CEPA

EU–ARMENIA
CIVIL SOCIETY PLATFORM

REPORT

ON THE IMPLEMENTATION OF THE COMPREHENSIVE AND ENHANCED PARTNERSHIP AGREEMENT IN 2024

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ACKNOWLEDGEMENTS

The EU-Armenia Civil Society Platform expresses its gratitude to all its members who contributed to the institutional strengthening of the Platform in 2024 as a body envisaged under CEPA. At present, the Platform is a self-sufficient, independent and professional institution and has its stable place among other bodies envisaged under CEPA.

We are also grateful to all those representatives of the RA state bodies and civil society structures who contributed to the European Union-Armenia cooperation with their research, suggestions and participation in discussions.

We express our special gratitude to the Platform members and invited experts who conducted research within the framework of the EU-Armenia Civil Society Platform, and whose findings and assessments are summarised in this Report.

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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 activities of the EU-Armenia Civil Society Platform in 2024, being the second comprehensive report of this platform on the monitoring of the implementation of CEPA since its existence.

The present Report summarises the findings of the Members of the Platform and invited experts on the progress of CEPA implementation. It reflects an assessment of the current situation and challenges in CEPA implementation in a number of areas and contains recommendations on how to improve the situation. The current Report, for its most part, summarizes the assessment of the progress of CEPA implementation by December 31, 2024.

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 mentioned period of their activity, on which the findings 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.

According to the 2025 Freedom House Report, Armenia continues to be ranked among partially free countries, scoring 54 points[1] out of possible 100. In the 2024 Freedom House Report, Armenia too had the same score[2].

1 https://freedomhouse.org/country/armenia/freedom-world/2025
2 https://freedomhouse.org/country/armenia/nations-transit/2024

Rule of law continues to be a matter of concern both in this year's Report and in the previous one, , scoring 1 point out of maximum of 4, which is largely related to the independence of the judiciary.

In this regard, it should be noted that despite the implemented and ongoing reforms and, accordingly, the corresponding strategic programs, the independence of the judiciary, the protection of human rights, the fight against corruption and a number of other important areas continue to remain problematic in the Republic of Armenia. Moreover, stagnation of the reform process has also been observed recently.

Civil society views the EU-Armenia comprehensive cooperation, including CEPA+ and the visa liberalization dialogue, as an important opportunity to ensure the progress of internal reforms, which in turn requires the will and efficienxy of the relevant state institutions, as well as support from civil society and international partner institutions.

At the same time, it should also be noted that in recent years Armenia has been seriously and negatively affected by the military pressure of Azerbaijan. Moreover, in September 2023, when the Azerbaijani armed forces established full control over the territory of Nagorno-Karabakh, almost the entire ethnic Armenian population was subjected to ethnic cleansing and had to resettle in the Republic of Armenia, which has created new challenges for the country.

As a summary of this Foreword, we consider it necessary to emphasize that while there is understanding among the state institutions of the Republic of Armenia that CEPA implementation is not the same as the implementation of the two roadmaps for CEPA implementation adopted by the Government so far, and that the latter need to be updated, the process of updating of the said roadmaps has not been completed until today. The Platform expresses hope that this updating will be completed within the shortest possible timeframe and in close consultation with the Platform.

1.
JUDICIAL INDEPENDENCE AND THE PROGRESS OF JUDICIAL REFORM

HASMIK HARUTYUNYAN,
"Protection of Rights without Borders" NGO, Lawyer

The implementation of the Strategy for Judicial and Legal Reforms of the Republic of Armenia for 2022-2026 (hereinafter referred to as the Strategy) and the action plan arising from it, approved by Government Decision No. 1133-L of July 21, 2022, is still in progress.

According to the annual report published by the Ministry of Justice of the Republic of Armenia, of the 12 goals set out in the Action Plan 4 goals envisaging 14 actions were subject to implementation during 2024, of which 4 were implemented, 7 were not implemented, and 3 were partially implemented[3].

The report also states that the electronic module for civil cases of the "Electronic Court" system (cabinet.armlex.am) was launched on February 1, 2024. The system allows civil proceedings to be conducted electronically, from the initiation of a lawsuit to the publication of a final judicial act and the issuance of a writ of execution. After the introduction and launch of the system, about 15,000 electronic cases were entered electronically during 2024 and about 5,000 judicial acts were adopted.

During 2024, works under phase 3 of the contract to implement the electronic module for administrative cases of the "Electronic Court" system, including trainings of beneficiaries, as well as pilot launch of the system, started. During 2024, the new electronic system of the Compulsory Enforcement Service (https://cabinet.harkadir.am/) was introduced and launched, thanks to which the tools for electronic notifications in enforcement proceedings were improved and

3 https://www.datairav.am/report/annual Annual reports

expanded, and the period of document circulation with other departments was reduced. According to the report, the launch of the system ensured access to information and documents related to enforcement proceedings for the parties to such proceedings and expanded the scope of enforcement actions performed electronically.

The presented actions and the recorded results are assessed positively. At the same time, however, it should be noted that the results of these changes in practice and, accordingly, their efficiency have not yet been assessed, which requires continuous monitoring by civil society actors in particular and the submission of proposals and additions to increase the efficiency of the steps taken by the Government of the Republic of Armenia.

Speaking of the judiciary, we need to be reminded that in November 2024, the head of the Supreme Judicial Council (SJC) resigned at the request of the Prime Minister, along with five other high-ranking officials, which raises serious concerns about the independence of the judiciary.
In order to ensure the continuity of judicial reforms during 2024, in addition to the actions under the strategy, other legislative amendments were also initiated.

EVALUATION OF JUDGES

- According to Article 136 of the Judicial Code of the Republic of Armenia,
- The purpose of the performance evaluation of a judge is:
- 1) to contribute to the selection of the best candidates when compiling lists of judicial candidates for promotion.
- 2) to contribute to the selection of training directions for judges.
- 3) to identify ways to improve the efficiency of the work of a judge.
- 4) to contribute to the self-improvement of a judge.
- 5) to contribute to the improvement of the efficiency of the court's activities.

According to the current regulations, the General Assembly of Judges elects the Committee for Ethics and Disciplinary Issues, the Committee for the Performance Evaluation of Judges, and the Committee for Educational Issues. The power to evaluate the performance of judges belongs to the Performance Evaluation Committee.

The Committee for the Performance Evaluation of Judges consists of five members, three of whom are judicial members, while two are legal scholars. One of the judicial members is elected from among the judges of the Court of Cassation, one from among the judges of the courts of appeal, and one from among the first-instance courts. That is, under the current procedure, judges constitute the majority in the members of the Committee.

Article 137 of the Judicial Code defines the types of evaluation, according to which a judge's performance is subject to regular evaluation once every four years, and extraordinary evaluations on the initiative of the judge or in cases specified by the Code.

Perhaps the most problematic issue related to evaluation is the criteria used as the basis for evaluation.
These criteria and evaluation methodology have been established by the Supreme Judicial Council, which include:

- Quality of work of the judge and verification of professionalism:
  - Ability to substantiate the judicial act
  - Ability to manage the court session and conduct it in accordance with the procedure established by law
- Efficiency of the judge's work
  - Ability to efficiently manage workload and plan work
  - Examining cases and issuing judicial acts within a reasonable time
  - Adherence by the judge to the deadlines established by law for performing individual procedural actions
  - Ability to ensure effective working environment
- Assessment of the ethics and code of conduct of the judge:
  - Adherence to the rules of conduct and ethics
  - Contribution to the public perception of the court and trust in the court
  - Attitude towards other judges and court staff

However, these standards raise issues in practical interpretation and application, including the availability of the relevant data, clarity of data collection methods, lack of electronic tools, gaps in the guidelines underlying the standards, and a number of other circumstances.

In 2024, discussions started regarding changes to the procedure, body, and standards for evaluation of judicial performance, as a result of which a package of legislative amendments was developed by a working group formed by the Supreme Judicial Council of the Republic of Armenia and the Judicial Department[4]. The mentioned packahe envisaged a systemic change in the evaluation model, which included, first of all, a new model and composition of the evaluation body. In particular, according to that draft, the newly formed Commission for the Evaluation of Judicial Performance was to be composed of 25 members, of which ten judges were to be elected by the General Assembly, five legal scholars were to be nominated by higher education institutions, five lawyers were to be nominated by non-governmental organizations, and five legal scholars were to be nominated by the Judicial Department.

It was also proposed to reduce the frequency of evaluation, namely, the activities of a judge with at least two years of professional experience as judge will be subject to evaluation once in two years.

A change was also envisaged in relation to the evaluation criteria and consequences. It should be noted, however, that the draft was not approved and adopted as a result of discussions with civil society and judges. Both the frequency of evaluation and the composition of the new evaluation body were considered problematic. The proposed amendments were also submitted to the Venice Commission for opinion, following which the draft legislative amendments were revised[5].

Currently, a new revised draft has been submitted for discussion by the Ministry of Justice of the Republic of Armenia, which is still at the stage of discussions[6].

DISCIPLINARY LIABILITY OF JUDGES

One of the most important issues related to the independence of judges concerns the institution of disciplinary liability of judges.

The latter has always been in the spotlight not only in the previous year, but also in recent years and has been accompanied by a number of problems, which is especially due to the manifestations of practice and the proceedings initiated.

4 https://news.am/arm/news/822982.html
5 https://www.moj.am/article/4148
6 https://www.e-draft.am/projects/8620

In recent years, the issue of bodies authorized to initiate disciplinary proceedings has received greater attention. Thus, according to the Judicial Code, such authority belongs to:

1) The Commission for Ethics and Disciplinary Issues.
2) The Authorized Body as represented by the Ministry of Justice of the Republic of Armenia.
3) The Corruption Prevention Commission - in cases provided for by law.

In 2020, 13 motions were submitted by the Ministry of Justice, and 5 motions by the Ethics and Disciplinary Commission of the General Assembly of Judges. The picture was similar in 2021: the number of initiated proceedings has increased, and again the majority of the motions – 18 - was submitted by the Ministry of Justice, while the number of motions submitted by the Ethics and Disciplinary Commission was 6, and the number of motions submitted by the Corruption Prevention Committee was 4[7].

In 2022, 18 motions to initiate proceedings were submitted by the Ministry of Justice, 5 by the Ethics and Disciplinary Commission, and 1 motion by the Corruption Prevention Committee[8].

During 2023, the Ethics and Disciplinary Commission received approximately 288 reports on alleged disciplinary violations by judges. During the specified period, the Commission initiated 13 proceedings, 3 of which were initiated based on reports received during 2022, and 1 based on a media publication of a disciplinary violation. Within the framework of the 2 disciplinary proceedings, it was decided to apply to the Supreme Judicial Council with a motion to subject a judge to disciplinary liability[9].

During 2023, the Ministry of Justice received 487 reports on the initiation of disciplinary proceedings against a judge. During 2023, 14 disciplinary proceedings

7 https://iravaban.net/405356.html
8 https://court.am/storage/uploads/files/news/_%D4%B7%D5%A9%D5%AB%D5%AF%D5%A1%D5%B5%D5%AB%20%D6%87%20%D5%AF%D5%A1%D6%80%D5%A3%D5%A1%D5%BA%D5%A1%D5%B0%D5%A1%D5%AF%D5%A1%D5%B6%20%D5%B0%D5%-A1%D6%80%D6%81%D5%A5%D6%80%D5%AB%20%D5%B0%D5%A1%D5%B6%D5%B1%D5%B6%D5%A1%D5%AA%D5%B8%D5%B2%D5%B8%D5%BE.pd
9 https://prwb.am/wp-content/uploads/2023/09/%D4%B4%D5%A1%D5%BF%D5%A1%D5%BE%D5%B8%D6%80%D5%B6%D5%A5%D6%80%D5%AB-%D5%AF%D5%A1%D6%80%D5%A3%D5%A1%D5%BA%D5%A1%D5%B0%D5%A1%D5%AF%D5%A1%D5%B6-%D5%BA%D5%A1%D5%BF%D5%A1%D5%BD%D5%AD%D5%A1%D5%B6%D5%A1%D5%BF%D5%BE%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%A6%D5%A5%D5%AF%D5%B8%D6%82%D5%B5%D6%81-1.pdf

were initiated against judges in accordance with Article 146, Para 1, Clause 1 of the Constitutional Law "Judicial Code of the Republic of Armenia", of which 8 motions were submitted to the Supreme Judicial Council for the purpose of subjecting judges to disciplinary liability[10].

During the same period, in 2023, the Corruption Prevention Commission did not initiate proceedings, but received 9 applications for subjecting judges to disciplinary liability, which it forwarded to the Ethics and Disciplinary Commission[11]. A similar picture was also recorded in 2024, again with proceedings initiated by the Ministry of Justice prevailing, which give rise to a number of questions.

Another issue related to disciplinary proceedings concerns the proportionality of decisions made by the Council.

Thus, in 2023, a number of cases of termination of the powers of judges were recorded in disciplinary liability cases, in which the measure of liability determined by the Council, and in particular its proportionality, was problematic. For example, in two cases of termination of the powers of judges, the basis for initiating proceedings was the expression of a public opinion. Moreover, a decision has already been made by the Constitutional Court on the basis of a Constitutional complaint filed in one of these cases, recording a number of important violations[12]. Similar problematic cases were also recorded in 2024, as a result of which the Supreme Judicial Council adopted a decision to terminate the powers of the judge, which, however, raise questions about both the legality of the initiation and the proportionality of the chosen measure. It is noteworthy that in one of these cases, the Constitutional Court again noted important legislative issues[13].
Taking into account the existing problems, as well as the actions envisaged by the

10 Data received from the RA Judicial Department in response to Request for Information.

11 Response to Information Request, Corruption Prevention Commission, 01/07/2024, Letter 01/2029-2024

12 ON BEHALF OF THE REPUBLIC OF ARMENIA, THE DECISION OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE APPLICATION OF DAVID HARUTYUNYAN, REGARDING ARTICLE 101, PART 1, POINT 2 OF THE CODE OF ADMINISTRATIVE PROCEDURE OF THE REPUBLIC OF ARMENIA AND ARTICLE 90, PARA 6 OF THE CONSTITUTIONAL LAW ON THE "JUDICIAL CODE OF THE REPUBLIC OF ARMENIA", TAKING INTO ACCOUNT THE INTERPRETATIONS GIVEN TO THE MENTIONED PROVISIONS IN LEGAL PRACTICE, ON DETERMINING THE QUESTION OF COMPLIANCE WITH THE CONSTITUTION, May 21, 2024

13 https://concourt.am/decision/decisions/680b69ec8defa_sdv-1780.pdf?fbclid=IwY2xjawKEZ0tleHRuA2FlbQIxMABicmlkETE0a0VHNHpKTnFJVE5VcGlUAR5SUL4rrr9aqsc6LOSKH3uYOAhDppZmWTdeTntVbWx6ZLzgknDnn5hmX_s0XA_aem_QIIvh0aOozeXaw-ISB2yYg

Judicial and Legal Reform Strategy, in 2023, the amendments initiated by the Ministry of Justice of the Republic of Armenia envisage increasing the composition of the Commission for Ethics and Disciplinary Issues of Judges to 11, with the number of non-judicial members reaching 5[14]. These amendments have not been adopted yet, and the composition of the Commission is still unchanged. The Strategy also envisages the legal possibility of appealing the decisions of the Supreme Judicial Council on disciplinary cases, which again, despite long discussions and legislative provisions, has not been implemented by the Supreme Judicial Council to date and judges are in fact deprived of the opportunity to appeal the decisions of the Council.

