent many of these manifestations, the police does not demonstrate any inclination to introduce them.

3. PUBLIC SERVICE SECTOR REFORMS

The draft laws "On Amendments to the Law on Public Service" and "On Amendments to the Law on Probation" included in the agenda of the sixth session of the RA National Assembly envisage a new type of state service - probation service.

As early as in 2014 the process of reform in the area of public service, including civil service, was initiated, which is also one of the obligations assumed before the EU.

One of the primary tasks of the public service system reforms was the elimination of the fragmentation of public service, the expansion of both the horizontal and vertical scope of civil service and the reduction of sub-legislative regulations on public service. The aforementioned issues were raised *inter alia* by the assessments carried out by the UNDP, OSCE, EU/OECD SIGMA and WB experts, and the recommendations formulated on the basis thereof, deriving from the European Principles of Public Administration, the Framework of Principles of Public Administration for European Neighborhood countries, etc.

As a result of these reforms, on 23 March, 2018, the new laws HO-205-N "On Civil Service" and HO-206-N "On Public Service" were adopted, according to which new state administration bodies were included in the civil service system. Article 2 of the "Civil Service" law expanded the scope of the law by extending it to the persons holding positions foreseen in the list of civil service positions in state bodies subordinate to the Prime Minister and ministries (hereinafter referred to as the relevant body) within the legislative, executive, judicial authorities, the office of the President of the Republic, the prosecutor's office, investigative bodies, independent state bodies, autonomous bodies, the office of the Human Rights Defender, as well as the Government. At the same time, the same article prescribed that public service relations in the above-mentioned bodies were to be regulated by the law "On Civil Service", unless otherwise defined by other laws.

As a result of the enacted amendments, it was also planned that uniform regulations would be implemented in all types of state service, including that all state service positions, will be filled in a competitive manner in accordance with internationally accepted principles.

The Public Administration Reform Strategy approved by the Decision of the Government N 691-L dated May 13, 2022 also reflects the main directions of the public administration reform policy already adopted and continuously implemented. In particular, under the 3rd pillar of the strategy entitled “Management of Human Resources and Public Service”, the problem noted was “the still incomplete unity of the public service framework, the unclear status of some groups, despite regular reform of the public service legislation and the expansion of the scope of civil service”, which implies taking appropriate steps to resolve the problem.

The Law “On Probation”, which was adopted on May 17, 2016, provided that civil service was to be introduced within the probation. In other words, at the very outset it was not regarded as a separate state service in the light of the powers, goals and objectives conferred on the probation by law. In this regard, it is noteworthy that as early as in April 2016, the draft law on “Probation” was circulated in the NA along with the draft law on “State Probation Service” and the drafts providing for amendments in the relevant laws regulating the issues related to the remuneration of probation servants and their social guarantees, which, failing to receive the positive conclusion of the Standing Committee on State and Legal Affairs, were withdrawn from circulation, and the Probation Service provided for civil service with the remuneration and social guarantees provided for civil servants.

Considering the draft of the Law on Probation Service in the light of the aforementioned, we can state that the draft regulations, including the provision of the probation service as a separate type of state service, do not derive from the state policy implemented in the public service sector. Finally, probation service does not possess such exceptional functional features that prevents functioning of the probation service within the system of civil service.

4. VISA FACILITATION AND LIBERALISATION

The Comprehensive and Enhanced Partnership Agreement includes special provisions on mobility, migration and readmission processes, as well as personal data protection. In addition to this, the aforementioned topics are addressed in detail in Article 13 (Protection of Personal Data), Article 14 (Cooperation on Migration, Asylum and Border Management) and Article 15 (Movement and Readmission of Persons) of the same Agreement.

CEPA clearly stipulates that "The Parties shall continue to promote the mobility of citizens through the Visa-facilitation Agreement and consider in due course the opening of a visa-liberalisation dialogue provided that conditions for well-managed and secure mobility are in place. They shall cooperate in fighting irregular migration, including through the implementation of the Readmission Agreement, as well as promoting border-management policy as well as legal and operational frameworks" (Article 15(2)).

For the successful implementation of the agreements signed with the EU, as well as for moving forward with the visa liberalization process, consistent work is needed by all the involved parties: the state bodies of Armenia, the entire society, especially the active groups of the society, as well as the responsible European agencies.

Visa Liberalization

The proposal for visa liberalization with the EU was approved on November 13, 2023 at the meeting of foreign ministers of the EU Member States. In the near future, this decision should be approved by the European Commission.

Mention should be made of the Partnership Implementation Report issued on 20 May 2019 by the European Commission, which underlined the positive steps taken by Armenia and the areas in which improvements are needed. The Report also referred

to visa facilitation and the implementation of readmission agreements, as well as the willingness to start the RA-EU visa liberalization process. At the same time, the Report mentioned the need to improve the readmission rate. The report also noted the satisfactory implementation of the Visa Facilitation Agreement and the increase in the issuance of multiple-entry visas. The cases of rejection were mainly related to applicants not submitting sufficient documents about the reasons for travel.

Apart from the need to increase cooperation within the framework of the readmission agreement, Armenia needs to adopt a law on combating discrimination and ratify the Istanbul Convention.

Visa Facilitation

In recent years, there have been many instances when applicants were dissatisfied with the work of consulates and visa centers of the Schengen zone states operating in Armenia. There were complaints and incidents of dissatisfaction with the decisions made, when the applicant did not agree with the refusal and the grounds for refusal presented by the consulate, about the application procedure, when the applicant complained about difficulties in scheduling an interview, long queues for submitting applications and interviews at the consulate and visa centers, the absence of waiting rooms or their poor conditions, poor attitude of service staff, etc.

In 2023, two main types of problems were recorded for the citizens of Armenia. The first was related to the fact that the citizens had great difficulty in registering for Schengen visa appointments through the online systems.

The second issue was related to the receipt of multiple entry Schengen visas by Armenian citizens.
In 2023, a number of Armenian citizens faced the problem that a number of EU consulates in Armenia refused to issue multiple-entry visas to them. In some instances, the situation reached the point of absurdity, when people who previously had several multiple-entry visas, had visited Europe dozens of times and did not violate the European rules of residence, received a visa for just a few days to participate in a specific event.

Visa centers have been established to support the process of issuing visas, as the number of applications has been and still continues to be very high.

Visa centers receive a large number of applications that the consulates cannot receive, and they also aim to reduce queues. At the same time, it should be noted that visa centers operate only in the capital Yerevan. Visa centers do not have offices in the regions of Armenia, even though it is quite difficult to reach Yerevan from such big cities as Gyumri (north of Armenia), Vanadzor (north-east) or Kapan (south) due to poor transport connections. In addition, applicants to visa centers often complain about the low quality of services provided to them, particularly related to technical abilities and communication skills of the staff. Finally, visa centers charge applicants an additional fee of about 20-22 euros per application.

As part of the visa facilitation process, biometric passports have been introduced in Armenia. According to the decision of the RA National Assembly, a biometric passport should have been issued to citizens applying for passports as of January 2014. However, the transition to biometric passports and ID cards has been slow. Moreover, since January 2023, the RA Government suspended issuance of biometric passports, stating that new, more protected biometric passports would be introduced in the near future.

Data protection is also an important issue for Armenia in the process of issuing biometric passports, as well as visa facilitation and visa liberalisation. However, there are certain problems with Armenian legislation and practice. The 2015 RA Law “On Personal Data Protection” still needs to be amended. The law allows transfer of personal data to third parties or to allow access to data without the given person’s consent (Article 26).

For example, personal data may be transferred without the person’s consent if it is provided by law or an interstate agreement. The RA border guard service manages the largest amount of personal data. At the same time, the RA Border Guard Service is available to the Border Guard Department of the Federal Security Service of Russia. This means that the Russian Federation can see all cases of crossing of the Armenian state border, including the direction of travel and the data of the identity document.