Monitoring and studies conducted by sectoral structures on the disciplinary responsibility of judges have revealed the following issues in this regard:

- The non-publicity of the initiation stage of proceedings, including applications submitted to the bodies authorized to initiate proceedings, decisions made on them, including not to initiate proceedings, to terminate the initiated proceedings, and motions submitted by these bodies to the Council, remain a concern.

- Speaking of the initiation of proceedings, another concern relates to the proceedings initiated by the Minister of Justice based on the study of ECtHR judgments. In particular, it is not clear on what criteria and procedure the initiation of disciplinary proceedings based on violations of ECtHR judicial acts takes place.

- The practice of initiating proceedings on the basis of violation of procedural deadlines continues to be of concern. Although violations of procedural deadlines are truly problematic and unacceptable, at the same time, such violations highlight systemic problems of the workload of judges, which first of all require complex measures, and not just the application of punitive policy towards judges. Especially in the case when it is not clear on what basis proceedings are initiated against judges, since the issue of observing procedural deadlines and examining cases within reasonable time limits is one of the most serious challenges of the RA justice system.

- The study also shows that sometimes the grunds of initiated proceedings touch upon more profound problems of the legal sphere and, in particular, practice,

14 Constitutional Law of the Republic of Armenia On Amendments to the Constitutional Law "Judicial Code of the Republic of Armenia", , https://www.e-draft.am/en/projects/5955

which require a comprehensive study of the sphere and a review of both legislation and practice.

- The qualification of the act by the Council, the reasoning on the form of guilt and the chosen measure of responsibility, also continues to be problematic. The issue of the justification and proportionality of the judge's choice of a specific type of disciplinary penalty for a violation remains problematic, as the reasoning provided in the decisions are insufficient or absent altogether[15].

RECOMMENDATIONS

- The Ministry of Justice of the Republic of Armenia and the Government of the Republic of Armenia should ensure the continuous and effective implementation of the measures stemming from the Judicial and Legal Reforms Strategy and its Action Plan, and to make this process more transparent and participatory.
- The Supreme Judicial Council should guarantee the proper substantiation of the Council's decisions, in particular, to present clear and sufficient reasoning and justifications regarding the qualification of the judge's act, the form of guilt, as well as the proportionality of the type of disciplinary penalty applied to him.
- The Ministry of Justice of the Republic of Armenia should ensure a unified practice of initiating disciplinary proceedings, to ensure a unified practice also in relation to proceedings initiated on the basis of examining the act adopted by the ECHR and detecting an act containing elements of a manifest disciplinary violation.
- The Ministry of Justice of the Republic of Armenia and the National Assembly should ensure an increase in the number of non-judicial members in the Ethics and Disciplinary Commission of the General Assembly of Judges and an objective and transparent procedure for their election. To introduce an effective mechanism for appealing judicial acts of the Supreme Judicial Council.

15 https://prwb.am/

2.
HUMAN RIGHTS VIOLATIONS BY THE POLICE

HASMIK HARUTYUNYAN,
"Protection of Rights without Borders" NGO, Lawyer

There are serious concerns regarding the effectiveness of the implementation of the National Human Rights Protection Strategy and its Action Plan for 2023-2025. The majority of the Action Plan consists of awareness-raising and capacity-building measures in the form of needs assessments and analyses, which are sometimes superficial and insufficient to prevent or address the ongoing human rights violations, such as deaths in non-combat situations in the armed forces, as well as to prevent ill-treatment by the police. In particular, with regard to the latter, there is a wealth of public data and cases that show a growing trend in ill-treatment by the police, both in police stations and vehicles, as well as during mass rallies and demonstrations.

Lack of accountability and impunity are key issues in relation to police abuse. Despite the initiation of several criminal cases in recent years regarding cases of police violence, the overall response of the law enforcement system remains inadequate.

Since April of last year, a number of demonstrations and rallies have taken place in Armenia, related to the plans of the RA Government to hand over territory to Azerbaijan as a result of the border demarcation process with Azerbaijan. On June 12, serious clashes occurred between the police and protesters near the building of the National Assembly when Pashinyan was addressing the MPs. As recorded by the human rights organization Freedom House, the police used powerful sound and light grenades in an unprecedented manner that day, as a result of which more than 100 people hot injured. The same number of people were arrested.

The clashes on June 12 and the violations recorded as a result of the use of force

by the police were also included in a report produced by Amnesty International. In particular, according to the report, the police repeatedly used unlawful force against demonstrators during protests demanding the resignation of the Prime Minister of Armenia Nikol Pashinyan in April and May. On June 12, clashes broke out in the center of the Armenian capital Yerevan between the police and the protesters against the border demarcation regulations. About 101 people were injured, including 17 police officers, and 98 were reportedly arrested. At least 15 people were charged with hooliganism and public order violations. After the proportionality and legality of the police response was investigated, no law enforcement officers was held accountable[16].

As reported by human rights organizations and the media, in 2024, actions in the context of the "Fight against drugs" were also recorded, which were accompanied by cases of physical and psychological violence against club staff and visitors. A number of victims reported serious violations of their procedural and substantive rights during these actions[17].

On April 17, 2024, another problematic case was recorded, when S. V. was arrested on charges of hooliganism after a clash with Hakob Aslanyan, an MP elected from the ruling party, on a bus. According to S. V.'s lawyers, masked individuals beat him while he was being escorted to the detention center by two police officers[18]. A criminal case was opened on the basis of a report by the NGO "Protection of Rights Without Borders", but to date no one has been held accountable for the violence and abuse against S. V. It is noteworthy, however, that S. V. was found guilty of hooliganism, but the case of humiliation against him has not yet yielded any results.[19].

Another problematic incident occurred during the May 27, 2024 demonstration,

16 https://freedomhouse.org/country/armenia/freedom-world/2025

17 https://www.amnesty.org/en/wp-content/uploads/2025/04/POL1085152025ARMENIAN.pdf?fbclid=IwY2xjawKEb-tleHRuA2FlbQIxMABicmlkETFwcTRiUG11N2VBMjVWaWxQAR41WJMQT3G4hZkvFQI1zI6m93nyz946m6ifbvwrQINR2o94CzJ7I1sOaUEBVQ_aem_z9L3CAK0GmS7XArdR3mMDw

18 A group of masked individuals dressed in black approached the car, forcibly removed S. V. from the car, and subjected him to beatings and insults. The lawyers also added that these individuals pulled down his trousers and held a wooden stick between his legs as part of an act of humiliation and sexual assault, while S. V. was kneeling handcuffed on the ground.

19 https://www.azatutyun.am/a/avtobousi-gortsov-samvel-vardanyani-nkatmamb-nshanakvel-e-750-hazar-dram-tougank-na-azatvel-e-patzhits/33384981.html

when police used unprecedented violence and beatings against National Assembly member Ashot Simonyan near the ARF Dashnaktsutyun central office in Yerevan. Although the incident was recorded and widely publicized, no police officer has been held criminally liable to date. Moreover, one of the police officers whose powers were suspended immediately after the incident, was later reinstated without any consequences.[20].

In the Republic of Armenia, the illegal actions of the RA Police and every manifestation of violence are a consequence of systemic impunity, ensured by both the investigative and prosecutorial bodies, as well as the judicial system. In 2024, as in previous years, no police officer was held accountable or punished for any violence committed by police officers against participants of mass gatherings and journalists covering them, as well as for the use of special measures.

RECOMMENDATIONS

- The Ministry of Internal Affairs of the Republic of Armenia should respect the rights of peaceful protestors, refrain from violence and other unlawful and disproportionate use of force and other actions degrading their dignity,
- Ensure the conduct of any peaceful assembly and ensure mandatory rules for assessing the legality of any measures taken during the assembly,
- The Prosecutor General's Office of the Republic of Armenia and the Investigative Committee of the Republic of Armenia should immediately initiate criminal proceedings in each case of reporting and publication of ill-treatment, ensure effective investigation and accountability of the perpetrators.
- The authorities of the Republic of Armenia should ensure the rule of law in the Republic of Armenia and guarantee respect for human rights.

20 https://www.aravot.am/2024/05/27/1422015/

3.

PROGRESS AND CHALLENGES IN THE FIGHT AGAINST CORRUPTION IN THE REPUBLIC OF ARMENIA

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This report presents a comprehensive analysis of the progress made and the challenges that remain in the fight against corruption in the Republic of Armenia (RA).

The directions and priorities of the anti-corruption policy in the coming years are reflected in the RA Government's 2021-2026 Program[21] and the Anti-Corruption Strategy and the Action Plan for its Implementation for 2023-2026, approved by the Decision of the Government of the Republic of Armenia No. 1871-L of October 26, 2023 [22] (The Anti-Corruption Strategy).

It should be noted that in recent years, Armenia has made some progress in the institutional and legislative development in the corruption prevention and counteraction systems, but they are accompanied by significant challenges related to practical implementation. The field of anti-corruption education, despite some progress, still faces problems requiring systemic solutions. Although the steps taken to prevent corruption in the business sector have yielded some progress, a number of necessary reforms have not yet been fully implemented.

21 The RA Government's 2021-2026 program is available at the following link. https://www.gov.am/files/docs/4586.pdf

22 Decision No. 1871-L of 26.10.2023 is available at the following link. https://www.arlis.am/DocumentView.aspx?DocID=184674
See also the 2024 Anti-Corruption Strategy Monitoring and Evaluation Report published by the Ministry of Justice of the Republic of Armenia at the following link: https://moj.am/storage/uploads/pdf

This report presents in detail the main achievements, shortcomings and existing challenges recorded in the areas of corruption prevention, counteraction, anti-corruption education and the fight against corruption in the business sector. The analysis of each sector is based on a comprehensive study of factual data, legal regulations and implemented practical measures, with the aim of identifying prospects for improving the system for combating corruption.

THE CURRENT STATE OF THE CORRUPTION PREVENTION SYSTEM

In recent years, Armenia has made some progress in the institutional and legislative development of the corruption prevention system. Over the past year, the Corruption Prevention Commission (CPC) has developed and applied a methodology for collecting digital statistics, and certain steps have also been taken to develop the declaration system, including expanding the scope of officials who are obliged to declare. There has also been progress in the field of party financing, in the form of improving the regulations on donations to parties, state funding, and reporting.

Despite these developments, the preventive system still faces a number of significant challenges. The independence and effectiveness of the CPC remains a key issue.

The Competition Council established to select CPC members is one of the key components of this process: is it charged with conducting competitions, background checks on candidates, and presenting them for approval by the National Assembly. However, when the majority of the National Assembly decides not to participate in the vote[23], this undermines transparency by formalizing the process of representative deliberation and open voting necessary for a thorough and publicly understandable assessment of candidates. Such behavior also overshadows the work of the Competition Council and undermines public confidence in the entire electoral mechanism.

Draft legislative amendments developed with a view to providing public oversight

23 See, for example, the process of discussing and voting on candidates for the CPC member at the following links: https://iravaban.net/515101.html , https://www.hetq.am/hy/article/162658

of the Competition Council envisage the involvement of representatives of two civil society organizations[24]. In this process, it is important to ensure the transparency, objectivity and depoliticization of open and truly competitive processes for the selection of CSO representatives. These norms imply an open, merit-based and competitive process, where decisions are made on the basis of clearly defined criteria, free from possible interdependence, which could once again jeopardize the independence and effectiveness of anti-corruption bodies.

One of the problematic aspects in the field of prevention is the confidentiality regime of the advisory opinions on the candidates' integrity published by the CPC. The Anti-Corruption Network for Eastern Europe and Central Asia of the Organization for Economic Cooperation and Development (OECD) in its 5th round assessment report on Armenia[25] whilst assessing the independence of the judiciary and the process of appointing prosecutors and investigators, noted that the publication of the conclusions of the integrity check of the CJC is not planned, while at the same time the report suggests that such conclusions should have a greater influence on judicial selection.[26]

It is noteworthy that the same report raises concerns about the lack of proper consideration of the CPC integrity conclusions by the Supreme Judicial Council, noting that in a number of cases the Supreme Judicial Council has selected and proposed candidates who had received a negative conclusion from the Supreme Judicial Council or a conclusion that raised concerns regarding the integrity of a particular candidate.[27]

In this context, it is of utmost importance that findings on the candidate's integrity have a high level of publicity guaranteed by law. This is important not only for the CPC's own accountability and transparency, but also for public trust and the overall efficiency of the anti-corruption toolbox. In parallel, it is necessary to review and strengthen the legal significance of integrity findings, their binding effect on decision-making, and the possible legal consequences of ignoring them.

24 The draft is available at: https://www.e-draft.am/projects/7873/about
25 The OECD Armenia Round 5 Assessment Report is available at: https://www.oecd.org/en/publications/baseline-report-of-the-fifth-round-of-monitoring-of-anti-corruption-reforms-in-armenia_fb158bf9-en.html
26 See OECD Armenia 5th Round Assessment Report, page 99.
27 See ibid., page 103.

The evolution of the gift registration system remains a significant challenge. Although the CPC announced the launch of the registry, the situation on the ground is quite different. Currently, registration is carried out only through Excel spreadsheets, without search, classification and analytical tools necessary for a modern registry. Due to lack of funding, the full implementation of the system has stalled, which limits its efficiency. In addition, the legal acts adopted to regulate the relationship between the acceptance and registration of gifts need to be improved, including the unified methodology for assessing the value of gifts, which currently does not allow officials to independently assess the value of gifts without clear criteria.[28]:

THE STATE OF COMBATING CORRUPTION

The Anti-Corruption Committee plays a crucial role in the institutional system of the fight against corruption, the creation and establishment of which is a significant achievement of Armenia's anti-corruption policy. The staffing of the Committee has been replenished. During the past year, 77 out of 120 positions performing operational-intelligence functions were filled, and 71 out of 80 autonomous positions were filled. During 2024, 26 candidates were appointed to the vacant positions of employees of the Anti-Corruption Committee, performing operational-intelligence functions, and 24 candidates to autonomous positions.

Along with staffing, however, the issue of the independence of the Anti-Corruption Committee remains a key issue. The OECD Armenia 5th Round Assessment Report highlighted the problems associated with the appointment and dismissal of the head of the Anti-Corruption Committee. In particular, it is noted that the current system for selecting the head of the Anti-Corruption Committee allows the government to make a discretionary decision by selecting one of the three candidates proposed as a result of the competition, without any obligation to select the candidate who scored the highest points. This means that the final decision may be conditioned by political or other considerations[29]:

The imperfection of legislative regulations related to dismissal is also worrying.

28 https://iravaban.net/508396.html
29 See OECD Armenia 5th Round Assessment Report, pages 139-140.:

The OECD report, in indicator 8.3 on the appointment of heads of anti-corruption bodies, specifically emphasizes that "some of the grounds for dismissal are not clearly formulated."[30], The basis for "violation of the ban on engaging in political activity" [31] is unclear.

In addition, there were also problems with the involvement of CSOs in the establishmeny of the competition council formed for the election of the head of the Anti-Corruption Committee, due to their potential conflict of interest.[32]:

The establishment of specialized anti-corruption courts is also important institutional progress. The steps taken to equip anti-corruption courts with economic knowledge have not yet reached their goal. Although appropriate positions have been provided (two for the Anti-Corruption Court, one for the Anti-Corruption Court of Appeal), these positions have not yet been filled.

Certain steps have been taken to introduce a unified system of statistics on corruption crimes. With the assistance of the Ministry of High Technologies and Industry, a system of prosecutorial electronic statistics has been developed and the mechanisms for maintaining statistics for the General Prosecutor's Department for Supervision of the Legality of Pre-Trial Proceedings in the Anti-Corruption Committee have been modernized. However, the absence of a unified statistical system is still a major problem, although it was envisaged by the Action Plan of the Anti-Corruption Strategy (in 2024).

The situation in improving the institute of forfeiture of property of illegal origin is also unsatisfactory. Although the Prosecutor General's Office notes that it has studied the advisory opinion of the Council of Europe experts, the model of the governing body, the model of management of forfeited property, the platform for information exchange between investigative and prosecutorial bodies, and the creation of a database of assets transferred to management have not yet been reviewed. These actions should have been carried out back in 2024.

These changes should be implemented in 2025, on the basis of which it is

30 See OECD Armenia 5th Round Assessment Report, page 140.
31 See ibid.
32 https://iravaban.net/504623.html

planned to develop amendments to legal acts, taking into account the decision of the Constitutional Court of the Republic of Armenia on April 16, 2025 on determining the compliance of the Law "On the Forfeiture of the Property of Illegal Origin" with the Constitution.[33] In accordance with the deadlines set by the Anti-Corruption Strategy, only 8 months remain for the implementation of this group of actions. A question arises whether it is possible to implement such comprehensive and legally sound reforms within that period.

Some progress has been recorded in improving the management mechanisms for the property frozen and forfeited in connection with corruption crimes. The RA Government's Decision No. 1922-N of 05.12.2024 established common regulations for the payment of funds to compensate for the damage caused to the state, community and other organizations in criminal proceedings. However, systemic solutions for the management of property transferred to the state in the proceedings for the forfeiture of property of illegal origin, as mentioned above, have not yet been implemented.

Significant progress has been recorded in the development of the whistleblowing system. With the joint efforts of the Ministry of Justice and the Armenian Lawyers Association NGO, large-scale training and awareness-raising events were carried out in Yerevan and all regions of the Republic of Armenia, involving 788 participants. To assess the effectiveness of the trainings, a special tool was introduced, through which increase in the knowledge of the participants was measured. In the first stage, in which 222 civil and community servants participated,35% increase was recorded as a result of the knowledge assessment, and in the second stage, in which 566 community servants, teachers, pupils, students, lecturers and representatives of the private sector participated, this indicator reached 55.64%.[34] In addition to training, special educational and awareness-raising materials have been developed on the above-mentioned topics to change whistleblowing perceptions and behaviors, and to raise public awareness.[35]

33 The decision of the Constitutional Court of the Republic of Armenia of April 16, 2025 on determining the compliance of the Law "On Confiscation of Property of Illegal Origin" with the Constitution is available at: https://www.concourt.am/decision/decisions/6807363e2d4aa_SDV-1776.pdf

34 https://www.moj.am/article/4024 , https://www.moj.am/article/4030 , https://www.moj.am/article/4217

35 You can learn about the work done to develop the reporting system, change public perceptions and behavior, and awareness materials at: https://armla.am/?s=%D5%A1%D5%A6%D5%A4%D5%A1%D6%80%D5%A1%D6%80

Legislative drafts have been developed to legally strengthen the whistleblowing system, which have been submitted to the relevant bodies and are currently being finalized. In particular, draft laws on amendments to the Constitutional Law "On the Human Rights Defender", the Law "On the Whistleblowing System", and the Law "On the Public Prosecutor's Office" have been developed.

THE STATE OF THE ANTI–CORRUPTION EDUCATION

In 2021, the "State Educational Standard for Preschool Education" was approved by the RA Government's decision. It included some topics related to ethics and integrity. In 2023-2024, innovative steps were taken in this direction by the State Educational Standard for Preschool Education and the Ministry of Education, Science, Culture and Sports (MESC). An educational program on ethics, integrity and anti-corruption topics for 5-6-year-old children was developed in preschool educational institutions, which has already been introduced.

Work were also carried out on the training of educators. A training program on ethics, integrity and anti-corruption topics was developed for teachers of preschool educational institutions, and about 1,500 teachers were trained in 2024. The pilot program was implemented in 20 preschool educational institutions in 4 regions of the RA and Yerevan, 10 of which were in rural communities.

In the field of general education, the Ministry of Education, Science and Culture has developed revised curricula for the subject of "Social Studies", which include an anti-corruption component. The curriculum has been introduced in general education institutions in Tavush region. In addition, the Ministry of Education, Science and Culture has developed and submitted to the Ministry of Education, Science and Culture the draft "Concept and Methodological Manual for the Introduction of Anti-Corruption Education in General Education" for teachers in general education schools and those leading anti-corruption and democracy groups.

There has also been some progress in the field of higher education. Several state universities, such as Yerevan State University, M. Heratsi State Medical University, Kh. Abovyan Armenian State Pedagogical University, and the National Agrarian University of Armenia, have developed and introduced anti-

corruption courses (optional or mandatory). Trainings on ethics, integrity, and anti-corruption topics have also been conducted for university teaching staff.

Despite these achievements, there are a number of challenges in the field of anti-corruption education. In particular, the system for evaluating anti-corruption educational programs in preschool institutions and schools is incomplete. There is no information on the development of a knowledge assessment system, as well as information on the implementation of baseline knowledge assessment in selected institutions. This does not allow assessing the effectiveness of the work and programs carried out and their impact on the educational level of students.

In addition, progress towards the establishment of anti-corruption clubs in schools and anti-corruption laboratories (R&D) in universities is limited. Although a program in this direction has been developed and is planned to be implemented in 2025, active clubs and laboratories have not yet been established, as their creation was planned for 2024.

Another important issue is the lack of an anti-corruption public communication and awareness action plan and its evaluation system. Although the CPC has developed and approved a methodology for public opinion polls, there are still no public communication and awareness programs, as well as a system for periodic evaluation of their results.

The role of CSOs in the field of anti-corruption education and awareness has also not been fully realized.

THE STATE OF CORRUPTION PREVENTION IN THE BUSINESS SECTOR

The CPC has developed a methodology and a package of legislative amendments to assess and implement corruption risk management systems in state and community-owned organizations, but this package has not yet been approved by the Government and nor has it been been submitted to the National Assembly.

Progress in strengthening the institutional capacity of the Human Rights Defender's Office is limited. Although the Business Rights Protection Unit has

been staffed with two employees, the planned training has not been implemented, which may limit the efficienct of the newly recruited staff.

Certain activities have been implemented to raise awareness among business community. The "New Corporate Governance Code of Armenia: Enforcement and Coercion issues" workshop, the "Report, Armenia" program implemented by the Armenian Lawyers Association and the "Anti-Corruption Awareness Week" event were implemented. In cooperation with the Ministry of Justice and the Armenian Lawyers Association, trainings were organized on reporting, good conduct and regulations related to the business sector, involving 101 representatives of 72 private organizations.

The work done to improve the effectiveness of the beneficial owner disclosure institute is not sufficient. Although drafts on amendments to the Law "On State Registration of Legal Entities, Separated Subdivisions, Institutions and Individual Entrepreneurs" and related laws have been developed, they have not yet been adopted. As a result, unified mechanisms for verifying the reliability of information on beneficial owners have not yet been introduced, and the methodology and technical regulations for determining the risk of legal entities have not been developed and approved.

The work in the direction of modernising the State Register of Legal Persons and Electronic System of Declaration of Beneficial Owners is also insufficient. The work on developing legislative drafts has not led to actual systemic changes. Data processing, analysis and search functions have not been introduced, the problems of technical failures of the system, mandatory filling in of data required by legislation have not been resolved, smart tools have not been introduced, and open data and open source standards have not been applied.

4.
ARMENIA–EU VISA LIBERALIZATION PROCESS: CURRENT STATUS, CHALLENGES AND RECOMMENDATIONS

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INTRODUCTION

The visa liberalization dialogue between Armenia and the European Union (EU) is an important step in deepening bilateral relations and promoting people-to-people contacts. While significant progress has been made, including ongoing EU expert mission visits and the expected presentation of a Visa Liberalization Action Plan (VLAP), the process requires continued, focused efforts from both sides.

This paper provides an overview of the visa liberalization process between Armenia and the EU, its gaps, and recommendations. In particular, it discusses the current status of the process, identifies the main challenges and gaps that Armenia needs to overcome in order to meet EU standards, and presents clear recommendations for both the Armenian government and the European Union to swiftly achieve this vital goal.

BACKGROUND AND CURRENT STATE OF PLAY

Armenia and the EU officially launched the visa liberalisation dialogue in 2024, building on the Visa Facilitation Agreement in force since 2014. This dialogue aims to establish a visa-free regime (short-term – up to 90 days in any 180-day period) for Armenian citizens to travel to the Schengen area.

Ensuring visa-free access to the Schengen area for Armenian citizens would bring significant benefits to Armenia's democratic development, economic growth,

and prosperity, while strengthening the EU's strategic engagement in the South Caucasus.

The visa liberalisation dialogue between the EU and Armenia was officially launched in September 2024. Following the launch, expert missions from EU institutions and Member States visited Yerevan in February and April 2025. These missions carried out a "gap analysis" to assess Armenia's readiness and identify the necessary conditions for the transition to a visa-free regime. The results of these expert missions will be used to define a list of conditions, which will form the basis of the Visa Liberalization Action Plan (VLAP).

Building on the experience of other countries, the Visa Liberalization Action Plan (VLAP) outlines a framework for expected reforms in four key areas:

1. Data protection and document security: The proposed reforms in this area include the full implementation of a biometric system in line with European standards, the harmonisation of procedures for issuing travel documents, and measures to prevent the issuance of false documents.

2. Border management, migration and asylum: These reforms aim to strengthen border control, establish a functioning asylum system, and ensure the continuous improvement of the capacity of migration authorities.

3. Public order and security: Reforms in this area include measures to combat organised crime and corruption, strengthen the independence of the judiciary, and promote greater cooperation between the law enforcement agencies of the Parties.

4. Protection of human rights and fundamental freedoms: These reforms include measures aimed at aligning with international human rights standards, ensuring the rights of migrants, asylum seekers and refugees, also through joining various conventions.

CHALLENGES AND PROSPECTS

Armenia and the European Union have come a long way in developing people-to-people ties. It is worth noting that the visa dialogue has been launched, and the

EU has sent several expert missions to Armenia in early 2025 to assess Armenia's preparedness and identify gaps in key areas. The EU is in the final stages of presenting the Visa Liberalization Action Plan (VLAP) to Armenia. On the other hand, Armenia will start issuing biometric passports and ID cards from mid-2026. The consortium "IDEMIA Identity Security France and A.C.I. Technology S.à.r.l." has won the public-private partnership (PPP) tender for the development of infrastructure and services for the issuance of biometric passports and ID cards in the Republic of Armenia.

However, despite the progress and positive developments in the dialogue process, there are still challenges and needs that need to be addressed. Below are some policy recommendations:

- Despite the benefits provided for in the Visa Facilitation Agreement, Armenian citizens continue to face difficulties in the visa application process, mainly due to the overloading of consular services in the face of increasing demand.

- Adoption of a comprehensive anti-discrimination law: Accelerate the legislative process for the adoption of a comprehensive anti-discrimination law that covers all grounds of discrimination, in line with international human rights standards and recommendations of the Council of Europe and other international bodies.

- Strengthening the capacity of the Personal Data Protection Agency (PDPA): Provide additional human, technical, and financial resources to the Personal Data Protection Agency (PDPA) to strengthen its supervisory, legal, and advisory capacities. Strengthening the PDPA is essential to ensure the reliable implementation of personal data protection legislation, address the growing complexity of data processing, and align Armenia's practices with high European data protection standards, which is a key requirement for visa liberalisation.

- Strengthening integrated border management and migration control: Further enhance the capacity of border and migration authorities through continuous training, equipment upgrading, and effective implementation of readmission

agreements with EU Member States. Main areas of focus shall be as follows: reliable data exchange, dissemination of real-time information, and effective mechanisms to address irregular migration flows and prevent abuse of asylum procedures, which are key concerns for the EU.

- Public awareness raising campaign for responsible travel: Launch and continue a comprehensive public awareness raising campaign in Armenia to inform citizens about the obligations and rules related to visa-free travel (when it is granted). This includes clear communication on the limitations of short-term stays (90 days in any 180-day period), the purpose of travel, and the consequences of violating Schengen rules, thereby minimising the risks of abuse and ensuring the sustainability of the visa-free regime.

5.
ARMENIA & THE ICC:
STEADY PROGRESS SINCE JOINING

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INTRODUCTION

Since the ratification of the Rome Statute in October 2023, Armenia has made steady and deliberate progress in aligning its domestic legal framework and institutional structures with the standards and obligations of the International Criminal Court. This ratification marked the culmination of a legal and political journey that had begun several years earlier. Following a ruling by the Armenian Constitutional Court confirming **compatibility** with the Rome Statute, the National Assembly voted to ratify the treaty and to retroactively accept the ICC's jurisdiction from 10 May 2021. Armenia formally deposited its instrument of ratification on 14 November 2023, and the Statute entered into force for the country on 1 February 2024. A formal **accession** ceremony was held shortly thereafter at The Hague, where Armenian Foreign Minister Ararat Mirzoyan met with the ICC's leadership, underscoring Armenia's full commitment to international criminal justice.

Armenia's motivation for joining the ICC is both legal and geopolitical. The decision was widely understood as a strategic effort to seek international accountability for alleged war crimes and crimes against humanity committed during the conflicts with Azerbaijan, especially during and after the 2020 Second Nagorno-Karabakh War. By accepting the ICC's jurisdiction retroactively, Armenia created the legal foundation to allow for investigation and prosecution of international crimes committed in that context. At the same time, the move signaled a broader realignment in Armenia's foreign policy, demonstrating a pivot away from exclusive reliance on Russian-

led security structures toward greater integration with European and international legal institutions. This reorientation was not without controversy; Russian officials sharply criticized the ratification, particularly in light of the ICC's existing arrest warrant against Russian President Vladimir Putin. Armenian authorities, however, clarified that their cooperation with the ICC would be focused on the alleged crimes committed by Azerbaijani forces.