5. THE PROCESS OF DEVELOPMENT OF THE 2023–2026 ANTI–CORRUPTION STRATEGY

On February 11, 2023, the first meeting of the Anti-Corruption Policy Council was held in Jermuk under the chairmanship of the RA Prime Minister Nikol Pashinyan. The meeting was attended by the representatives of the legislative, executive, judicial branches of power, CSOs and other bodies. During the said meeting of the Council, issues related to the corruption prevention situation and development prospects were discussed.

During the meeting, the representative of the Armenian Lawyers' Association raised a question about the need to develop a new anti-corruption strategy given the fact that the previous RA 2019-2022 Anti-Corruption Strategy expired on December 31, 2022. It was proposed to develop a new anti-corruption strategy for Armenia based on the international popular principles on the process, design and content, monitoring and evaluation of the anti-corruption strategy defined by the Kuala Lumpur Declaration on Anti-Corruption Strategies. As a result of the discussion of the proposal and upon the proposal of the Prime Minister of the Republic of Armenia, a decision was adopted at the meeting of the Council to create an inclusive working group under the RA Minister of Justice to develop a new anti-corruption strategy for the Republic of Armenia. Accordingly, work on the 2023-2026 anti-corruption strategy and action plan started on 14.02.2023, pursuant to the order of RA Ministry of Justice No. 75-A of 14.02.2023, by which: a/ a working group for the development of the 2023-2026 anti-corruption strategy and its implementation action plan was established and its individual composition approved; b/ the head of the working group was assigned to ensure development of the 2023-2026 anti-corruption strategy and its implementation action plan.

As a result of months' long discussions, the group developed the main guidelines, goals, directions and expected results of the strategy, based on which the draft strategy and action plan were developed by the Ministry of Justice of the Republic of Armenia. They were discussed during the meeting of the Anti-Corruption Policy

Council, and approved by the decision N 1871-L of the Government of the Republic of Armenia dated 26.10. 2023.[2]

Conflict of interest

International standards distinguish ad hoc conflict of interest prevention and management structures, as well as other restrictions related to conflict of interest: gift acceptance restrictions, incompatibility requirements. At the same time, RA legislation considers the term “conflict of interest” specifically in the context of Article 33 of the RA Law “On Public Service” (hereinafter referred to as the “Public Service Law”) (conflict of interest in the actual situation), and the restrictions related to the conflict of interest, such as the restrictions on accepting gifts, incompatibility requirements and other restrictions are classified by law as separate types and not qualified as specific cases of conflict of interest. This report is based on the broad interpretation of the concept of “conflict of interest”, and taking into account the fact that public procurement is one of the most vulnerable sectors from the point of view of conflict of interest prevention, special reference was also made to that sector.

Situational Conflict of Interest

Legislative regulations have been improved, stipulating the situation of “potential conflict of interest”. The scope of “affiliated persons” has been expanded, the roles and obligations of the persons holding positions, their supervisors and direct managers, ethics commissions, and integrity administrators in the prevention and management of conflicts of interest have been defined, a wider toolkit of conflict of interest resolution methods was identified, etc. At the same time, the analysis of the legislative acts of individual areas of public service, the general regulation of the conflict of interests of public office holders and employees within the framework of one legislative act is missing. Regulations based on the new definition of the conflict of interests for judges, prosecutors, members of the National Assembly, members of community councils, as well as regulations conditioned by the specificities of individual spheres of public service are not sufficiently defined by the relevant sectoral laws, and also there is a need to review the measures of responsibility for the non-fulfillment or

2 It is also worth noting that in 2022, Transparency International Anti-Corruption Center implemented a technical support project for the Ministry of Justice of Armenia aimed at the development of the 2023-2026 anti-corruption strategy and its action plan, which was financed by USAID. The budget of the project was 29,721,125 AMD. Studying the results and the impact of the project in open sources, it became clear that as such, full support was not provided to the MoJ, taking into account the RA Prime Minister’s proposal to the RA Minister of Justice to create a working group for the development of the country’s anti-corruption strategy.

incomplete fulfillment of the powers conferred on the officials responsible for integrity issues, in particular, the supervisors or direct managers, regarding the violation of the rules for maintaining the conditions of conflict of interest.

Limitations on Acceptance of Gifts

The law of the Republic of Armenia "On Public Service" defines the restrictions on accepting gifts in connection with the performance of official duties of persons holding public positions and public servants. As a result of legislative amendments, regulations related to the registration and handover of gifts were also foreseen. At the same time, the procedure for administering the register of gifts and other by-laws implementing the legislation have not yet been developed.

Incompatibility Requirements

The RA Law "On Public Service" defines incompatibility requirements for public office-holders and public servants, including the requirements of incompatibility of "hoding any position in a commercial organization" and "engaging in entrepreneurial activities". Although as a result of legislative amendments, the mentioned incompatibility requirements have been regulated to a certain degree, legislative regulations related to fiduciary management, and the implemented regulations remain incomplete. In addition, although no sub-legislation for the implementation of of the said legislation is required for the provision of a register and procedure for the registration of contracts for the transfer of property to fiduciary management by persons holding public office and public servants, these legislative regulations cannot be properly enforced without such.

Other Restrictions

The RA Law "On Public Service" prescribes other restrictions for public office-holders and public servants. Some of the mentioned grounds, despite being the object of separate regulation by law, are actually cases of situational conflict of interests. Although the limitation of further professional activities after dismissal is defined by the law, the latter has a very general nature, does not take into account the specifics of the spheres of activity of individuals holding public positions and individual groups of public servants. Moreover, no conditions of application, or scope of decision-makers and effective control mechanisms over maintenance are defined.

Procurement

The Law of the Republic of Armenia “On Procurement” provides certain regulations aimed at preventing conflicts of interest, that is, the prohibition of participation in a procurement process by decision-makers in a situation of conflict of interest, submission of a statement on the absence of a conflict of interest by participants in procurement, and regulations related to the real beneficiaries, as a tool for identifying interconnections and conflicts of interest. At the same time, the existing regulations are not sufficient to really limit the direct or indirect influence of officials or their affiliates on public procurement processes, and accordingly, their de facto participation. In addition, there are no effective mechanisms for declaration of absence of conflict of interest and verification of information about the real owners of the latter, the obligation to submit a declaration of interest is not defined for a number of officials responsible for procurement processes.

Practice

In practice, the duties of public servants to report on conflict of interest situations and the duties of their supervisors to apply measures of responsibility are not respected. This is evidenced by a number of media and CSO publications about prima facie cases of conflict of interests. This is also evidenced by the relevant reports submitted by the Corruption Prevention Commission in this regard.

Anti-Corruption Education

Implementation measures for anti-corruption education were planned in the 2019-2022 strategy and the action plan thereof. Clause 4.7 of the strategy is dedicated to anti-corruption education and awareness-raising.

The general problem raised as a result of the study is the low level of anti-corruption education and legal awareness in the field of anti-corruption in RA. In this regard, the Strategy and its Program of Actions provided for the implementation of periodic anti-corruption education of public servants, the competent body of which was the Corruption Prevention Commission (CPC). The CPC develops educational programmess, guidelines and advisory reports.

Another target of the anti-corruption education and public awareness is the students and pupils. It was planned to revise the sections and content related to corruption in the textbooks of the “Social Studies” subject, which will reflect the approaches adopted by the government in the fight against corruption. It was also planned to

take steps to include anti-corruption education as an optional course in universities and educational institutions implementing vocational education programs.

In the framework of anti-corruption education, the strategy also provided for the implementation of anti-corruption measures by the state, reforms implemented in the field of service delivery, whistleblowing and complaint mechanisms, raising public awareness about the rights of individuals when interacting with state bodies, the features of the system of whistleblowing, guarantees of freedom of information, awareness of public and public servants' rules of ethics. For this purpose, development and approval of annual plans for the implementation of public awareness campaigns was foreseen.
The examination of the performance reports and alternative evaluation reports of the anti-corruption education and awareness section under the Strategy and their comparison with information from other sources, reveals the following issues:

- There were no data collection and/or calculation methodologies for audit indicators defined for the purpose of evaluation of strategic measures, and in the case of some indicators it is not clear how they describe the situation.