LEGAL INITIATIVE AND CAPACITY BUILDING ACTIVITIES

Beyond ratification, Armenia has taken concrete steps to prepare its legal and institutional systems for effective cooperation with the Court. One of the most significant developments occurred in 2022, when Armenia adopted a **new Criminal Code** that incorporates definitions of genocide, crimes against humanity, and war crimes consistent with the Rome Statute. This legislative reform laid the foundation for future domestic prosecutions under the principle of complementarity. Additionally, the Armenian government is currently in the process of drafting a **law on cooperation** with the ICC, which would regulate the modalities of arrest, surrender, evidence sharing, and other forms of judicial assistance. Although the draft law was first introduced to the public in early 2024, it has since undergone two revisions. Rather than establishing a standalone law on cooperation with the ICC, the current approach integrates ICC cooperation into a broader legal framework on international cooperation in criminal matters, with a dedicated chapter. The rationale behind the shift in this legislative strategy remains unclear, as does the reason for the overall delay in the legislative process. Despite the Europe in Law Association's active involvement in the drafting process in close collaboration with the Ministry of Justice—and its substantial contributions to finalizing the legal text—the draft has yet to be submitted to the National Assembly. The continued lack of clarity around both the procedural timeline and the Government's intentions raises concerns about political will and transparency in implementing Armenia's international obligations.

Parallel to legislative action, the civil society has invested in building the capacities of its legal professionals. A range of training programs and workshops

have been conducted for judges, prosecutors, investigators, and law enforcement officers to enhance their understanding of international criminal law and ICC procedures. One of the central actors in these efforts has been the Europe in Law Association (ELA), a Yerevan-based civil society organization that has played a crucial role in promoting Armenia's accession to the ICC and ensuring that the post-ratification process is substantive and sustainable.

The Europe in Law Association has acted as a bridge between Armenian authorities, international institutions, and civil society throughout the ICC accession process. Even before ratification, ELA was actively involved in legal and public advocacy, engaging with parliamentary committees, publishing legal opinions, and contributing to public debates on the benefits and implications of joining the Court. Following ratification, ELA launched a dedicated support project aimed at assisting Armenian authorities in the post-ratification implementation phase. This project, funded by the Embassy of the Netherlands in Armenia, focused on strengthening institutional capacity and fostering direct exchanges between Armenian legal actors and international experts.

A particularly notable initiative by ELA was the organization of a two-day workshop in Tsaghkadzor in August 2024, which brought together judges, prosecutors, lawmakers, and ministry officials to discuss practical aspects of cooperation with the ICC. The event featured internationally recognized experts, including Judge Joanna Korner of the ICC and Dr. Gurgen Petrossian of the Nuremberg Academy. Participants explored topics such as arrest procedures, complementarity, the role of victims, and evidentiary standards. This workshop was complemented by a study visit to the Netherlands in June–July 2024, where a delegation of Armenian officials visited the ICC, Eurojust, the Kosovo Specialist Chambers, and Dutch judicial institutions. These engagements enabled Armenian stakeholders to gain first-hand insights into best practices and procedural mechanics related to international criminal justice.

ELA's involvement extends beyond technical training. As a long-standing advocate for rule of law, judicial independence, and human rights in Armenia, the organization has also worked to align the ICC accession with Armenia's broader commitments under the EU-Armenia Comprehensive and Enhanced

Partnership Agreement (CEPA) and Council of Europe Action Plans. By framing ICC cooperation as part of Armenia's democratic and legal development, ELA has helped reinforce the legitimacy and long-term sustainability of the process. Moreover, it has consistently emphasized the importance of accountability not just for geopolitical purposes, but as a matter of principle and institutional integrity.

MANUAL ON COOPERATION

In late 2024, the Europe in Law Association (ELA) published a **comprehensive manual** on cooperation with the International Criminal Court (ICC), marking a significant contribution to Armenia's post-accession implementation efforts. This publication serves as a practical guide for national practitioners—including judges, prosecutors, law enforcement officers, and legal advisors—by outlining the procedural and legal frameworks governing cooperation with the Court.

The manual covers key aspects such as the execution of arrest warrants, evidence sharing, the rights of the accused, victim participation, and the role of national authorities in facilitating the ICC's mandate. It also explains the principle of complementarity and the division of responsibilities between national jurisdictions and the Court. By doing so, the manual addresses one of the most critical, yet often overlooked, components of joining the ICC: ensuring that domestic institutions are adequately informed and prepared to cooperate effectively and lawfully with the Court.

This initiative reflects ELA's broader commitment to bridging the gap between international legal standards and domestic implementation. It also helps foster a culture of accountability within Armenia's legal system and enhances the country's capacity to meet its obligations under the Rome Statute. The manual has already been used in training workshops and referenced in legal discussions among state institutions, further cementing its relevance as a foundational tool for Armenia's evolving relationship with the ICC.

THE ARMENIAN AUTHORITIES AND INTERNATIONAL CRIMINAL COURT

At the international level, Armenia has engaged with the ICC's governing bodies and member states. Armenian representatives have attended the Assembly of States Parties, participated in high-level meetings with the Court's leadership, and reaffirmed the country's commitment to international justice. In December 2024, Foreign Minister Mirzoyan addressed the 23rd Assembly of States Parties in The Hague, highlighting Armenia's progress and voicing strong support for the ICC's role in global accountability. The Ministry of Justice has also indicated plans to formalize cooperation channels and create internal procedures for handling ICC requests.

Looking forward, Armenia still faces a number of challenges in fully operationalizing its ICC commitments. Chief among them is the need to finalize and adopt the cooperation law, which would ensure that domestic institutions have a clear legal basis for interacting with the Court. Another important step will be establishing inter-agency coordination mechanisms and appointing focal points for ICC cooperation across the judicial and executive branches. Continued support from international partners, including the EU, Council of Europe, the Netherlands, and ICC itself, will be essential to consolidate these gains.

CONCLUSION

In sum, Armenia's trajectory following its accession to the ICC has been characterized by a combination of strategic intent, legal reform, and active engagement with international justice mechanisms. Civil society has played a central role in this process—not only as a driving force behind legal and institutional developments, but also as a guardian of accountability. The Europe in Law Association, along with other organizations, has acted as both a facilitator and a watchdog, working to ensure that Armenia's commitment to international justice is reflected in practical implementation.

Institutions such as the Center for Truth and Justice and the International Nuremberg Principles Academy have significantly contributed by bringing international criminal law expertise to Armenia. Through conferences, expert exchanges, publications and capacity-building initiatives, they have helped to foster a deeper understanding of ICC processes among Armenian legal professionals.

Meanwhile, other organizations focused on victim representation have taken steps to ensure access to justice by submitting multiple communications to the Office of the Prosecutor of the ICC, highlighting alleged crimes committed in the context of regional conflicts.

As Armenia continues along this path, its evolving engagement with the ICC may serve as a valuable precedent for other post-Soviet states striving to balance national sovereignty with the imperatives of accountability and adherence to international legal norms.

It remains, however, regrettable that Armenia has not yet taken formal steps to trigger the ICC's jurisdiction concerning the deportation of Armenians from Nagorno-Karabakh or the war crimes allegedly committed on its own territory. Despite having accepted the Court's jurisdiction retroactively and joined the Rome Statute, the absence of concrete action in these specific contexts leaves a significant gap in efforts to pursue accountability through international legal mechanisms.

Armenia's ratification of the Kampala Amendments and its future participation in ICC Review Conferences should be seen as the logical next step in its deepening engagement with the international criminal justice system. Given the regional security challenges Armenia faces, embracing the crime of aggression within the ICC framework is not only a matter of principle but also of strategic importance. It reinforces Armenia's commitment to upholding international law, deterring unlawful uses of force, and contributing to global peace and stability. Active participation in the next Review Conference would allow Armenia to play a role in shaping the evolving interpretation and enforcement of the crime of aggression. It would also offer an opportunity to strengthen alliances with other states parties and further anchor Armenia within the community of nations advocating for a rules-based international order. In this context, fully embracing the Kampala Amendments should be seen as a vital component of Armenia's broader foreign policy and legal strategy in the post-accession phase.

6.
LABOUR AND SOCIAL POLICY

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The report summarizes the implementation of the provisions on labor law and employment and socio-economic policy as set forth in the Comprehensive and Enhanced Partnership Agreement between the Republic of Armenia and the European Union (hereinafter referred to as the "Agreement" or "CEPA"), the obligations to be fulfilled, the existing problems, the compliance with international legal instruments, and the status of reforms in general.

The report is largely based on the advisory opinions, articles, and reports published by the Civil Society Platform established pursuant to Article 366 of CEPA, as well as on developments that have occurred since the publication thereof. Issues related to the rights of employees in collective labor relations and their violations, the need for the state to develop an appropriate policy—including in the context of democracy at work, healthy and safe working conditions, and approximation to the provisions of CEPA—are presented herein.

CEPA AND LABOUR POLICY

The Comprehensive and Enhanced Partnership Agreement (CEPA), which entered into force on 1 March 2021, establishes a framework of provisions encompassing a range of sectors, including specific commitments relating to labour and social rights, as well as equal opportunities. In addition to the general framework provisions, CEPA stipulates that the Republic of Armenia shall, within prescribed timeframes, undertake the gradual approximation of its domestic legislation to the legislative acts of the European Union, primarily to the

European Council Directives and applicable EU regulations. Pursuant to Chapter 15 of the Agreement, the Republic of Armenia shall undertake to promote the International Labour Organization's Decent Work Agenda, occupational health and safety, social dialogue, gender equality and non-discrimination; to strengthen social solidarity, reduce informal employment, enhance the participation of social partners in policy formulation, promote corporate social responsibility, and further develop occupational safety and health standards.

The CEPA further provides that the Republic of Armenia shall respect, promote, and implement, in law, in practice, and throughout its entire territory, internationally recognized core labour standards, as enshrined in the fundamental Conventions of the International Labour Organization, along with the protocols thereto.

Simultaneously, the Agreement defines specific EU directives to which the domestic legislation of the Republic of Armenia is required to be approximated. These directives include legislative instruments concerning the prohibition of discrimination on the grounds of race, ethnicity, age, illness, disability, employment status, education, social protection, freedom of association, and other grounds; equality of men and women; the inclusion of various terms and data in employment contracts; the protection of employees' rights in the event of a change of ownership of an undertaking; non-discrimination in employment between fixed-term and part-time employees; non-discrimination based on a range of personal characteristics, including sexual orientation; the prohibition of sex-based discrimination in access to goods and services, consultation with employees, maternity protection, and collective dismissals, among other matters.

The Course of the Implementation of Reforms and an Online EU – Armenia Tool

THE SCHEDULE AND COURSE OF REFORMS

The following commitments have been set for approximation to EU legislation:

By 2024:

- Elimination of racial and ethnic discrimination in employment, education, and social protection, freedom of association, and other contexts.

- Ensuring equal rights and opportunities for women and men in employment, education, and social protection, retirement age, freedom of association, and other contexts.
- Ensuring equal conditions for women and men in the field of social protection, including with respect to age, illness, occupational accidents, and disability.

The above-mentioned reforms may be considered generally implemented, at least at the level of legal frameworks, as these regulations were either originally incorporated into labour legislation prior to the entry into force of the Agreement or appropriate amendments were adopted by 2024. However, in practical terms, a number of practical issues persist, particularly regarding the gender pay gap and instances of gender-based discrimination. The State must develop detailed standards and secondary legislation, as well as strengthen oversight mechanisms, in order to ensure that equal conditions for women and men are effectively upheld in labour relations and within the broader scope of social rights, and to eliminate discrimination as such.

By 2026:

- Ensuring the employer's obligation to include specific information in the employment contract (including working conditions, employer's details and address, job description, dates of commencement and termination of employment, noticing procedures, salary and deductions, other components of income, social contributions and pension schemes, and details of collective agreements, where applicable).
- Ensure non-discrimination against employees engaged under fixed-term and part-time employment contracts.

The aforementioned reforms may also be considered as largely completed, with some exceptions. Notably, these changes were enacted through 2023 amendments to the Labour Code.

The most significant outstanding obligation, due for implementation by 2026, has to do with the introduction of a legal and institutional framework requiring employers to consult with employees, in accordance with Directive 2002/14/EC of the European Parliament and of the Council. At present, there is no established mechanism for social dialogue (partnership) at the national level, nor is there a legal obligation for employers to consult with employees at the organizational level. While the Labour Code defines the concept of social partnership and outlines its levels, it does not provide for the establishment and operation of a tripartite body comprising government, employers, and trade unions, nor does it impose an obligation upon the government to adopt political decisions in consultation with social partners. Moreover, the obligation to consult, negotiate collectively, and exchange information among social partners is a requirement not only under CEPA, but also under Conventions and Recommendations ratified by the International Labour Organization. The government has not communicated any plans or steps intended to ensure the implementation of these reforms. During the drafting and consultation process for the 2023 amendments to the Labour Code, the government disregarded proposals submitted by trade unions advocating for the establishment of a social partnership system and the imposition of a consultation obligation.

Another requirement under the Agreement is the adoption of a comprehensive anti-discrimination policy, including within the labour sector. A draft law on equality before the law and non-discrimination was prepared by the Ministry of Justice; however, for various reasons, the draft has not advanced over several years.[36] It is currently undergoing revision and debate within the National Assembly.[37]

In respect of both social partnership and non-discrimination policy, it remains unclear whether the respective reforms will be realistically achieved by the spring of 2026.

Another area of reform pertains to the policy on the protection of youth and children from labour.

36 Armenia: New draft law on anti discrimination is now open to public discussion, CSO meter
37 http://www.parliament.am/news.php?cat_id=2&NewsID=20693

By 2028:

- Introduction of European standards on mass redundancies, which entails conducting timely and appropriate consultations between the employer and trade unions in the event of mass or group redundancies, providing trade unions with all necessary information and relevant calculations, as well as jointly exploring measures to mitigate the effects of the redundancies. It is evident that prior to the implementation of this reform, the obligation to establish a general system of social dialogue must first be fulfilled;

- Alignment of the legislation of the Republic of Armenia with the provisions of the EU Working Time Directive. The regulatory framework governing working time arrangements under the Labour Code of the Republic of Armenia largely corresponds to the requirements of this Directive; however, in practice, challenges persist concerning working conditions, provision of information, and enforcement mechanisms.

Nevertheless, in addition to the aforementioned requirements of the Agreement, the requirement for the introduction of comprehensive sectoral and occupational regulations concerning healthy and safe working conditions deserves attention. Specifically, the Agreement envisages not only the establishment of general regulations on occupational health and safety, but also the adoption of regulations relating to work equipment, personal protective equipment, mobile construction units, asbestos, carcinogenic and mutagenic substances, biological and chemical agents, vibration, optical and acoustic stimuli, as well as those pertaining to screen-work operators, maritime and water-based workers, among others. However, the Agreement does not stipulate a specific deadline for the implementation of these reforms, delegating such determination to the Partnership Council. As of 2025, no such deadline has been established, nor have any reform roadmaps concerning occupational health and safety been adopted.

eu-armenia.am online tool

The Armenia-EU Civil Society Platform developed an independent assessment tool in 2023 to enable regular monitoring and visualization of the implementation of the Agreement. This tool is available on the Platform's official website (eu-

armenia.am) under the section entitled "CEPA in Pictures."[38] The tool provides accessible descriptions of the required reforms across various sectors defined under the CEPA Agreement, organized chronologically according to the respective deadlines for their implementation. Each reform is accompanied by a status label indicating whether it has been implemented, is currently in the process of implementation, or remains unimplemented. Additionally, the tool presents a quantitative assessment of implementation within each thematic area, expressed as a percentage. This quantitative evaluation is derived from the total number of provisions under the Agreement and relevant EU legislative instruments subject to approximation, measured against the number of provisions that have been implemented. With respect to labour and social rights, the online tool indicates that approximately 12% of the obligations under the Agreement are deemed implemented. Around 10% of the provisions are either in the process of implementation or are partially aligned with the requirements of the Agreement. Simultaneously, the overwhelming majority of the obligations—approximately 78%—have not yet been implemented.

The following will examine the legislative and practical issues present in specific sectors.

THE SITUATION RELATED TO THE RIGHT TO FREEDOM OF ASSOCIATION

COMPLIANCE WITH LEGILSATION AND PRACTICAL ISSUES

No tangible changes have been recorded in labour policy following 2023 in relation to the implementation of CEPA. According to the information received from government representatives, there are still no specific and clearly articulated plans for reforms concerning CEPA's employment and social policy provisions, nor for the implementation of international labour standards.

RESTRICTIONS ON THE RIGHT TO STRIKE

Although the 2023 amendments to the Labour Code marginally eased certain procedural requirements for organising a strike, the possibility of declaring a

38 eu-armenia.am, "CEPA in Pictures"

lawful strike continues to remain unrealistic since it poses too many preconditions which are contradictory to the principles and jurisprudence established by the International Labour Organization (ILO) Committee on Freedom of Association.[39] From the perspective of international ILO standards, the domestic regulatory framework governing the right to strike is unduly restrictive and constitutes a limitation on workers' fundamental rights. Moreover, the constitutional right to strike is likewise impeded. The law also restricts the ability to declare strikes at the sectoral or national level, as the relevant procedures for doing so in particular are not defined. Trade unions are further constrained in their ability to declare strikes aimed at addressing sectoral and/or nationwide concerns.

RESTRICTION OF FREEDOM OF ASSOCIATION

The provisions of the Law of the Republic of Armenia "On Trade Unions" impose limitations on the principles of freedom of association for employees as established under international legal norms. The relevant legislative regulations restrict the ability of employees to freely determine the level at which they wish to form an association. It permits individuals to join only organisation-level trade unions, and any affiliation with larger, sectoral or national trade union structures is based solely on voluntary association. This circumstance becomes determinative for an employee's ability to participate in union activities at the appropriate level or in a sector. The Labour Code, too, defines an employee as a person who "performs some work for the benefit of an employer under an employment contract."

The aforementioned legislation also generally limits the right to freedom of association for certain categories of workers. As such, current legal provisions limit the right to organise for those workers who are engaged in informal and non-traditional forms of employment (including those in the platform economy, self-employed individuals, and freelancers) since such persons are not classified as employees under the law. For instance, the Law of the Republic of Armenia on Trade Unions still contains a definition of an employee as "a natural person with a right to work under the law and who performs work for an employer on the basis of an employment contract," whereas individuals who are in employment relationships with employers can unite.

39 FREEDOM OF ASSOCIATION AND SOCIAL PARTNERSHIP IN THE REPUBLIC OF ARMENIA, Advisory opinion, EU – Armenia Civil Sociaety Platform

OBSTRUCTION OF FREEDOM OF ASSOCIATION IN THE PUBLIC SECTOR

In the domains of state administration and local self-government, employer (namely high-ranking public officials and community leaders) continue to attempt to restrict, or exert influence and pressure over, the free and independent functioning of trade unions in a systemic manner; no progress has been recorded in this area since the publication of the previous report. In particular, it is common practice for employers or their representatives in state and local government institutions (including ministry leadership, heads of municipal administrative districts, and community leaders) to nominate themselves as members of the governing bodies of trade unions composed of their employees, thereby exerting direct control over the activities of the union. This practice is contrary to both the RA domestic legislation and international ILO standards. Interference, influence, direction, obstruction, or control by the employer or the state in the internal governance, administration, or operations of trade unions is incompatible with international legal norms and national law.[40] However, this issue persists due to several factors, including vague legislative provisions, the limited institutional capacity of inspection bodies, the evidentiary challenges in proving employer interference or influence, and the vulnerability of employees and trade unions. The same concerns apply to attempts by management within the public sector to exert control over trade unions' internal governance.

A further common manifestation of interference with trade union activities is the unilateral suspension by employers of trade union dues collection, despite the fact that the organisation of trade union dues collection by the tax agent (i.e., the employer) and the transfer of the collected amounts to the trade union's account are recognised as an inalienable right of trade unions under international labour standards. This right is also provided for under domestic legislation, although the legal provisions contain some flaws, thus causing misinterpretations thereof. The suspension of the collection of membership fees in practice results in the effective suspension of the trade union's activities, constituting a gross violation. In recent years, such a violation has been recorded, for instance, by the leadership of the Unified Social Service.

40 Freedom of Association and Social Dialogue, 2022 Report, Trade Union of Employees of Public and Local Administration Institutions of Armenia (eu-armenia.am)

THE 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 existence of employer-controlled or "pocket" trade unions, particularly in the public sector.[41] It is customary to refer to such unions as "pocket" or "yellow" trade unions—those that unite only the employees of a specific institution and operate independently, without affiliating with sectoral or national-level trade unions. In practice, these unions function under the de facto authority of the employer and serve the employer's financial interests.

The label "pocket" is applied for the following reason: the principal function of trade unions—apart from organising strikes—is to engage in collective bargaining and consultation. If a union at the organisational level operates separately from the broader sectoral or national trade union movement, its members are effectively deprived of the right to engage in negotiations and consultations at those broader levels. Regarding collective bargaining directly with the employer at the organisation level, none of the aforementioned trade unions is known to have any record of meaningful collective negotiations or the conclusion of substantive collective agreements. Accordingly, the formation and operation of such unions clearly pursue objectives other than the above and are unrelated to genuine trade union activity.

Moreover, in the vast majority of such cases, employer's representatives are members of the governing bodies of these trade unions. This constitutes a clear and serious violation of Article 2 of ILO Convention No. 98 on the Right to Organise and Collective Bargaining. Notably, these violations occur specifically within public and municipal administration institutions. Particularly concerning is the fact that "yellow" trade unions operate even within bodies such as the Ministry of Justice and the Health and Labour Inspection Body. In other words, fundamental labour rights and the standards arising from Armenia's international obligations are being violated even by the institutions that are mandated to protect those very rights and ensure compliance with the rule of law. The state fails to

41 A. Igityan, A. Barikyan, T. Nazaretyan, Freedom of Association and Social Partnership in the Republic of Armenia – Advisory Opinion (A. Igityan, A. Barikyan, T. Nazaretyan *Freedom of Association and Social Partnership in the Republic of Armenia*) (accessible at eu–armenia.am)

effectively uphold the principle of independence of workers' representatives, as enshrined in legislation. Furthermore, according to the data provided by the branch republican trade union for employees of public and municipal administration bodies in Armenia, nearly half of the trade unions affiliated with the republican union face some form of employer interference or obstruction as described above on an annual basis.

The problems identified in this report are also reflected in the annual Global Rights Index,[42] published by the International Trade Union Confederation (ITUC), which assesses the state of workers' rights worldwide. In this index Armenia is classified as a country with "systematic violations of labour rights." Armenia's classification and the deterioration of its standing[43] in the 2022 report are attributable, among other factors, to the existence of "pocket" trade unions within the public sector and to documented instances of employer influence, interference, and obstruction of trade union activity by senior leadership of public administration bodies. The position of the Republic of Armenia in this index has not improved over the past three years. In the context of labour rights issues in the Republic of Armenia, the authoritative report also highlights restrictions on the exercise of the right to strike; overly restrictive domestic legislation concerning freedom of association and the right to organise; the absence of collective bargaining mechanisms at the sectoral level for civil servants and so on.[44] The Global Rights Index reports are published annually in June, and the violations identified therein are also submitted to the annual ILO International Labour Conference.

DIFFICULTIES WITH STATE REGISTRATION OF TRADE UNIONS

Trade unions face a number of challenges during state registration and related procedures. A trade union (or trade union organization), at any organizational level and regardless of its size, is required to register as a legal entity. According to the ILO Committee on Freedom of Association—entrusted with interpreting the provisions of the Fundamental Convention on Freedom of Association and issuing decisions on compliance—the state registration process for trade unions should be of a formal character and should not be financially burdensome or

42 https://www.ituc-csi.org/IMG/pdf/2024_ituc_global_rights_index_en.pdf
43 https://www.ituc-csi.org/ituc-global-rights-index-2022
44 https://www.ituc-csi.org/spip.php?page=legal_info&cc=ARM&lang=en

time-consuming, as such obstacles would impede the full exercise of the right to freedom of association (Compilation of Decisions of the ILO Committee on Freedom of Association, latest electronic edition, bit.ly/e-compilation, paragraphs 427, 430, 448, 463, 464).

Despite this, in practice, the State Register of Legal Entities applies stringent and often unnecessary documentary requirements when registering trade unions or processing amendments thereto. In particular, the agency imposes certain arbitrary standards concerning the language, terminology, and phrasing used in trade union meeting minutes and charters, frequently returning the submitted documents for correction prior to registration. At that, such requirements are not codified in law or regulation and instead appear to reflect the internal practices of the agency. However, in accordance with international standards, trade unions must retain the autonomy to determine their own internal governance and administrative procedures. Unlike the registration of commercial entities, the registration of trade unions—or the registration of changes therein—takes 10 working days and the payment of a state fee in the amount of 10,000 AMD. For self-financed, membership-based structures composed of salaried employees, this fee can represent a significant financial burden. Furthermore, the registration of trade unions, or changes to their charters or leadership, cannot yet be completed through digital means. Owing to the high workload of the State Register Agency, the submission of documents for these procedures often involves substantial delays. On average, the waiting time in line is between 80 and 150 minutes.[45]

The requirement to submit declarations regarding beneficial owners has also imposed an additional administrative and financial burden on trade unions—a requirement that is, in substance, superfluous in the context of trade unions. In practice, the data on the trade union president, already registered in the State Register, are redundantly re-submitted as the data of the beneficial owner. This results in unnecessary administrative tasks and financial expenses for trade unions, while also generating avoidable administrative and resource burdens for the state apparatus. According to the legislation of the Republic of Armenia, the beneficial owner of a trade union is, without exception, the

45 Measured at the Unified Office for Public Services of the Ministry of Justice of the Republic of Armenia during 2024-2025, based on the average waiting time in the queue for the functions of the State Register Agency

president of the trade union, whose information is already duly recorded in the State Register following their election. Consequently, this constitutes double administration, whereby the registration of a change in trade union leadership now effectively incurs a total cost of 20,000 AMD.

THE SITUATION RELATED TO SOCIAL DIALOGUE (PARTNERSHIP)

The principle of social dialogue constitutes one of the fundamental pillars of democracy and effective public governance. Thereby, according to the definition provided by the International Labour Organization (ILO),[46] social dialogue encompasses all forms of negotiation, consultation, and exchange of information between representatives of governments, employers, and workers on matters of mutual interest concerning economic and social policy. The principle of social dialogue—referred to as "social partnership" in the Labour Code of the Republic of Armenia—is enshrined in ILO Conventions, the United Nations Decent Work Agenda, and Chapter 15 of the RA-EU Comprehensive and Enhanced Partnership Agreement (CEPA). Besides, the principle of conducting consultations with social partners in the context of policy development is affirmed in ILO Recommendation No. 113 "On Consultation at the National and Sectoral Levels." At the national level, the principle of social dialogue implies the conduct of discussions, consultations, and negotiations in a tripartite format with social partners during the development and adoption of normative legal acts in a number of fields. To this end, in European countries and various others, tripartite commissions or councils have been established with relevant mandates and responsibilities.[47] These bodies have equal representation of the government, employers, and national-level trade unions.

At the organizational level, the right to collective bargaining between a trade union and an employer is guaranteed by ILO Fundamental Convention No. 98. Despite the aforementioned obligations and standards, the state does not ensure

46 Social dialogue and tripartism. https://www.ilo.org/topics-and-sectors/social-dialogue-and-tripartism

47 Challenges and opportunities for social dialogue and tripartism, European Union Presidency conference summary Luxembourg: Office for Official Publications of the European Communities 2003

the realization of the principle of dialogue between social partners at either the national or organizational level—neither institutionally nor in practice. Normative legal acts directly affecting the social, economic, and other rights of workers are, in most cases, adopted without a tripartite social dialogue and often without adequate public consultation. Moreover, there is no institutionalized tripartite commission for social dialogue. Over the past fourteen years, several Republican collective agreements have been signed between the Government, the Republican Union of Employers, and the Confederation of Trade Unions and have included provisions for the establishment of such a commission. However, these collective agreements are for a set term, and signing new agreements is contingent upon the political will of the authorities. Consequently, the very existence of a tripartite consultative and negotiating body, and of a functioning institution of dialogue among social partners, is not guaranteed by law but depends on the existence of Republican tripartite agreements. At the organizational level as well, the state does not ensure the trade union's right to collective bargaining, as there is no legal obligation for the employer to engage in negotiations with the trade union. Particular attention must also be paid to employees in the public sector, especially civil servants, where the employer is the government.[48] In order to guarantee the right to collective bargaining for civil servants at the sectoral level, the state must establish a duly authorized body empowered to negotiate with the sectoral trade union representing civil servants. To date, no such body has been established, resulting in the denial of civil servants' right to collective bargaining.

LABOR LEGISLATION AND CURRENT ISSUES

OCCUPATIONAL HEALTH AND SAFETY, INSPECTION

The right to occupational health and safety is a fundamental human right enshrined in the Constitution of the Republic of Armenia (Article 82), the Labor Code of the Republic of Armenia, and a range of international legal instruments, particularly ILO Conventions No. 155 and 187, as well as several dozen EU Directives

48 Social Dialogue in the Public Sectors of the EU Member States: An Analysis of Different Models at the Level of the Central Public Administration, European Institute of Public Administration Maastricht

referenced in the Comprehensive and Enhanced Partnership Agreement (CEPA), for which implementation deadlines have not yet been established. Despite the existence of this legal framework, there are significant systemic deficiencies that hinder the full realization of this right,[49] including:

- Inadequate legislative framework – There is no normative legal act establishing a comprehensive policy, regulatory framework, and standards aimed at ensuring occupational health and safety.