- In some cases, there was no connection between the expected result of an action and its evaluation indicator.

- According to the methodology of the Ministry of Justice, the annual expected results of the measures applied by the Ministry of Justice were evaluated as "completely fulfilled", "mostly fulfilled", "partially fulfilled", "not fulfilled". These evaluations are made on a discretionary basis and do not have performance criteria.

This led to the fact that the MoJ, as an anti-corruption policy implementing body, evaluated the Strategy and Action Plan only at a quantitative level, while as regards to performance, evaluated highly the results of the anti-corruption education and awareness section of the Strategy. Meanwhile, the specialized CSOs that implemented public monitoring of the performance of the same period, the evaluation was done at both quantitative and qualitative levels, and the results obtained were low and significantly different from the results of the MoJ. As a general summary, it can be noted that the tasks set by the fourth Strategy in the field of anti-corruption education and awareness have not been fully fulfilled.

6. EROSION OF EDUCATION EQUITY AND VIOLATION OF THE RIGHT TO EDUCATION DUE TO INTEGRITY DEFICIT OF THE EDUCATION SYSTEM IN ARMENIA

Comprehensive and Enhanced Partnership Agreement (CEPA) between the EU and Armenia does not include education as a specific target area for the reform and its Roadmap does not specify actions or concrete deliverables pertaining secondary education as such. However, good governance, institutional integrity, child's rights, equity, antidiscrimination, and human security are all essential part of the Agreement and the Roadmap and in that sense, the problems, touched below are of direct relevance to CEPA implementation. In addition, in Its support of democratic reform in Armenia, the EU has prioritized child's rights and the ongoing education reform, assisting and investing in the development of a strategic vision and the education itself. It is also to be noted that equity and the right to education have long been part of the civil society's advocacy agenda in the EU-Armenia Human Rights Dialogue.

Equity of education and right to education have been systematically eroded in the course of the last decades. Such long-standing erosion of the system led to unprecedented increase of learning poverty. Thus, as per the WB 2019 report, 35% of 10 years-old cannot read and understand a short age-appropriate text and 10% of 19-21 years-old have functional illiteracy.

Review of Current Policies vis-à-vis Corruption Challenges

The integrity violations or corruption in education have not been identified as a problem in either the NPED 2022-2030 or the recently adopted Anti-Corruption Strategy of the Republic of Armenia. The NPED gives a fair assessment of the quality of education and elaborates on eroded access to education, albeit not touching upon all the aspect of undermined equity. However, it fails to recognize the systemic deficit of integrity as the source of the problems. Thus, the measures to improve the situation remain symptomatic and cannot provide a systemic improvement.

Major Forms of Corruption and the Threats they Pose to Quality and Equity of Education

The four main integrity violations in secondary education were: supplementary private tutoring by class teachers; politicization; abuse of procedures for appointment and dismissal of staff; and undue recognition of learning achievements.

Supplementary Private Tutoring by Class Teachers

Supplementary private tutoring has been wide-spread in Armenia as it is in many other countries with quite advanced education systems and good quality of education. In the past, private classes were primarily taken to pass the university admission examinations. Currently, as stated in the NPED 22-30, it is estimated that 60% of those admitted into universities have had private tutoring. While not a violation per se, it does have proven negative effect on equity of the system. However, it becomes an integrity violation when conducted by class teachers to their own students or by those who the teachers direct the students to. Nowadays, the predominant portion of it is conducted by the school teachers and almost quarter is conducted by the class teachers to their own students as it was shown in the earlier study on integrity violations. Furthermore, the mentioned study concluded that in the teachers purposefully lowered the effectiveness of their teaching in the class to encourage taking of the private classes. Anecdotal and yet wide-spread opinion is that now this is happening in earlier grades and students as young as 12-13 systematically take private classes with their teachers.

Politicization of Education in Armenia

Despite the regulatory ban, the culture of in-class propaganda gets more reassured. There are reported instances of secondary school teachers engaging in political discussion of issues that are far from educational content and curricula. The school that is charged primarily with the task to develop critical thinking and equip the students with skills to navigate in the torrents of propaganda, becomes a place of propaganda.

Undue Recognition of Educational Achievements

In view of this finding, the decision of the Armenian government to terminate participation of Grade 8 students in TIMSS since 2019, seems irrational, particularly for the reason of increased participation costs of the TIMSS as stated in the communication of the MoECSC

in response to HCAV inquiry. As shown in, undue recognition of learning achievements is wide-spread and dramatic. Thus, some 58% of surveyed teachers admitted to having participated I the practice, 60% of whom stated that they had no choice; simultaneously, the share of students with excellent results, whose achievements had not been justified varied from 21% to 50% for Grade 8 students.

Equity and Right to Education

An independent study by international experts based on the official data show that: children have limited access to quality education depending on their social background and residential status .

Thus, in 2018, non-poor family enrolment totaled to 49%, while poor and extremely poor were 26% and 0% respectively. In fact, as it is obvious, the extremely poor have been discriminated against from the early age which results in their actual exclusion from the process. These results, which the civil society published yet in 2019, are in accord with those presented in the NPED 2023-2030.

Gender Bias

A sizeable number of teachers (varying from 20% to 50% in different surveys) believe that boys have superior physical and mental abilities and they strive to instill docility and obedience in girls, while stressing leadership in boys, reinforcing the existing inequalities and reproduces the current patriarchal system

Summary

Years of political corruption and misuse of public resources have undermined the integrity and vitality of institutions that has had a devastating impact on quality and equity of education and violated the right of thousands of children to education.

Remnant policies from earlier reform agendas and particularly the National Education Excellence Program that are not conducive with active promotion of equity shall be eradicated and offset by countermeasures.

The decade-long violation of the right to education must be stopped and the educational rights of “invisible” children must be restored with urgent and targeted methods to identify children who do not meet the mandatory minimum threshold and provide them with supplementary classes.

7. COOPERATION BETWEEN STATE AUTHORITIES, CIVIL SOCIETY AND INTERNATIONAL PARTNERS

Within the framework of the activities of the EU-Armenia Civil Society Platform, a separate study was conducted focusing on the practice of national registered CSOs (both NGOs and Foundations), the platforms and directions of their cooperation with the Armenian authorities, and their role in the Armenian CSO sector. The study concentrated on those Armenian NGOs and foundations that met a certain set of criteria.

The study revealed that there are CSOs that have received large grants without open calls. As a result of allocating grants in such a non-open non-competitive manner, possible conflicts of interests and interconnections, possible political (party and ideological) influences may cause serious concerns. One of the possible manifestations of this phenomenon may be the situations in which representatives of different CSOs have a certain relationship with representatives of certain entities providing grants and/or people who influence decisions in these process. Such interconnections and interdependencies may arise from previous work, partnership (including membership), friendship, ideological belonging, kinship, party allegiances, etc.

The lack of mechanisms for accountability and assessment of results among donors are also matters of concern. The existence of such mechanisms would enable both the donors and the beneficiaries of specific projects, including the government, civil society, etc. to assess the extent to which a funded project has achieved the solution of the problems and the goals set in the project. It would also allow assessing whether the end result has been met or at the very least the project contributed to the achievement of that end result. As a consequence, in the absence of awarding of grants based on objective, relevant and sufficient standards, the management and targeted use of these funds also raises concerns.

In the context of possible interdependences, the political views of CSO representatives were considered. Accordingly, representatives of some CSOs made their political

views public through open publications on their social networks and otherwise. Cases when these views influenced the award of grants to specific subgrantees were also observed. It was revealed that some CSOs have been acting as grant providers for years, financing programs of other CSOs. Cases were observed when the same CSOs repeatedly received sub-grants from the same CSOs, which is problematic from the point of view of possible influence in the field of civil society.
One of the next problematic issues was the practice that two large CSOs operating in the field have interprenetrated each other, having representatives in the management and administration bodies of the other. In this context, a matter of serious concern is the situation when a person with a key role in both structures, also has an influence in the decision-making processes of funding of the organization that is a donor within the EU. In addition, a potential conflict of interest may arise when an NGO employee has influence over the donor's distribution of funding to other NGOs. Examples are presented in the full version of the report.

Another problematic issue is when annual substantive reports of CSOs, including those that received grants without an open tender, are not published on their websites, the composition and contact information of the members of the management and management bodies are not available to the public, their statutes not published, data of sub-garnted CSOs not published either or published incompletely, information about implemented programs, sources of funding, program budgets not available or their availability is limited.

8. THE CURRENT SITUATION AND EXISTING PROBLEMS OF EMPLOYMENT AND SOCIAL POLICY

This section of the Report refers to the CEPA obligations in the field of employment and social policy, the reforms that were implemented in this area during 2022-2023, the compliance of the reforms, as well as the legislation and practice with international legislation. This report is based in large part on advisory opinions, articles, and reports published by the Civil Society Platform established under Article 366 of the CEPA. The problems revealed concern the rights of workers and violations thereof in collective labor relations, the need for the development of appropriate policies by the State, including in the context of democracy at work, healthy and safe working conditions and approximation to CEPA provisions.

Obligations under CEPA

The Agreement defines framework provisions related to various fields, including provisions related to labor and social rights and equal opportunities. In addition to the framework provisions, CEPA specifies EU legislative acts, mainly directives of the EU Council, to which RA domestic legislation must be gradually approximated within a certain period of time. According to Chapter 15 of the Agreement, RA undertakes to advance the ILO Decent Work Agenda, health and safety at work, social dialogue, gender equality and non-discrimination, expand social solidarity, reduce informal work, expand the participation of social partners in policy making, promote social dialogue, developing health and safety at work, corporate social responsibility. CEPA also stipulates that the Republic of Armenia undertakes to respect, promote, and apply internationally recognized core labor standards in laws, practices, and throughout the territory as set forth in the core conventions of the ILO and the protocols thereof. At the same time, EU directives to which RA legislation should be approximated, are idicated. These include legislative regulations related to non-discrimination on the basis of race, ethnicity, age, illness, disability, employment, education, social protection, freedom of association and other areas, equality

between women and men, inclusion of a number of conditions and data information in employment contracts, er protection of workers' rights in cases of change of wonership, non-discrimination between provisional and part-time workers, as well as discrimination on the grounds of a number of characteristics (including sexual orientation), non-discrimination on the grounds of sex in trade and services, consultation with workers, maternity protection, mass redundancies and etc.

9. SITUATION RELATED TO THE RIGHT TO FREEDOM OF ASSOCIATION

Compliance of the Legislative Framework and Practical Issues

Restriction on the Right to Strike

On May 3, 2023, the National Assembly adopted a number of amendments to the Labor Code. Although the amendments softened the strike-related regulations to a certain extent, the process of announcing a strike remains complex and requires significant preconditions, contradicting the decisions and principles adopted by the Committee on Freedom of Association of the International Labor Organization (ILO). From the point of view of ILO international standards, state regulations on strikes are extremely strict and limit the fundamental rights of united workers. At the same time, the constitutional right to strike is also hindered. The law also limits the right to announce strikes at the sectoral or national level, the procedure for announcing sectoral and national strikes is not defined, and trade unions do not have the opportunity to announce strikes aimed at solving sectoral and/or republican problems.

Restriction on Freedom of Association

The regulations of the RA Law “On Trade Unions” limit the principles of freedom of association defined by international norms for workers. Under such arrangements, workers are not always free to decide at which level they may form/join unions. The legislation allows an individual to join only an organization-level trade union, and the latter’s association with a larger, sectoral or national-level union is based on arbitrariness. This circumstance also becomes decisive for the opportunity of an employee to unite at the appropriate level or in the relevant field.

The above-mentioned law also generally restricts the right to freedom of association for a number of workers. Thus, according to the current provisions of the law, the

right to freedom of association of workers involved in informal and non-traditional (platform economy, self-employed, freelance) work is limited, because according to the law, persons of this category are not considered employees.

Obstruction of Freedom of Association in the Public Sector

Limiting the free and independent activity of trade unions or attempts to exert influence and pressure on trade union activity by employers (in this case, high-ranking state officials and community leaders) in the spheres of state administration, as well as local self-government, are systemic in nature. In particular, self-nomination by employers and representatives of employers in state and municipal bodies (leaders of ministries, heads of administrative districts of cities, heads of communities) as members of governing bodies of trade unions uniting their workers, thus ensuring their direct influence on trade union activities, is widespread. The described phenomenon is not legal from the point of view of RA legislation and ILO international standards. Interfering, influencing, directing, obstructing, controlling the activities of trade unions, administration and internal affairs by the employer or the state are contrary to international norms and legislation. However, the problem is widespread due to a number of circumstances, including vague legal regulations, insufficient competence of inspection institutes, difficulties in proving these circumstances in case of intervention or influence by the employer, vulnerability of workers and trade unions. The same applies to attempts to control the internal administration of a trade union by the management in the state and municipal spheres.

Another common manifestation of the obstruction of trade unions' activity is the unilateral suspension of by an employer of the process of collection of union membership fees, despite the fact that the collection of the union membership fees by the employer transfer of the collected amount to the union account is defined as an inalienable right of the trade union under the international labor standards and the national legislation of the Republic of Armenia. The suspension of the collection of membership fees practically leads to the actual suspension of the trade union's activities, which is a gross violation. In the last few years, a similar violation has been registered, for example, by the management of the Unified Social Service.

Prevalence of "Pocket" Trade Unions in the Public Sector

One of the manifestations of the restriction and obstruction of the right to freedom of association is the widespread level of "pocket" unions of employers, especially

in the public sector.[3] Pocket or "yellow" is used to label those trade unions that unite only the employees of a specific institution and operate separately without membership in sectoral or national level unions. In practice, such unions operate under the authority of the employer and serve the financial needs of the employer. The label "pocket" is used for the following reason: the main goal of trade unions, excluding strikes, is collective negotiation and consultation. If an organization-level trade union operates independently of a sectoral or national trade union movement, then the members of such a trade union are fundamentally deprived of the tool to negotiate and consult at the sectoral or national levels. As far as collective bargaining with the direct employer at the organization level is concerned, none of these unions have known experience of signing a meaningful collective agreement. Thus, the establishment and activity of such a trade union pursues other obvious interests and has nothing to do with trade union activity. Moreover, in the majority of such cases, representatives of the employer are represented in the governing body of the trade union. In fact, there is a gross violation of Article 2 of the ILO Convention No. 98 "On the Right to Organize and Collective Bargaining" and this violation occurs in the state and community spheres. It is even more remarkable that "yellow" unions operate even in such institutions as the Ministry of Justice and the Health and Labor Inspection Authority. In other words, the fundamental labor rights and the standards defined by RA's international obligations are also violated by those bodies that are empowered to protect such rights and ensure the rule of law. The state does not directly ensure the principle of independence of workers' representatives, which is established by law. At the same time, according to the data provided by the branch republican trade union uniting the employees of the state and municipal administration bodies of Armenia, almost half of the trade unions that are members of the republican trade union every year face one or another type of aforementioned obstacles and interventions by employers.