- Insufficient supervision – The authority of the Health and Labor Inspection Body remains severely limited and its operational effectiveness is insufficient.[50] Although some control functions were reinstated in 2021, the Inspection Body still lacks true enforcement powers and performs only limited oversight functions, constrained by significant legislative limitations. For instance, administrative proceedings may only be initiated based on a written, individualized application or pursuant to the agency's annual inspection plan. The Inspection Body has no additional legal instruments at its disposal to address legal violations. These current legislative regulations, in fact, continue to undermine the institution of inspection, rendering its function fragmented, ineffective, and narrowly restricted. Even when applications alleging violations are submitted, administrative procedural requirements artificially diminish the probability of full detection of violations. The Inspection Body, in particular, must send out an advance employer notification, disclose the applicant's identity and so on. Such a procedure decreases the likelihood of reporting cases to the Inspection Body. Furthermore, as it can be inferred from experience, even in the presence of applications for violations of the law, administrative proceedings are initiated and conducted by the inspection body in such a way that in a significant number of cases they do not yield any results,[51] even when evidence of a violation of the legislation is presented by the applicant.

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49 A. Barikyan, T. Nazaretyan, ISSUES OF IMPLEMENTING THE RIGHT TO HEALTHY AND SAFE WORKING CONDITIONS AND THE APPROACH OF RA LEGISLATION TO THE PROVISIONS OF THE "COMPREHENSIVE AND ENHANCED PARTNERSHIP AGREEMENT", Advisory Opinion (piblished at eu-armenia.am)

50 https://arhmiutyun.org/2024/08/27/health-and-labor-inspection-body-is-in-dissaray/

51 The information is based on a desk review of applications addressed to Inspection Bodies (including the Health and Labor Inspection Body) by a Civil Society Platform participant and the proceedings initiated in relation thereto.

- Other deficiencies in inspection – The number of inspectors and the scope of their authority in Armenia do not meet the standards set by ILO Convention No. 81 (Labour Inspection Convention), ratified by the Republic of Armenia.

- Complex structure of legal norms – Legal norms concerning occupational safety are dispersed across various sector-specific acts—such as in construction, hygiene, etc.—which creates accessibility and applicability challenges for both employers and employees.

- Underestimation of trade unions – There is no legal framework to adequately promote the engagement of trade unions in exercising non-state oversight over occupational safety.

Significant gaps also persist in the **agriculture and construction** sectors. In agriculture, workers are exposed to risks including poisoning from pesticide use, both short-term and long-term effects of working in extreme heat (including cancer), and traumatic injuries resulting from agricultural machinery use, such as loss of limbs.

PROTECTION OF LABOUR

Beyond the limitations of the inspection system and the challenges related to non-state oversight by trade unions, legislative gaps also affect labor rights restoration in court. Article 25 of the Labor Code grants trade unions the right to challenge in court the actions or decisions of employers and their authorized representatives that violate Armenian legislation, collective agreements, or individual labor contracts, or infringe upon the rights of employees or their representatives. However, Article 50 of the Civil Procedure Code of the Republic of Armenia denies trade unions the right to appear before the court as legal representatives in such matters. Consequently, the relevant provision of the Labor Code remains unenforced and exists solely on paper. To address this inconsistency, it is necessary to amend and supplement the Civil Procedure Code to expressly grant trade unions the right to judicial standing in defense of employees' rights.

LABOR EXPLOITATION OF FOREIGNERS

In recent years, Armenia has experienced periodic inflows of labor migrants from Southeast Asian countries, primarily India. Unlike traditional patterns of labor migration, this new influx of the citizens of the above-mentioned stated to Armenia displays several characteristics associated with irregular migration, human trafficking, and labor exploitation. Based on verbal communication with migrants and publicly available information, it appears that a significant share enters Armenia on electronically issued tourist visas and declares tourism as the purpose of entry, even though their actual intent is to seek employment and settle in Armenia. Subsequently, however, these individuals are predominantly employed without an employment contract or in the informal sector, and moreover, they are engaged in such employment through various networks that provide entrepreneurs and individuals operating in construction, road building, agriculture, service, delivery, and other sectors with access to low-cost foreign labor. A review of online publications reveals that numerous advertisements targeting Indian audiences are disseminated via social media, offering to arrange travel to Armenia and provide with employment, particularly in the food delivery sector. At the same time, the Armenian "list.am" platform, various Facebook groups (e.g., "Foreigners in Armenia," "Indians in Armenia"), and even paper announcements posted on the streets frequently contain hundreds of Armenian-language ads, offering "Indian workers" or simply "Indians" to perform various jobs at affordable prices. Juxtaposing these facts, it can be inferred that the above-described labor migration process may involve networks of various entities (potentially transnational) that are effectively organizing the mass migration of foreign workers and facilitating their subsequent exploitation, with elements of forced labor. Several media outlets and investigative journalism organizations have addressed these issues, revealing both the humanitarian and labor rights issues[52] faced by Indian nationals who immigrated to the Republic of Armenia, as well as facts related to their immigration and activity.[53] Research conducted in the food delivery sector[54] also showed significant cases of illegal employment of foreigners, forced labor, and violations of their rights in this sector.

52 Indians in Armenia: In Dire Straits, looking forward to wages, https://www.azatutyun.am/a/33244760.html

53 Dark Stories Behind Yellow Backpacks, https://www.hetq.am/hy/article/166369

54 Working Conditions of Food Delivery Workers, CTUA / Friedrich-Ebert-Stiftung

The described situation raises serious concerns regarding potential human trafficking, as well as forced and illegal labor within Armenia. It underscores the deficiencies in inter-agency cooperation, as institutional shortcomings span several administrative domains, including the oversight of labor legislation. Applications submitted to the Health and Labor Inspection Body concerning foreign workers employed without formal contracts generally produce no significant outcomes. Moreover, such violations are often easily concealed by the employer. This is partly attributable to legislative restrictions on inspection authority and the limited enforcement powers of the inspection body. It should also be taken into account that a substantial share of foreign workers are engaged in short-term informal or household work, making oversight impossible.[55]

While Armenia has eventually tightened entry requirements for citizens of certain countries, the systemic solution must focus elsewhere, since the source of illegal labor is not the presence of foreign nationals, but rather the state's inadequate efforts and weak enforcement of labor legislation. For a systematic solution to the problem of exploitation of foreigners in the Republic of Armenia, it is proposed that inter-agency measures be developed, specifically in order to comprehensively reform the institution of oversight over labour legislation so that the competent authorities possess both adequate authority and operational capacity to proactively and on a daily basis identify and prevent individuals and businesses that exploit foreign labor without legal basis, as well as to track and prevent persons or networks distributing advertisements offering such labor. A creative regulatory approach is necessary, taking into account that a significant share of these advertisements are disseminated and shared via social media platforms and often not from verified user accounts.

PLATFORM–BASED EMPLOYMENT

Platform-based employment in Armenia has grown significantly in recent years, especially in passenger transportation services using mobile applications (e.g., Yandex Go, GG Taxi, uTaxi) and food delivery services (e.g., Glovo, Yandex Eats). While these sectors offer flexible employment opportunities, they often

55 Issues of irregular migration and border management in the Republic of Armenia, In the context of the RA-EU Comprehensive and Enhanced Partnership Agreement, Arsen Igityan, Yerevan, 2024.

operate in a regulatory vacuum, which results in serious risks to workers' rights[56] and contributes to the reduction of state revenue.

The RA government initiatives aimed at regulating platform-based passenger transportation services came into force on September 1, 2024. According to the new legislation, drivers providing passenger transportation via online platforms are now subject to "notifiable activity" requirements. These drivers must register as individual taxpayers, issue payment documents for each transportation service, and pay a state duty. The legislation introduces different state duty rates based on the method of payment: for example, for non-cash payments, a duty of 1.5% has applied since September 2024, which is scheduled to increase to 4% by 2026. Although this does not constitute a comprehensive regulation, as it does not equate app-based transportation with conventional taxi services, platform-based drivers continue to remain beyond the category of workers in its classical sense, however, this step can be seen as the start for the formalization and regulation of the sector.

Unlike passenger transportation, the food delivery platform sector in Armenia remains unregulated. Although in some cases, delivery personnel are registered as individual entrepreneurs, this process primarily depends on the discretion of the workers and is not governed by any sector-specific legislation. Consequently, similar to drivers, they are deprived of social guarantees, such as the right to be included in the pension system, the right to organize, occupational safety guarantees, and others.

In general, the insufficient regulation of platform employment leads to a number of adverse consequences, such as:

- Vulnerability of workers: Workers, although in practice engaged as hired employees, lack formal employment contracts and thus do not benefit from adequate legal protection under labor law.

- Growth of the shadow economy: Unregulated sectors encourage the expansion of the shadow economy, diminishing the state's tax revenues.

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56 Working Conditions of Food Delivery Workers, CTUA / Friedrich-Ebert-Stiftung

- Lack of transparency and accountability: In the platform economy, labor relations disappear, complicating the identification of employers and responsible entities. According to studies, a significant share of food delivery workers in Armenia are unaware of who their actual employer is and where the entity is located (see the joint study by CTUA and Friedrich-Ebert-Stiftung).

- Regulatory disparity: Differences in the regulation of the taxi and food delivery sectors distort fair competition and create confusion for stakeholders involved in the sector.

Thus, although the Government of the Republic of Armenia has undertaken certain steps toward regulating the passenger transportation sector, food delivery platforms continue to operate in an unregulated environment. It is imperative to develop comprehensive regulations that will concurrently ensure social protection for workers and foster sustainable growth in state revenues.

ISSUES OF IMPLEMENTING AND ENFORCING THE AGREEMENT

ROADMAPS, TRANSPARENCY, INTER–AGENCY COMMISSION

According to information received from the Government of the Republic of Armenia as of 2025, new roadmaps are currently being developed to ensure the effective implementation of the Agreement. Since the Agreement itself contains a clear list of reforms with set deadlines, in order to ensure a more effective and speedy implementation of CEPA, it is desirable that the new roadmaps more clearly reflect the reforms listed in the Annexes to the Agreement. This would both enhance the readability of the roadmaps and follow the reform schedule with more compliance.

The state has not yet established mechanisms for systematic monitoring or regular review of the reforms associated with the Agreement. However, in April 2025, the Chairperson of the NA Standing Committee on European Integration indicated[57] that the Government was developing an online portal that would visualize the implementation of the Agreement. At present, such a portal has only been

57 6TH MEETING OF THE EU-ARMENIA CIVIL SOCIETY PLATFORM, eu-armenia.am, News section

developed by the RA-EU Civil Society Platform, which independently evaluates and visually presents the progress of the Agreement's implementation.[58]

By Prime Minister's Decree No. 906-A of July 2, 2018, an inter-agency commission was established to coordinate implementation measures. The commission is currently composed of the Deputy Prime Minister of the Republic of Armenia, the chairpersons of the standing committees of the National Assembly of the Republic of Armenia, deputy ministers in charge of specific sectors, and representatives of several other state departments. The commission is mandated to convene sessions at least once every six months.

Further, Prime Minister's Decree No. 666-L of June 1, 2019, stipulates that the interagency commission shall conduct regular monitoring of the roadmap, and that the relevant departments shall submit summary reports on their completed and ongoing work to the commission within 10 days after the end of each quarter. In practice, however, the commission has convened its sessions no more than once a year.

The composition of the Commission, being limited solely to representatives of state bodies, is not sufficiently inclusive, as it does not facilitate discussions with civil society and other stakeholders during the reform process and fails to ensure transparency in implementation.[59] In particular, the involvement of civil society organizations in the Commission would contribute to a more democratic and accountable reform process. Some representatives of the Civil Society Platform established under Article 366 of the Agreement have been invited to select sessions of the Interdepartmental Commission as guests; however, this participation was not procedural. Accordingly, it is proposed that members of the RA-EU Civil Society Platform be included as formal members of the Commission. Furthermore, it is recommended that systematic information exchange with the Platform be ensured and, as appropriate, the Platform be consulted during the development and discussion of reforms.

Since the establishment of the RA-EU Civil Society Platform, the Platform has submitted various sectoral advisory opinions and annual reports to the government.

58 CEPA in Pictures, eu-armenia.am
59 6th Joint Declaration of the EU-RA Civil Society Platform

However, the RA Government's response has not always been constructive. The submissions have typically been received by the relevant departments as legislative proposals or critical commentary, to which feedback has been provided—often in the form of disagreement with and denial of the recommendations contained in the advisory opinions, questioning the appropriateness of the adoption of such recommendations, or merely containing declarative statements. Moreover, the government's subsequent actions regarding these advisory opinions remain unknown.

The provisions of the CEPA on employment and social policy are also closely linked to the UN Sustainable Development Goals (SDGs), yet here, too, the state has underperformed. On April 22, 2020, a decree was adopted to establish the Sustainable Development Goals Council, along with the approval of its composition and rules of procedure. On September 15 of the same year, the Confederation of Trade Unions of Armenia was elected to the Council as a non-governmental organization, active in the fields of labor, employment, and poverty alleviation. According to the mentioned decree, the Council shall organize its work through sessions convened at least once per quarter. However, as of 2024—four years later—no session of the Council has been convened.

NEW EU PARTNERSHIP AGENDA

More than a year ago, it was announced that the Republic of Armenia and the European Union were in the process of developing a New EU Partnership Agenda,[60] which would complement the CEPA Agreement. Despite the ongoing negotiations on that agenda, only one meeting of full composition has been held with the representatives of the Civil Society Platform, during which only the general conceptual outline of the agenda was presented. However, the substance of the document, its relation to the Agreement, the specific provisions it may include, and the rationale for its development remain unknown to civil society representatives. In order for the to-be-developed Agenda to be effective and to genuinely contribute to the implementation and further development of the Agreement, it is necessary for its content to be proactively discussed with civil society representatives, and that the negotiated text be made accessible.

60 Armenia and EU to launch 'ambitious' partnership agenda, OC-media, 14-02-2024

Specifically, in the field of labor policy, the New Agenda may incorporate additional EU standards not currently provided for in the Agreement. These may include, for example, the Directive on Adequate and Fair Minimum Wage[61] and the Directive on Public Procurement.[62]

61 http://data.europa.eu/eli/dir/2022/2041/oj
62 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014L0024-20240101

7.

ISSUES OF IRREGULAR MIGRATION AND BORDER MANAGEMENT IN THE RA IN THE CONTEXT OF THE RA – EU COMPREHENSIVE AND ENHANCED PARTNERSHIP AGREEMENT

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The Comprehensive and Enhanced Partnership Agreement (hereinafter referred to as "CEPA") between the Republic of Armenia and the European Union[63] is a key document that was signed on November 24, 2017, in Brussels and entered into force on March 1, 2021. CEPA belongs to the category of so-called "harmonization and stabilization" agreements that the European Union offers to its neighboring countries, with the aim of ensuring their gradual approximation and integration with common European values and norms. The agreement provides broad opportunities to deepen mutual cooperation and integration and also provides for reforms in a wide range of sectors.

CEPA stipulates the gradual approximation of the Armenian legislation to EU legal acts in a number of fields: environment, energy, climate, consumer protection, information technologies, transport, labor rights, by the way, over a specified period of time. Meanwhile, standard and other contractual provisions have been defined for many other sectors, as well as provisions for deepening mutual cooperation. These sectors also include migration, mobility, border security, and interstate cooperation.