Complications Related to the State Registration of Trade Unions

Trade unions face certain difficulties during state registration and related processes. Every organization level trade union, regardless of its size, is required to register as a legal entity. According to the ILO Unification Committee, which is authorized to interpret the provisions of the Convention and adopt decisions on compliance with the Convention, the process of state registration of trade unions should be formal in nature, and the process should not be financially

3 A. Igityan, A. Barikyan, T. Nazaretyan, Freedom of Association and Social Partnership in the Republic of Armenia - Advisory Opinion (available at eu-armenia.am website)

costly and time-consuming, as this would limit the right to fully exercise freedom of association. (Compilation of decisions of the ILO Committee on Freedom of Association, latest electronic edition, bit.ly/e-compilation, items: 427, 430, 448, 463, 464). Despite this, in practice, strict and often unnecessary paperwork is required by the State Registry of Legal Entities when registering unions or registering changes to them. In particular, the agency imposes certain arbitrary requirements regarding wording, used terms and narrative forms in the minutes of trade union meetings, statutes, returning the documents to the trade union several times for corrections before registration finally takes place. Moreover, such requirements are not regulated in any way and reflect more the internal policies of the agency, contrary to what international norms prescribe - that trade unions should decide their own internal administration. Unlike the registration of for-profit companies, the registration of trade unions or the registration of changes takes 10 working days and requires a state fee of AMD 10,000. The latter can be a significant amount for a self-financing membership structure consisting of salaried individuals. The registration of trade unions, the registration of changes in its statute or the person in charge is still not possible electronically, and due to the workload in the State Registry Agency, the submission of documents for the mentioned functions takes too long. On average, the waiting time in the queue is 70 to 100 minutes.

The requirement to submit declarations regarding the real beneficiaries also created an additional administrative and financial burden on the trade unions, which, however, is meaningless in the case of a trade union. In fact, the data of the trade union president, already registered in the state register, is once again presented as the data of the real beneficiary, creating unnecessary complexity and cost for the trade union, as well as an additional burden for the state apparatus.

10. THE SITUATION RELATED TO SOCIAL DIALOGUE

The principle of social partnership is one of the cornerstones of democracy and effective public administration. Moreover, according to the definition of the International Labor Organization, the principle of social partnership is the willingness to consult, discuss and exchange information with social partners during decision-making and policy development. The principle of social partnership is established by the ILO Conventions, the UN Decent Work Agenda, Chapter 15 of the RA-EU Comprehensive and Enhanced Partnership Agreement. The principle of holding consultations with social partners during policy development is also stipulated in ILO Recommendation No. 113 "On Consultations at National and Branch Levels". At the national level, the principle of social dialogue implies the provision of discussions, consultations and negotiations with social partners in a tripartite format during the development and publication of normative legal acts related to a number of areas. For this purpose, for example, tripartite commissions or councils with appropriate powers and objectives have been established in European and a number of other states. In such tripartite bodies, representatives of governments as well as national level employers and trade unions are equally represented.

The right to collective bargaining between the trade union and the employer at the organization level is defined by the ILO Fundamental Convention No. 98. Despite the above, the state at the national and organizational levels still does not provide the principle of social dialogue either institutionally or practically. Legal acts that have a direct impact on the social, economic and other rights of workers are mostly adopted not only without tripartite social dialogue, but also without proper public discussion. Moreover, there is no tripartite social dialogue commission. During the last 14 years, republican collective agreements were signed several times between the Government, the Republican Union of Employers and the Confederation of Trade Unions, by which such a commission was established. However, at the moment, a similar agreement has not been signed, which means that social partnership at the national level is not only absent in practice, but also at de jure. At the organizational level, the state also does not ensure the right of the trade union to negotiate, because there is no obligation on the employer to negotiate with the trade union.

11. REFORMS OF LABOR LEGISLATION AND THE CEPA

The 2022 Amendments of the Labor Code

The process of reforms in the RA Labor Code started in 2022. The reforms were not initiated within the framework of CEPA implementation. According to the justification of the Government, the purpose of the reforms was to align the individual provisions of the RA Labor Code with the RA Constitution and the international obligations assumed by the Republic of Armenia, to eliminate certain legislative gaps and internal contradictions within the Code, to clarify a number of provisions that engender different perceptions. During the reforms, the Law of the Republic of Armenia "On Amendments to the Labor Code of the Republic of Armenia" was adopted on May 3, 2023. Some of the amendments entered into force on July 31, 2023, while the rest – on December 1, 2023.

From the study of the above-mentioned amendments, it can be concluded that, however, some amendments also derive from the provisions of the CEPA agreement. This is probably due to the fact that the CEPA provisions are largely based on the international labor standards of the ILO. For example, the content of the employment contract has been clarified and supplemented by amendments, bringing it into line with the regulations defined by CEPA with certain reservations. Maternity protection and collective labor rights during structural changes have also improved somewhat. Nevertheless, significant reforms are planned to be implemented by 2028, which are envisioned by CEPA obligations. At the same time, according to the information provided by the government representatives, a separate process of legislative approximations has not yet been planned within the framework of CEPA. Instead, the labor policy is planned to be reformed as necessary and expedient.

Healthy and Safe Work

Healthy and safe working conditions are also key among international labor standards and CEPA. International labor safety and health standards are defined by a number of documents of the International Labor Organization, in particular, ILO Convention

No. 155 “On Safety and Health at Work”, which has not yet been ratified by the Republic of Armenia. It should be noted that in 2022, following the International Labor Conference, the mentioned convention became fundamental, serving as an additional impetus for states to ratify it. However, even non-ratified states must submit implementation reports regarding the provisions of fundamental conventions. Annex VII of Chapter 15 “Employment, Social Policy and Equal Opportunities” of Part V “Other Cooperation Policies” of CEPA contains a number of EU Directives on “Health and Safety at Work” that require approximation, but unlike other Directives, no deadlines for approximation have been set. It is noted that these terms should be determined by the Partnership Council. The directives refer to ensuring the safety and health of workers at the workplace, preventing the risks of occupational diseases, taking measures by the employer to protect the health and safety of workers at the workplace, minimum requirements for ensuring safety and health at the workplace, implementing minimum requirements for ensuring the safety and health of workers on temporary or mobile construction platforms , on the personal protective equipment worn or used by the employee in order to protect himself/herself against hazards harmful to safety and health at the workplace, the obligation of the employer to install signs related to the safety and health of the workplace, on protecting employees from the dangers associated with exposure to carcinogenic or mutagenic substances, chemical, biological substances and physical exposure at the workplace, on minimum requirements for improving safety and health protection of workers in mining industries, etc.

There is still no wholistic and comprehensive national policy on healthy and safe work in Armenia. The state control function of the exercise of the right to have healthy and safe working conditions, guaranteed by the Constitution, is entrusted to the Health and Labor Inspection Authority of the Republic of Armenia (hereinafter, the Health and Labor Inspection Authority). Within its statutory framework, the inspection body has supervisory functions for only a narrow range of labor rights, besides, there are a number of legislative gaps that hinder the exercise of this right.

It should be noted that as a result of the legislative amendments of 2013, the powers and functions of the inspection body were significantly reduced, the extrajudicial powers granted to the inspection body before then were abolished, despite the fact that they had played an important role in the restoration of the violated rights of employees. The current definition of the functions of the inspection body also contradicts the ILO Convention No. 81 “On Inspection in Industry and Commerce”, which stipulates that the number of inspectors must be sufficient, and they must also have the right to enter the organization at any time without prior notice to the employer. Meanwhile, inspections are carried out pursuant to general procedure, in accordance with the RA

Law “On Organization and Conduct of Inspections”, that is, by notifying the employer in advance. Thus, there are no mechanisms for state control over the exercise of the given right, nor for the restoration of the violated rights of employees.

Major problems are also observed in the fields of agriculture and construction, including intoxication during the use of pesticides, short-term and long-term consequences of working under the scorching sun, up to cancer, mutilations during the use of agricultural machinery, loss of limbs, etc.

Issues Related to CEPA Implementation

CEPA Roadmaps and Other Procedures

On June 1, 2019, the RA Prime Minister adopted Decision N 666-L, which approved the CEPA implementation road map. The roadmap is a list of commitments included in the agreement. For each commitment a deadline for its implementation, the actions planned by the Government, the coordinating agencies, the deadline set by CEPA, as well as the necessary support from the EU and the expected results are indicated. The study of the road map does not give one a clear idea of the principle and criteria by which it was developed, and how preference was given to one or another of the provisions of the Agreement. The list includes individual CEPA articles and paragraphs thereof, as well as individual EU regulations in annexes, without their sequential classification. The commitments on the list are also not arranged according to the deadlines for their implementation set by CEPA. The first roadmap includes provisions contained in CEPA Part 2 articles on internal reforms, Part 3 chapters on justice, freedom and security, cooperation on migration, asylum and border management, movement of persons and readmission, Chapter 4 on taxation, Chapter 5 on transport, energy cooperation, environment and climate change, consumer protection, agriculture and development of rural communities. Moreover, for some areas, the road map includes declarative articles of CEPA or their parts, and for other areas, specific directives of the EU Council.

In 2021, the Prime Minister’s decision on the road map was amended by adding another annex entitled “Road Map and Action Plan”. It has the same structure as the first roadmap, but it includes other CEPA provisions. In particular, there are provisions related to labor law. Almost all EU directives contained in CEPA Annex 7 and subject to legislative approximation are included, but Articles 84 to 90 of the Agreement, as well as Articles 272 to 274, which also directly relate to labor and social policy, are not. Although the road map includes EU regulations on healthy and safe work, the deadline for their implementation has not been set, noting that it will be set by the RA-EU Partnership Council.

Thus, the two road maps approved by the decision N 666-L attempt at covering the broad areas of the CEPA agreement, but there are provisions that are left out. In general, when studying the road maps, it can be noticed that they were drawn up more in order to comply with the programs already adopted by the government and to somehow connect them with the Agreement. This is also evidenced by the simplicity of some planned actions regarding certain CEPA provisions or the less obvious connection between them. For example, in the first roadmap, quite a lot of attention is paid to CEPA's brief and declarative provisions on internal reforms and the rule of law, linking them to the reforms to be made in the Electoral Code or the creation of a police patrol service. The latter were the plans adopted by the government from 2019-2020, regardless of the circumstances of signing CEPA. In the second road map, the provisions of the education and research & innovatiion sphere and health care have received a lot of attention, connecting them with the currently wide-ranging educational, university, school and academic reforms, as well as the development of electronic health care and comprehensive health insurance. At the same time, the actions envisaged in the road map are often either simplistic, not related to real reform or action. Sometimes, the action planned by the government is the provision of the same CEPA, written in a slightly different way.

Despite the above-mentioned road maps, a proper, transparent and inclusive mechanism for the implementation and monitoring of the Agreement has not yet been established.

By the Prime Minister's decision N 906-A of July 2, 2018, an interdepartmental commission coordinating the implementation was established, which currently comprises the Deputy Prime Minister of the Republic of Armenia, the chairmen of the standing committees of the National Assembly of the Republic of Armenia, deputy ministers coordinating the sector and representatives of several other state departments. The commission organizes its work through sessions, which are convened no less than once every semester. At the same time, on June 1, 2019, the Prime Minister's decision N 666-L stipulates that the interdepartmental commission monitors the road map, and the relevant departments submit summary information to that commission within 10 days after the end of each quarter, regarding the completed and ongoing works.

The fact that the commission comprises only representatives of government agencies is not inclusive enough, given that it does not involve discussions with civil society and other stakeholders during the reforms related to the agreement, nor does it ensure transparency of reform implementation. In particular, the involvement of civil society

organizations in the commission will make the reform process more democratic and manageable. The representatives of the Civil Society Platform established by Article 366 of the ACE Agreement were also invited as observers to the interdepartmental commission held in 2023, but this was rather incidental and nor procedural in nature.

Currently, there is no systematic mechanism by which it is possible to fully monitor the agreement. The drafts of the normative legal acts, or their amendments and additions, which are developed for the purpose of fulfilling the obligations defined by CEPA, are usually accompanied by notes about this in the relevant justifications. Thus, one of the options to follow the reform process is to search for key words related to the EU-RA agreement in the draft agendas of the RA Government meetings on the unified website for the publication of draft legal acts (e-draft.am), as well as on the e-gov platform, and accordingly, identification of legislative drafts related to them.

Since the establishment of the Civil Society Platform under Article 366 of CEPA, the Platform has presented advisory opinions to the government on various fields, but the government's response cannot be considered constructive. They were accepted by the relevant departments as legislative proposals or criticisms, to which feedback was provided, often with the content of disagreeing with, denying, questioning the expediency of accepting them, making declarative reflections about them. Moreover, the Government's further actions regarding the advisory opinions are not known. Next, there has been no feedback at all from the Government regarding the new group of advisory opinions. The level of presence of government representatives during the public presentation of the mentioned opinions cannot be considered meaningful either.

The provisions of CEPA on employment and social policy are also closely related to the sustainable development goals of the United Nations, but here the state has also failed. By the Decision of the Prime Minister dated April 22, 2020, Sustainable Development Goals' Council was established for the implementation, monitoring and coordination of the sustainable development goals agenda, and the composition and working procedure of the Council were approved. On September 15, the Confederation of Trade Unions of Armenia was elected to the Council as a non-governmental organization operating in the field of labor, employment and poverty reduction. According to the above-mentioned decision, the Council organizes its work through meetings, which are convened at least once every quarter. However, four years later, in 2024 no meeting of the Council has been convened.

12. SUSTAINABLE ENTREPRENEURSHIP AND SUSTAINABLE EMPLOYMENT IN ARMENIA

In this section of the report, problems in several sectors of the economy in Armenia are discussed. These sectors include equipment manufacturing, pharmaceuticals, metallurgy (including metallurgy) and chemical industry, gold and diamond industry, light industry (textile, leather, food industry), as well as services, such as accounting, legal services, information technologies.

SME-Related Legislation and SME Perception in Armenia

The main problem of small and medium enterprises is their size. In countries where there is freedom of enterprise, small businesses constitute the majority of companies. They also typically provide the largest share of jobs. This is the situation in the RA as well.

On the other hand, small and medium enterprises (SMEs) are extremely vulnerable to any problem in the sphere of economy, which may be due to any circumstances, internal or external factors of the respective national economy.

The importance of the vulnerability of SMEs, especially small and micro enterprises, is the reason why the European Union has proclaimed and adopted the principle of "think small first". The application of that principle in the RA is somewhat supported by tax and business environment legislation and state policy, but the indicators of SME development, including their participation in terms of taxes paid to the state budget and GDP, remain low in RA.

There is a huge negative experience due to not following the principle of "think small first". The key issue here is assessing the impact of the regulations. Even in countries where regulatory impact assessment is mandatory, administrations tend to circumvent this obligation.

Indeed, the negative impact on SMEs is not always predictable, but more often than not, it is completely predictable. Moreover, very often through the lobbying

of interested parties (big businesses and their related officials), draft regulations against SMEs are tabled aiming to eliminate them from the market or prevent them from entering the market. Such actions should be countered drastically and without any compromise.

In order to successfully assess the impact of drafts on SMEs in the light of the "think small first" principle, it is necessary to rely not only on the good faith of the administration, but also on the need to mobilize the expertise of social partners (especially employers' unions and other organizations representing business interests), non-governmental organizations and the academic community. The key point here is mutual respect, trust and good faith between the parties.

Defining SMEs is an important issue. In the Republic of Armenia, the definition of SMEs must be be synchronized with the European definition, which is included in the RA Law on SMEs (the RA Law on State Support to Small and Medium Enterprises).

It can be strongly recommended to apply the broad definition of SMEs to also include medium-sized enterprises.

When defining and classifying SMEs in the RA, according to the Law on State Support to SMEs, various indicators are used, but the most frequently used mandatory among them are:

1) the number of employees;
2) the income received from the activity of the previous year;
3) the balance sheet value of assets by the end of the previous year.

In post-Soviet countries, including the Republic of Armenia, it is common to have enterprises with a large number of employees, often more than 200-250 people (inherited from the Soviet system), with relatively large fixed assets that include large land plots, basic and supporting production facilities and assets; and a large number of employees but with low annual financial turnover.

Such enterprises in post-totalitarian countries, including the countries of the post-Soviet area, should be treated as medium-sized enterprises, not large ones (as is the case in practice). It is wrong to treat them as large enterprises and to exclude them from any SME development and support tools and programs.