63 On CEPA, https://eu-armenia.am/about-cepa-1

MIGRATION IN THE CONTEXT OF CEPA

Articles 14–17 of CEPA refer to migration and related provisions. In particular, it is stipulated that the parties reaffirm the importance of joint management of migration flows between themselves and will establish a comprehensive dialogue on migration-related issues, including regular migration, combating irregular migration and international protection, trafficking, and smuggling of persons.

The following obligations set forth in CEPA may be outlined:

- Identification and prevention of the underlying causes of migration;
- Development and implemention of an effective and preventive policy against irregular migration, smuggling of migrants and trafficking in human beings, including the fight against networks of smugglers and traffickers;
- Ensuring the implementation of the EU – RA agreement on visa facilitation.

IMPLEMENTATION OF CEPA OBLIGATIONS

Given that migration is not relevant for sectors for which a specific number of EU legislative acts have been approximated, CEPA implementation in this sector can be measured in different ways. However, the EU-Armenia Civil Society Platform, established under Article 366 of CEPA, has launched an electronic tool to demonstrate the implementation of CEPA-related sectors,[64] which reflects the quantitative and qualitative assessment of CEPA provisions, expressed as a percentage between the number of provisions listed for the sector and the number of those provisions implemented in practice. In this sense, it can be estimated that about 13% of CEPA's migration-related commitments have been fully implemented, and about 75% are under implementation.

Positive developments include:

- Effective interactions and contractual relations with EU countries on the readmission of persons;
- Ratification of the Cooperation Agreement between Armenia and the EU Criminal Justice Agency (Eurojust);
- Summary of the tender announced for the maintenance of the biometric passport system and the selection of the service provider (a joint consortium

64 eu-armenia.am, CEPA in Pictures page

of the French transnational corporation Idemia Group and a subsidiary of Corporacion America, owned by the Argentinean-Armenian Eduardo Eurnekian), which will introduce the biometric passport system from the second half of 2026;

- Withdrawal of the border control function from the Russian Federation entities in some sections of the RA state border.

At the same time, the serious problems associated with the implementation of the 2013 Armenia–EU Visa Facilitation Agreement are noteworthy. These arise due to the insufficient capacity of the consulates of the EU member states, as well as the outsourcing of these services. The mismatch of human resources of the consulates with the demand, as well as the unscrupulous provision of services by the outsourcing corporations (VFS Global, Teleperformance) leads to the practical impossibility of visiting the visa center vis-à-vis the established timeline of a 2-week period.

ACCUMULATION OF "IRREGULAR" MIGRANTS IN ARMENIA AND THEIR INVOLVEMENT IN INFORMAL EMPLOYMENT

In recent years, Armenia has periodically observed an influx of labor migrants from Southeast Asian countries, primarily from India. Unlike the well-known format of labor migration, the flow of citizens from the mentioned countries to Armenia has a number of features that are associated with irregular migration, trafficking, and labor exploitation. Based on verbal communication with migrants and publicly available information, it appears that a significant share enters Armenia on electronically issued tourist visas and declares tourism as the purpose of entry, even though their actual intent is to seek employment and settle for residence in Armenia. Subsequently, however, these individuals are predominantly employed without an employment contract or in the informal sector, and moreover, they are engaged in such employment through various networks that provide entrepreneurs and individuals operating in construction, road building, agriculture, service, delivery, and other sectors with access to low-cost foreign labor. Since the Armenian entry visa expires after some time, and in the case of undocumented work, employers do not provide workers with legal grounds for residence, foreigners continue to reside in Armenia without any legal basis. A review of online publications reveals that numerous advertisements

targeting Indian audiences are disseminated via social media, offering to arrange travel to Armenia and provide with employment, particularly in the food delivery sector. At the same time, the Armenian "list.am" platform, various Facebook groups (e.g., "Foreigners in Armenia," "Indians in Armenia"), and even paper announcements posted on the streets frequently contain hundreds of Armenian-language ads, offering "Indian workers" or simply "Indians" to perform various jobs at affordable prices. Juxtaposing these facts, it can be inferred that the above-described labor migration process may involve networks of various entities (potentially transnational) that are effectively organizing the mass migration of foreign workers and facilitating their subsequent exploitation, with elements of forced labor. Several media outlets and investigative journalism organizations have addressed these issues, revealing both the humanitarian and labor rights issues[65] faced by Indian nationals who immigrated to the Republic of Armenia, as well as facts related to their immigration and activity.[66] A survey conducted in the food delivery sector[67] also showed significant cases of illegal employment of foreigners, forced labor, and violations of their rights in this sector.

The described situation raises serious concerns regarding potential human trafficking, as well as forced and illegal labor within Armenia. It reveals the deficiencies in inter-agency cooperation, as institutional shortcomings span several administrative domains, including the oversight of labor legislation. Although the visa liberalization for entry into the Republic of Armenia is giving impetus to the influx of citizens from a number of countries, the fundamental reason for the formation of irregular migration is the phenomenon of involving foreigners in work without legal grounds and the actual lack of control in that context. Thus, the Trade Union of Employees of Public and Municipal Administrations of Armenia, as well as trade union employees, have submitted applications to the Health and Labor Inspection Body on various occasions, reporting on the presence of undocumented foreign labor in this or that organization.[68] However, due to legislative restrictions and insufficient powers, the inspection body was unable to identify unregistered workers during its inspections. It should also be taken into account that a significant share of foreigners are involved in short-term informal or household work, where control is impossible.

65 Indians in Armenia: In Dire Straits, looking forward to wages https://www.azatutyun.am/a/33244760.html

66 Dark Stories Behind Yellow Backpacks, https://www.hetq.am/hy/article/166369

67 Working Conditions of Food Delivery Workers, CTUA / Friedrich-Ebert-Stiftung

68 The authority of the Health and Labour Inspection Body is insufficent, https://arhmiutyun.org/2024/08/27/health-and-labor-inspection-body-is-in-dissaray/

According to the information received from the Migration and Citizenship Service of the Ministry of Internal Affairs of the Republic of Armenia in October 2024,[69] 4,979 foreigners were subject to administrative fines for residing in the Republic of Armenia without legal grounds for the last 24 months (01.10.2022–30.09.2024) in accordance with the requirements of Article 201(1) of the RA Code on Administrative Offenses. At the same time, the service reported that it did not have data on the number of foreigners residing in the Republic of Armenia without legal grounds (who entered the Republic of Armenia and did not receive a residence status after the expiration of the entry visa and did not leave the Republic of Armenia). However, in the same month of October, the Ministry of Internal Affairs submitted an analysis to the Government of the Republic of Armenia,[70] which referred to the above-mentioned phenomenon of irregular migration, and also presented some statistics. It specified that the influx of citizens of India, Egypt and Iraq into the Republic of Armenia and the accumulation of these citizens in the Republic of Armenia without legal grounds has significantly increased. 3,260 entry visas were issued to Egyptian citizens in 2022, whereas this number increased to 6,246 in 2023. Iraqi citizens were issued 10,884 and10,564 entry visas in 2022 and 2023, respectively. During 2023, 86,942 applications were received from Indian citizens for an entry visa to the Republic of Armenia. The number of applications in the previous year, in 2022, was 34,199.

Table 1. Statistics on the 2022 – 2023 immigration of the nationals of India, Iraq amd Egypt

Citizenship	**RA entry visas issued**
Egypt	9 506
Iraq	21 448
India	around 95 000
Total	**126 000**

69 Letter N 42/94/4/180785-24 of the Migration and Citizenship Service, dated October 8, 2024
70 Agenda of the Otober 24,2024 Government session, https://www.e-gov.am/sessions/archive/2024/10/24/

At the same time, it is noted that according to the data of the National Security Service, 12,787 citizens of the three aforementioned countries arrived in the Republic of Armenia in January–October 2024 alone and remained in the Republic of Armenia without legal grounds. Although the analysis does not provide the number of entry visas issued in the same months of 2024, taking into account the dynamics of their growth and making an arithmetic approximation, it can be roughly estimated that about 20% of Indian citizens, about 11% of Egyptian citizens, and about 4% of Iraqi citizens stayed in the Republic of Armenia illegally after entering the Republic of Armenia. According to this estimate, only during 2022–2024, about 35,000 irregular migrants from these three countries alone may have accumulated in the Republic of Armenia, yet, the total number may be larger.

Taking into account these justifications, the RA government made a legislative amendment on October 24, 2024,[71] tightening visa requirements for the citizens of the three mentioned countries. However, given the multifaceted nature of the problem, restricting the issuance of visas may not provide a systemic solution to irregular migration as long as there is a lack of control and supervision in the labor sector.

BORDER REGULATIONS AND VISA RUN

According to Article 7 of the RA Law "On Foreigners", citizens of those countries for whom a visa-free regime for entry to the Republic of Armenia is established may stay in the territory of the Republic of Armenia for a maximum period of 180 days within a year.

In 2022, as a result of the large-scale attack by the Russian Federation on Ukraine, the influx of citizens of mainly Russian citizens to the Republic of Armenia sharply increased, along with some Belarusian and Ukrainian citizens. A large number of citizens of the CIS countries settled in Armenia. For the purpose of their social and economic integration, various communication platforms (group chats, Telegram channels) and thematic publications were created on the Internet. Examining the posts on such platforms, one can notice a large number of posts about the so-called "visa run" phenomenon[72] and its application in Armenia. Despite the English origin of the word, the term is mainly a widespread term in

71 RA Governmental Decree N 1692-N, dated October 24, 2024, https://www.arlis.am/documentview.aspx?docid=198829

72 Visa run, https://en.wikivoyage.org/wiki/Visa_run_and_border_run

the vocabulary of people who emigrated from the Russian Federation and other Slavic countries of the CIS. The essence is that after staying in the country for the maximum allowed duration, the foreigner leaves the country and re-enters it, thus "zeroing out" the number of days for allowed stay, which enables them to stay in the country longer than prescribed by law. According to reports and publications by CIS "relocators", citizens of the Russian Federation and Belarus use this method to live in Armenia for more than 180 days a year without obtaining a residence card. After living in Armenia for 180 days, according to reports, foreigners leave for Georgia and return to Armenia after a few days, as a result of which they stay in Armenia for almost the entire year. Such reports are accompanied by additional comments as to the mentioned method beling illegal, yet frquently proving effective in practice. It is noteworthy that some of suchlike entries are also made by citizens of Ukraine, which means that not only citizens of the Eurasian Economic Union are able to benefit from the visa run scheme. There are quite a few guides published online by various Russian-owned or Russian-run travel and consulting companies, in which Armenia is indicated as a country where the "visa-run" scheme works, however, not always. Based on this information, it can be assumed that the RA Border Service does not have sufficient tools to collect data on entering foreigners, calculate the total duration of their stay in the RA, compare the data, properly identify persons crossing the border, and thus ensure compliance with the RA Law "On Foreigners".

POTENTIAL OPTIONS FOR ADDRESSING ISSUES

- In order to systematically address the problem of informal labour related to irregular migration in the Republic of Armenia, it is recommended that inter-agency measures be developed, specifically in order to comprehensively reform the institution of oversight over labour legislation so that the competent authorities possess both adequate authority and operational capacity to proactively and on a daily basis identify and prevent individuals and businesses that exploit foreign labor without legal grounds, as well as to track and prevent persons or networks distributing advertisements offering such labor. A creative regulatory approach is necessary, taking into account that a significant share of these advertisements are disseminated via social media platforms by "fake" users.

- To prevent the arrival of foreign citizens to the Republic of Armenia for the

purpose of engaging in informal work through the exchange and analysis of data between the National Security Service, the Ministry of Internal Affairs, the State Revenue Committee and inspection bodies.

- To modernize and re-equip the NSS border troops and the border electronic management system in order to exclude cases of abuse by foreign citizens and circumvention of the provisions of the RA Law "On Foreigners".

- To work with EU Member States and make efforts to ensure that the foreign affairs ministries of EU Member States increase financial allocations and staffing in consular services located in Armenia for the proper implementation of the Armenia-EU Visa Facilitation Agreement.

8.
FULFILLMENT OF THE REPUBLIC OF ARMENIA'S OBLIGATIONS UNDER THE ENERGY SECURITY TREATY

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The security component of the CEPA covers energy security, regional security, peace and stability, control of the proliferation of conventional arms, trafficking, cybersecurity, and food security. This report presents the Republic of Armenia's commitments in the field of energy security and the progress of their implementation.

IN THE PREAMBLE TO CEPA, THE PARTIES SPECIFY AS FOLLOWS:

COMMITTED to enhancing the security and safety of the energy supply, facilitating the development of appropriate infrastructure, increasing market integration and gradual approximation with the key elements of the EU acquis referred to hereinafter, including, inter alia, by promoting energy efficiency and the use of renewable energy sources, taking into account commitments of the Republic of Armenia to the principles of equal treatment of energy-supplier, -transit, and -consumer countries;

COMMITTED to high levels of nuclear safety and nuclear security, as referred to hereinafter; EU/AM/en 8 ACKNOWLEDGING the need for enhanced energy cooperation, and the commitment of the Parties to fully respect the provisions of the Energy Charter Treaty;

Article 42 of Chapter 2 (CHAPTER 2: ENERGY COOPERATION, INCLUDING NUCLEAR SAFETY) highlights the importance of developing energy strategies and policies, including for the promotion of energy security and diversity of energy supplies and power generation.

High levels of nuclear security, on the basis of international guidance and practices, are prioritized, too.

ARTICLE 123 Customs cooperation 1. The Parties shall strengthen cooperation in the area of customs in order to facilitate trade, ensure a transparent trade environment, enhance supply chain security, promote safety of consumers, prevent flows of goods infringing intellectual property rights and fight smuggling and fraud.

IMPLEMENTATION OF THE REPUBLIC OF ARMENIA'S COMMITMENTS UNDER THE CEPA IN THE FIELD OF ENERGY SECURITY

To achieve the objectives outlined in the CEPA, the following actions are envisaged:

- Enhancing energy security and diversification of energy sources, along with enhancing energy effenciency;
- Developing competitive and transparent energy markets;
- Promoting renewable energy sources and improving energy efficiency;
- Facilitating the exchange of technologies in energy security and waste management;
- Ensuring the safe decommissioning of the Metsamor Nuclear Power Plant and planning for the establishment of new replacement infrastructure.

Within the framework of the above-mentioend commitments, the Government of Armenia has undertaken a number of reforms since 2018, the most notable being the development of competitive energy markets. In line with that provision, efforts were made to liberalize and de-monopolize the electricity distribution market. As a result of reforms initiated in 2018, Armenia's electricity market was liberalized on February 1, 2022. This enables organizations other than the Electric Networks of Armenia (ENA), holding a supplier or wholesale trader license, to act as intermediaries between producers and consumers. This means that licensed suppliers can now purchase electricity from generating stations and sell it directly to consumers, effectively ending ENA's monopoly as a supplier and enabling the establishment of market-regulated, balanced electricity prices.