In the case of RA, we can advise with a clear conscience that any adequate and

reasonable form of support to small and medium-sized businesses is practically an investment in employment in the country, as well as in combating the demographic crisis. It helps to keep the workforce in the country.

A distinction must be made between policies to encourage and support small and medium enterprises and policies for new enterprises – the so-called “startups”. There is one important point of intersection here, which is the issue of registration of new enterprises. In the RA, registration restrictions have been substantially removed, but there are significant obstacles in the stages of starting business activities due to delays in issuance of various permits and the necessary decision-making processes.

Unfortunately, it is difficult to comment on the huge variety of poor practices that operate in Armenia to the detriment of small and medium businesses and entrepreneurship in general. They can be found in any direction.

Our recommendation is that where there is no question of control having a serious impact on tax collection, it is necessary to work to free small businesses from parasitic procedures that bring income only to those who exercise them.

It should also be noted that sometimes the administration allows itself to interpret some provisions in its own way and apply them with discretion. Sometimes there are even additional requirements, the so-called “invention”, which are not provided for by any relevant legal act. This practice, by the way, is very common with the so-called “transposition” of European legislation. In Europe, the administration calls this trend “gold.”

Another example of very bad practice that has caused significant damage is allowing hypermarkets/supermarkets to be built inside cities, not in their suburbs or figuratively speaking, “on the other side of the city ring road”. The entry of hypermarkets/supermarkets and big “discounts” into the city and even in their central parts led to heavy losses for small businesses, including closure of a significant part of small shops. At the same time, it gave a sense of invulnerability to the large retail chains, who allowed themselves to use extremely bad practices against their manufacturers and suppliers, whose products are to be sold in their chains.

Unfortunately, volumes could be written describing bad practices that harm the interests of small and medium-sized businesses. In conclusion, the need to follow the principle “think small first” needs to be adhered to.

Summary

There are problems in the RA economy that have not been resolved for many years: imperfect legislation, policies aimed at punishing and fining enterprises, rather than helping them to organize and control the efficiency of business activities, little or zero advisory activity by government agencies, cumbersome import and export administration and customs processes, an underdeveloped state education system out of touch with business needs (etc., etc.). And by their very nature, these systemic issues are so dominant that they hold back businesses, maintaining industry-specific development issues.

This shows that only by effectively resolving these systemic problems, the government will be able to advance the development of all sectors of the economy.

But resolving systemic problems is the technical part of development. In terms of content, the state should have a concept of the development of the RA economy and industrial development priorities, that is, which branch/branches can unite and connect several sectors of the economy and push and develop other sectors in cooperation. It implies having branches of the industrial championship and framing the development approach around them in such a way that it necessarily involves other related branches. That is, strategies should be developed not specifically for a specific sector, but with a vision to expand the network of cooperation with that sector and other branches of industry.

In Armenia, such key sectors are food security (RUEA and WFP 2020a, 2020b), high technology and engineering, chemistry and pharmaceuticals. Since these sectors include almost all branches of industry in their value chain, the development of these sectors as sectors of systemic importance will bring together other sectors of the economy and help them develop. Therefore, the strategies should have an approach for cooperative and systemic connection both in the field of economy and education, and in the fields of foreign policy and foreign diplomacy (economic diplomacy).

13. EMPLOYMENT – EDUCATION

The 6th priority of the EU-Armenia "Comprehensive and Enhanced Partnership Agreement" (CEPA) in Armenia is "Education, training and youth issues" (Articles 94-95). The direction selected for monitoring under the 6th target area of the project is the connection between education and labor market in the context of economic and employment development.

The number of educational institutions and the list of professions are changing due to the new demands of the market, the requirements for the professions are also changing, the number of those gaining admission to and graduating from education establishments, but this does not give a real picture of the demands in the labor market.

It has already become imperative to review the existing professions, to import innovative professions required for the development of the economy driven by new technologies, especially for increasing productivity, the development of the green economy, the formation and development of the energy-saving and circular economy, the effective organization and management of logistics processes, as well as to review and upgrade the taught professions and qualifications.

Higher Education

The development of the higher education sector is also closely related to the development strategy and priorities of the state.

In the new circumstances, the creation of an inclusive, student-centered innovative educational environment, the development and introduction of new professions and educational programs in accordance with the demands of the labor market, the increase of the efficiency of higher education, the effective use and continuous development of the e-management system and e-learning tools, the continuous development of the content of education will be key in the field of higher education, modernization, development and enlargement of teachers' capacities and necessary infrastructures for the purpose of deciphering learning-production centers, as well as strengthening the connection between "education-science-labour market".

14. EFFECTIVENESS OF THE INDUSTRIAL DEVELOPMENT STRATEGY

The analysis of official information sources shows that there is no single integrated concept and development strategy of industrial development in the RA. With a separate research within the framework of the Platform, it was revealed where the RA government made omissions within the framework of fulfilling the requirements of the provisions mentioned in the annex of the EU-Armenia Comprehensive and Enhanced Partnership Agreement, and accordingly formulated the fundamental directions of the development of the industry, which can be included in the future concept for the next 3-5 years, as well as formulate its structure (the main skeleton). According to the identified problems and conducted in-depth interviews, the following conclusions were formulated for the future concept.

The concept should include:

- Possibility of stable and effective work,
- Contribute to the development of related branches, horizontal and vertical connections,
- Contribute to the expansion of integration and cooperation with international cooperation systems, taking into account the state's contractual arrangements and obligations within the World Trade Organization (WTO), EU-Armenia CEPA and other frameworks,
- Contribute to the increase of labor productivity and labor force employment in the market.

The assessment of the situation shows that the private sector does not want to invest in the above-mentioned directions, assessing the risk as high (in some cases insurmountable), despite accepting their relevance. Therefore, it should be implemented with state support.

The exception is "pharmaceuticals", where there are already potential investors, business plans in progress, preliminary design works carried out in accordance with the EU standards. Here there is a need for the support of the state in terms of international certification. We are talking about organizational, administrative

and financial support, preferential grants, which will undoubtedly contribute to the reduction of risks, increase of trust towards and the role of the state.

The situation in the field of space studies is interesting. The private investor established assets, created the “Armenian Aerospace Agency”, received an offer of cooperation with a similar Austrian agency within the framework of the Mars exploration program. Investors interested in investing in equity capital have been found. The participation of the state in these works is appropriate, not necessarily with financial resources. However, the State as represented by the authorized body, refuses to cooperate with the above-mentioned company, claiming that this sector is a state monopoly, pushing the matter into a “bureaucratic impasse”, not having its own concept. This is one vivid example of obstruction of reforms, complete lack of knowledge about the practices of similar structures in developed countries.

As regards the aforementioned branches (chemistry, precision engineering, radio-electronics, non-metal minerals), the role of the state in these fields is decisive. At the initial stage, the State should financially support business plans, design-research works, and establish joint-stock companies, with a view to later releasing their securities for free sale on the stock exchanges. The experience of the past “heavy” legacy in the business environment and the current state of the RA industry led to this not simple solution.

In case of acceptance of this concept, it will be necessary to start forming the necessary implementation mechanisms implementation. The main mechanism is considered to be the formation of an authorized unified state body, under which special structures will be created, which will be endowed with classic European management functions. The Ministry of Economy can act as such a body.

The total volume of investments is estimated at 350 million. USD: for 3-4 years, of which:

- 150 million. US dollars in the field of chemistry,
- 100 million. USD for precision engineering.
- 50-70 million. USD in the field of non-metallic mineral processing.

The evaluation of investmentin chemistry was carried out by a well-known American (Kellog Brown & Root Inc.) engineering-consulting company, and in terms of mechanical engineering, cooperation has been achieved with a number of Italian and Austrian companies, in particular the Italian FAAM, the company of energy accumulators. It is important to note that the proposed business models do not imply

direct tax benefits and preferences. The State independently regulates the problems and possible regulations for the use of chemical fertilizers in the agro-industrial complex. The current incentive mechanisms are ineffective.

There is a process of digitization of the economy in the Ministry of High-Tech Industry (HIIT), which cannot be assessed as unsuccessful and there is a possibility of cooperation in the mentioned fields within the framework of public-private sector (PPP). It should be noted that the RA has adopted a law on foundations with state participation, but the lack of normative regulations, in particular regarding the division of powers, risks and responsibilities, regulation of the format of cooperation, makes this law non-applicable. It is necessary to regulate these issues in 2024.

15. FOOD SECURITY IN THE CONTEXT OF ECONOMIC DEVELOPMENT AND ADAPTABILITY TO CLIMATE CHANGE IN ARMENIA

In this section of the report, reference is made to the priority of ensuring food security in the Republic of Armenia, the situation of the main components thereof, and to assess the effectiveness of state measures implemented from the perspective of adaptation to climate change. There is also a need to study the current legislative framework and the existence of other norms, as well as the main directions of the new food security strategy, the existing action plan and evaluate their effectiveness under the requirements of the relevant articles of the CEPA and the sustainable development goals. In addition to this, there is a need to understand the existing controversies between the CEPA, the UN Sustainable Development Goals and the RA legislation. The goal was also to evaluate the role of the private sector from the point of view of ensuring food security, in the context of adaptation to climate change, to identify the causes of difficulties in ensuring food security. Also, study the role and participation of the expert sector in the decision-making process aimed at ensuring food security. The international vest practices of adaptation of the economy to the climate, effective agrarian policies and practices, as well as the climate change risks, vulnerabilities, institutional gaps in Armenia from the point of view of plant cultivation and animal husbandry, and the suggestions developed by the expert community for their improvement were anaylised. In additionto this and in order to take into account the position and assessments of the expert sector, a survey was conducted among the most prominent representatives of the sector. In particular, the work took into account the results of interviews with business associations and the Republican Union of Employers of Armenia (RUE), analytical centers, educational institutions YSU, European University, as well as employers.

Reference was made to the vulnerability and adaptation possibilities of agriculture in the context of climate change, especially the vulnerability to dangerous hydro-meteorological phenomena according to the regions of the Republic of Armenia.

Studies show that reducing and managing climate change risks requires minimizing exposure and vulnerability while building resilience and capacity. There is no comprehensive document related to disasters related to agriculture in Armenia, and such a strategy is needed to properly assess the impact of disasters and develop policies for disaster risk reduction and mitigation. That document also suggested implementing a multi-hazard and multi-faceted systemic risk management approach for disaster risk prediction, prevention, preparation and response in the sector.

The report presented the state's agrarian policies, their effectiveness from the point of view of adapting to climate change, and the compliance of legislation with local and international challenges. The Republic of Armenia, as a developing country, is not included in the United Nations Framework Convention on Climate Change (UNFCCC) and has no obligations to reduce greenhouse gas emissions. At the same time, reaffirming its global efforts to combat climate change, Armenia ratified the Paris Agreement, the Doha Amendment to the Kyoto Protocol, and presented its "National Targeted Actions/Investments".

The 2020-2030 strategy outlining the main directions ensuring the economic development of the RA agricultural sector is based on seven main principles, including adaptation to climate change, resilience and environmental sustainability.
Provisions related to labor and social rights and equal opportunities are also stipulated in CEPA. Such are prescribed by CEPA Articles 4, 15, 51, 52, 54, 140, 279, Article 140, Article 279, Articles 140 and 279, stressing the importance of ensuring food security, the parties also specifically address the issues of climate change adaptation.

Food security is important both at international and the national levels. In order to ensure the food security system, many legal acts have been adopted, which have been carefully studied from the point of view of assessing the possibilities of ensuring food security.

The advisory opinion developed within the Platform contains a number of conclusions to support the RA Government tin making the process of ensuring food security more effective in the context of climate change adaptation, especially in accordance with the requirements and principles of the CEPA.

ANNEX

The Experts and the Advisory Opinions Developed in the framework of the Activities of the EU-Armenia Civil Society Platform

ADVISORY OPINION ON THE LEGISLATIVE INITIATIVE REGULATING THE PROBATION SERVICE
Marat Atovmyan
Legal expert, Armenian Lawyers' Association

THE PROBLEMS OF IMPLEMENTATION OF THE RIGHT TO HAVE HEALTHY AND SAFE WORKING CONDITIONS AND THE APPROACH OF THE RA LEGISLATION TO THE PROVISIONS OF THE COMPREHENSIVE AND ENHANCED PARTNERSHIP AGREEMENT
Anna Barikyan, Tiruhi Nazaretyan
Member of the EU-Armenian Civil Society Platform, Confederation of the Trade Unions of Armenia

PROBLEMS OF AUTHORIZED REPRESENTATION OF WORKERS
Anna Barikyan, Tiruhi Nazaretyan
Member of the EU-Armenian Civil Society Platform, Confederation of the Trade Unions of Armenia

FREEDOM OF ASSOCIATION AND SOCIAL PARTNERSHIP IN THE REPUBLIC OF ARMENIA
Anna Barikyan, Arsen Igityan, Tiruhi Nazaretyan
Representatives of Confederation of the Trade Unions of Armenia

RELATIONSHIP BETWEEN EMPLOYMENT AND EDUCATION IN THE CONTEXT OF THE COMPREHENSIVE AND EXTENDED PARTNERSHIP AGREEMENT.
Suren Chibukhchyan
Candidate of sciences, president of “Armenpak” business association, Vice-President of the Republican Union of Employers

VISA FACILITATION, VISA LIBERALISATION AND READMISSION
Stepan Grigoryan
President of the “Analitical Center for Globalization and Regional Cooperation” NGO

THE PROGRESS OF CEPA IMPLEMENTATION IN THE ARE OF THE JUSTICE SECTOR REFORMS
Hasmik Harutyunyan
Legal Expert, “Protection of Rights without Borders” NGO

THE NEED FOR REFORMS IN THE LABOR LEGISLATION ARISING FROM THE REQUIREMENTS OF THE LABOR
Arsen Igityan, Anna Barikyan
Member of the EU-Armenia Civil Society Platform, Confederation of Trade Unions of Armenia

POLICE REFORMS IN THE CONTEXT OF THE IMPLEMENTATION OF THE ACA
Daniel Ioannisyan
Coordinator of Programmes with the “Union of Informed Citizens” NGO

SUSTAINABLE ENTREPRENEURSHIP AND SUSTAINABLE EMPLOYMENT IN RA
Gagik Makaryan
President of the Republican Union of Employers

EROSION OF EDUCATION EQUITY AND VIOLATION OF THE RIGHT TO EDUCATION DUE TO INTEGRITY DEFICIT OF THE EDUCATION SYSTEM IN ARMENIA
Larisa Minasyan
Independent Expert

FOOD SECURITY OF THE REPUBLIC OF ARMENIA IN THE CONTEXT OF ECONOMIC DEVELOPMENT, IMPROVEMENT OF SOCIAL WELFARE, DEEPER INTEGRATION WITH THE EU AND RESISTANCE TO CLIMATE CHANGE
Karen Mkhitaryan
Independent Expert

EFFECTIVENESS OF THE ARMENIAN INDUSTRIAL
DEVELOPMENT STRATEGY IN THE REPUBLIC OF ARMENIA
Ashot Safaryan
*Expert, chairman of the Technical Council under the RA
Ministry of High-Tech Industry*

A STUDY OF INTERNATIONAL AND ARMENIAN LEGISLATION
AND PRACTICE ON ANTI-CORRUPTION EDUCATION AND CONFLICT
OF INTEREST IN THE LIGHT OF THE COMMITMENTS UNDER CEPA
Suzanna Soghomonyan, Mariam Zadoyan
Anti-corruption experts, Armenian Lawyers' Association

COOPERATION BETWEEN THE STATE, CIVIL SOCIETY
AND INTERNATIONAL PARTNERS
Syuzanna Soghomonyan
Expert, Armenian Lawyers' Association