Another major reform relates to the development of solar energy, particularly

through state-supported household solar panel installations. Under this initiative, distribution networks purchase the annual surplus of solar energy generated by households. Additionally, the government subsidizes 10% of the 10–15% interest rates on loans taken by citizens to install solar panels. Approximately 30,000 households have benefited from this program. The resulting increase in the solar energy share in Armenia's energy mix has enhanced the country's energy independence and security, while also addressing social issues for a broad segment of the population. However, the subsidy is set to end on July 1, 2025, which will be a blow to the growth in this sector. We believe it appropriate for the Government to extend this program.

In general, the primary barrier to further solar energy development lies in the instability of daytime solar generation. The increase in solar production has led to significant daytime energy surpluses, which the current infrastructure is unable to store or export. No demand-side incentives are in place to manage this surplus. Consequently, to balance grid fluctuations, other power plants — including nuclear facilities — must be disconnected, substantially increasing the cost per kilowatt. It should be noted that such issues are not unique to Armenia and are common in countries with advanced renewable energy sectors. Proven solutions include:

- Introduction of demand management toolkits to stimulate energy consumption during surplus hours and reduce it during peak demand, using pricing and other tools — without raising the average tariff level and while continuously ensuring the protection of vulnerable groups;
- Promotion of storage systems for both residential and commercial use;
- Support for emerging energy technologies, such as heat pumps and electric vehicles, etc.

The installation of energy storage systems only can enable entire settlements to transition to autonomous energy supply systems which is of major strategic importance especially for border settlements.

In Armenia, when formulating policies to solve energy problems, the authorities often ignore or even refuse to listen to the proposals, made by solar energy companies. It is noteworthy that the representatives of these companies were not invited to participate in the NA hearings dedicated to solving problems related to the ENA.

Other important issues include corruption and patronage within ENA, as reported by energy producers in informal settings. Thus, ENA's leadership does not ensure fair competition and grants licenses to companies affiliated with it (its leadership). Furthermore, in the past ENA negotiated with the Government of Armenia to secure an 8% net profit margin on electricity generation. In conditions of inflated costs, the state's guarantee of this profitability is a heavy burden for consumers.

According to official data, Armenia's energy efficiency is approximately 2.7 times lower than the EU average and 1.7 times lower than the average for Eastern European countries. Moreover, Armenia remains highly dependent on imported fossil fuels — a dependency that has deepened over the past decade. Between 2009 and 2019, the share of fossil fuels (petroleum products and natural gas) in the primary energy supply structure increased by 1.6 percent, reaching 70.6 percent in 2019. During the period under review, two main trends are observed in the structural changes of primary energy supply and imported fossil fuels: an increase in the share of natural gas and a decrease in the share of petroleum products. Natural gas maintained and strengthened its dominant position, accounting for 60 percent or more throughout the period. In fact, over 95 percent of the growth in primary energy supply during this period was due to natural gas, primarily driven by increased demand from light passenger transport and households.

Reducing dependence on imported fossil fuels is a priority for Armenia, with the primary strategy being the steady development of renewable energy. Over the past decade, the share of renewables in the country's primary energy supply has fluctuated between 11 and 12 percent. In 2019, renewable energy accounted for 11.7 percent (excluding biofuel, this figure stood at 5.7 percent).

To fully replace natural gas with solar energy—assuming domestic demand remains constant—Armenia would need to build 700 MW of renewable energy capacity (excluding hydropower). As of the first half of 2021, approximately 150 MW of such capacity was already operational.[73]

An important step in this direction was the approval of the "MASDARARMENIA PROJECT" investment program by RA Government's Decree No. 1922-L of December 26, 2019,[74] which envisaged the construction of two 200 MW photovoltaic plants in the Talin sub-region of the Aragatsotn region: "Ayg-1"

73 https://www.arlis.am/DocumentView.aspx?docid=161408
74 https://web.archive.org/web/20220804083631/https://www.e-gov.am/gov-decrees/item/33223/

and "Ayg-2".[75] Financial institutions interested in its financing—including the European Bank for Reconstruction and Development (EBRD), the German DEG, the French PROPARCO development agencies, and the UAE-based Masdar Company—were prepared to invest 200 million USD. The tariff for the produced electricity was set at 0.0290 USD or 11.23 AMD per kilowatt-hour (kWh).[76]

The ownership structure of the plants would be as follows: Masdar Clean Energy Company – 75%, Armenian National Interests Fund (ANIF) – 15%, with the owner of the remaining 10% share currently unknown.[77]

The Ministry of Environment of the Republic of Armenia issued a positive conclusion on the EIA report for the construction of Ayg-1 back in 2023. It was planned that the plant would be built within two years and commissioned in 2025. However, for unknown reasons, construction has not been launched yet.

As for another branch of renewable energy, wind power, maps of Armenia's wind energy resources were developed in 2003. According to these assessments, the total capacity of economically viable wind power plants is estimated at about 450 MW, with an annual electricity generation potential of 1.26 billion kWh. The main promising sites were identified as Zod Pass, Bazum Mountains (Karakhach and Pushkin Passes), Jajur Pass, Geghama Mountains Region, Sevan Pass, Aparan Region, the highland zone between Sisian and Goris, and the Meghri Region. However, as of July 1, 2019, only two wind power plants were generating electricity, with a total installed capacity of 2.9 MW. Two additional wind power plants, with a capacity of 5.3 MW, are still under construction. According to the Public Services Regulatory Commission's Decision No. 159-N of May 29, 2019, the tariff for electricity supplied from wind power plants from July 1, 2019, to July 1, 2020, was set at 43.585 AMD/kWh excluding VAT for plants licensed before November 1, 2018. For wind power plants with an installed capacity of up to 30 MW, licensed after November 1, 2018, the tariff was set at 24.233 AMD/kWh.

This tariff is set and adjusted by the Commission in accordance with the methodology adopted by its Decision No. 88-N of April 22, 2018. Under this methodology, the tariff for wind power plants is indexed annually, based on fluctuations in the exchange rate of the Armenian dram against the US dollar and

75 https://web.archive.org/web/20220331121300/https://www.ecolur.org/hy/news/officials/13267/
76 https://www.hetq.am/hy/article/157962
77 https://www.gem.wiki/Ayg-1_solar_farm

changes in the consumer price index in Armenia, and applies for a specific period. For wind power plants with an installed capacity exceeding 30 MW, tariffs are determined within the framework of separate investment programs.[78]

It is important to note that the development of renewable energy, in addition to macroeconomic support and promotion, often requires direct microeconomic intervention and support. For example, the energy potential of landfills remains unused to this day.

In this context, the story of the closure of the biogas plant, which derived biogas from the manure of the Lusakert poultry factory is noteworthy. Approximately 250 tons of liquid poultry manure were processed there daily, resulting in biogas with a methane concentration of 60–70%. A gas engine and generator operated on this biogas. According to the European experts involved in the Kyoto Protocol, the Lusakert Biogas Plant or "Lusakert Biogas Plant" CJSC, was commissioned in 2008. One of its shareholders was the Norwegian Vekst Foundation. An initial investment of 5.2 million EUR was made (with plans to expand investments up to 10 million EUR), and the plant generated 7 million kilowatt-hours of electricity annually. As a matter of fact, the generated electricity was sold to the Armenian power grid at a rate of 35 AMD per kilowatt-hour.[79] Simultaneously, the plant reduced greenhouse gas emissions by 27,000 tons of CO annually. The plant has been inactive since 2013 due to financial difficulties. These financial problems arose when the government failed to grant the promised VAT exemptions (on imported equipment). Additionally, the discussions with the government back at the planning stage had focused on the possibility of introducing penalties for uncontrolled disposal of livestock breeding waste from large livestock farms and poultry factories. It was believed that imposing penalties for uncontrolled disposal could have incentivized investment in alternative energy in Armenia. However, these measures were not implemented, and the situation has not changed since.

Following these developments, the plant's Norwegian and Danish partners—specifically, the Norwegian Vekst Foundation, the Danish Development Fund (co-investors), and the Danish engineering company Bigadan, which configured the technology—withdrew from the project. The Norwegians held a 16% stake, while the Danes each held 13%. In 2019, the Manukyan family attempted to revive the plant by cleaning the tanks and re-engaging with authorities on the

78 http://www.minenergy.am/page/verakang
79 https://armenpress.am/hy/article/448595

tax issues related to the imported equipment. However, negotiations with the government failed again.[80]

Subsequently, in October 2023, the Public Services Regulatory Commission of the Republic of Armenia made the decision to revoke the plant's license. The biomass used at the biogas facility was processed into organic fertilizer, which is highly beneficial for agricultural use. To promote biomass processing as a profitable business, using models such as "biomass–biogas–organic fertilizer" or "biomass – biogas – electricity and thermal energy – fertilizer," legislative regulation is essential. This regulation should boil down to setting a requirement for producers to pay waste collection and processing entities based on the weight of the waste, in alignment with European practices.[81]

One of the obstacles to the development of the biogas energy sector in Armenia is the absence of a functioning carbon credit system. Such a system allows enterprises that reduce greenhouse gas emissions to earn credits for each ton of emissions reduced. These credits can then be sold to entities exceeding emission limits.

In addition to altering the structure of energy consumption, the Armenian government is also taking steps to diversify energy sources within the existing framework. Thus, in 2022, a charter for strategic cooperation in the nuclear energy sector was signed with the United States, initiating negotiations for the construction of a 300 or 600 MW modular nuclear power plant of American design in Armenia. The new facility is expected to be commissioned by 2035, aligning with the decommissioning timeline of the Metsamor Nuclear Power Plant.

Simultaneously, negotiations are underway to arrange gas imports from Turkmenistan to Armenia via Iran's gas infrastructure. This initiative could significantly reduce Armenia's dependence on Russian gas supplies.

Another key direction for enhancing energy security and reducing external energy dependence is improving energy efficiency. Expert assessments suggest that energy efficiency measures could lower energy consumption by households, government and community institutions, and industrial enterprises in Armenia by approximately 30 percent.

For this purpose, on April 12, 2018, the Government adopted Decree No.

80 https://arm.sputniknews.ru/20231008/hhum-kasecvel-e-kensagazi-artadrutjan-miak-licenzian-gvortsarani-hamar-gnvord-en-pntrum-66954209.html
81 www.mathnet.ru/links/434d0b29615e0924254275313da59a7a/nuaca271.pdf

426-N, which establishes technical regulations for energy effeciency in newly constructed residential multi-apartment buildings and facilities built with state funding. Construction norms and energy certificates were also established by a separate ordinance. In addition, on June 8, 2023, the Government adopted Decree No. 916-N, which regulates synthetic paints and varnishes, contributing to the regulation of the use of heat-insulating and energy-saving coatings on buildings and structures. It is also worth noting the need to take steps toward centralizing the heating of multi-apartment buildings, which could reduce gas consumption for apartment heating by 35–40 percent.

Last but not least, the authorities do not pay sufficient attention to the management of this sector. Specifically, immediately after the revolution, the Ministry of Energy was abolished and merged with the Ministry of Territorial Administration and Infrastructure. The position of Deputy Minister for Energy within the Ministry of Territorial Administration and Infrastructure has been vacant for a long time now. The Government justifies this by citing the lack of qualified personnel, which cannot be considered a valid reason.

In conclusion of the report, we shall present the scope of activities for the implementation of commitments undertaken by Armenia under CEPA, according to which a significant portion of the activities has yet to be fulfilled.[82] Thus:

The following actions were planned to be completed by 2024 but remain unfulfilled:

- Accountability of investments in the energy sector: Develop a procedure for reporting to the state on investments in the energy sector and related standards, in accordance with EU Regulation 1113/2014.
- Establishment of norms for hydrocarbon extraction: Establish standards and regulations for hydrocarbon extraction applicants, in accordance with Directive 94/22/EC.

The following actions were planned to be completed by 2025 but have yet remained unfulfilled:

- Development and implementation of a comprehensive energy saving and energy efficiency policy:

82 https://eu-armenia.am/energy

Including setting an annual target for reducing energy consumption by 0.24 - 0.28% of total energy consumption per year, as defined in Directive 2012/27/EC.

- Reconstruction of 3% of the area of public institution buildings with energy-saving standards per year.

Defined by the same Directive 2012/27/EC.

- Development of an energy-saving policy for operations and procurements in state and local government bodies.

As well as an action plan, as defined by the same Directive 2012/27/EC.

- Regulation of heating systems.

In particular, introduce regulations on the use of heating, regulations aimed at measuring the amount of heat used and limiting it, as defined by the same Directive 2012/27/EC.

- Modernization and remote reading of gas meters.

Introduce the possibility of remote reading of natural gas meters, ensuring the measurability of gas consumption data, as defined by the same Directive 2012/27/EC.

- Introduction of energy labeling of products.

Establish an obligation for manufacturers, importers, sellers and suppliers to place mandatory labels on electrical appliances indicating energy efficiency classes in accordance with the standards of Directive 2010/30/EC.

- Introduction of a nuclear energy policy.

Develop and implement a legislative and institutional framework for nuclear energy, as well as establish an authorized body that will define, develop and monitor nuclear safety standards (Directive 2009/71/Euroatom).

- Introduction of a fuel waste management system.

Adopt and implement legislative acts related to the generation, storage and management of fuel and radioactive waste (Directive 2011/70/Euroatom).

The following actions are planned to be implemented by 2026.

- Introduction of a minimum national fuel reserve requirement.

The state is committed to establishing a regulation on having a reserve of gas and other fuels for at least 61 days of consumption, as required by Directive 2009/119/EC.

- Compliance with the threshold of energy carriers in cogeneration.

Provide for energy carrier ratios for mixed energy generation, as defined in the Annex to Directive 2015/2402/EC.

- Implementation of a policy on energy profiling of buildings.

Introduce energy certification, energy efficiency compliance, and climate control systems for buildings and structures, as defined in Directive 2010/31/EU.

The following actions are planned to be implemented by 2027.

- Implementation of a system for security and stability of the electricity market.

Introduce guarantees of balancing supply and demand in the domestic electricity market, system stability, including through sufficient investments, as defined in Directive 2005/89/EC.

- Preparatory work is underway to draft legislation on radioactive waste management. A strategy has been adopted.

As per our assessment, such an unsatisfying situation in the implementation of the CEPA is due to the following factors:

1. *A severely inadequate level of capacity among the staff of relevant state bodies implementing the commitments undertaken under the CEPA (hereinafter referred to as the "Commitments").*

2. *Low motivation among some employees of relevant state entities implementing the Commitments to enhance their capacity.*

3. *Deliberate sabotage by some employees of relevant state bodies implementing the Commitments, due to domestic and foreign political reasons.*

4. *Institutional/structural issues (e.g., dissolution of the Ministry of Energy and*

long-term absence of a Deputy Minister for Energy and Energy Policy at the Ministry of Territorial Administration and Infrastructure, absence of an entity for European Integration and Approximation in the form of either a Ministry or a Deputy Prime Ministerial institution)

5. *Insufficient pace of development and alignment of the legislative framework in the energy and environmental sectors with EU standards*
6. *Insufficient level of monitoring and control of the work carried out by the public/civil society towards the implementation of commitments due to the lack of appropriate financial resources.*