A CONCEPT NOTE ON URGENT COMPREHENSIVE REFORMS TO SUPPORT THE DEMOCRATIC TRANSFORMATION IN ARMENIA

Road map

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Content

POLITICAL JUDGEMENT OF THE PREVIOUS REPRESSIVE REGIME AND EVALUATION OF THE CURRENT SITUATION

Following the crisis of the 1990s, in the early years of the 2000s, the primary objective of the political forces of Armenia became the consolidation of control over all areas of political, economic and social life. Perhaps the unstable security and economic situation in the country did not create the possibility of establishing a direct and absolute system of tyranny. But thereafter began a period of dissolving or weakening the country's young democratic institutions, political parties, the National Assembly, local self-governing bodies and independent media through skilful manipulations. Concomitantly, the agenda of sustainable reforms in the country was distorted, undermining the independence of the judiciary, public property, educational system and public services. Increased control over the institutions and elimination of accountability served a ground for the effective merging of political and economic forces and, eventually, for the establishment of monopolistic and oligarchic system, where systemic corruption and violation of rights became all-pervasive.

The establishment of this unfree, strictly controlled, so-called democratic system was undertaken through continuous fraudulent elections, right before the eyes of the international community, which did not pursue its commitment of assisting and guaranteeing the democratic transformation in the country. The constitutional and subsequent legislative changes first in 2005, and then in 2015, reinforced this system with its false democratic institutions, which in reality lacked integrity and were fully controlled by a single-party regime.

The authorities opposed democracy to national security in an artificial, consistent and skilful manner. As a result, citizens began living constrained, under the constant threat of a new war, formally having, but actually being deprived of political, electoral, economic and labour rights, having exhausted all legitimate means of opposing and being more depressed and discouraged after unsuccessful attempts to oppose, in an environment of the police abuse, torture, inaccessibility of justice, growing social injustice, infringement of the rights of education of socially vulnerable groups, of discrimination against marginalized groups, where the grave economic crimes of the political elite remained unpunished, and massive violations of human rights become a means of control and manipulation. In this situation, the public desperation was often viewed as indifference, and sometimes conforming to the kleptocratic regime, both by the external world and by the regime itself.

Thus, following the collapse of the Soviet regime, during twenty-five years, a semi-authoritarian and, essentially, single-party system was established, clinging to the methods of the police state, political persecutions and violation of human rights, based on large-scale corruption as a way of governance. The volumes of corruption reached to the extent that the state became captured by a corrupt system. And this system was established without a revolution or war, simply through demolishing methodologically the justice system, the independence and integrity of institutions. Such a reincarnation was possible because no examination, rejection or condemnation of anti-democratic and anti-human actions of the Soviet totalitarian regime took place; legislative and practical measures against such a regime were not established. The works carried out for the assessment and analysis of the history and the past were incomplete, insufficient and inappropriate. Except for the recognition of the cases of several political prisoners of the 1960s and "traitors to the fatherland"—victims of Stalin's terror, no systematic investigation and disclosure of crimes committed by the security services and judiciary were made. The criminal acts against human rights were not condemned by any government formed after independence. They were put in action again after being frozen for a while.

The concentration of power in the hands of one person and the obvious and insidious recapturing of it raised the spring 2018 wave of protest and opposition. The struggle succeeded not only in removing the one who captured the power, but also all the leaders of the regime, creating an

opportunity for forming a government supported by the people and then choosing a new parliament. With this peaceful and unyielding opposition, Armenian citizens showed a high level of civic consciousness. The struggle was aimed not only at overthrowing the system of persecution, oppression and rights abuses, but also proving that the power in Armenia belongs to the people, and the government should meet the people's aspirations. The new government promised to support fully the restoration of the rule of law, justice, human rights and to eliminate corruption. In addition, it becomes a necessity for the new government to maintain the achievement of citizens.

From the very beginning, the new government raised the necessity of examining the previous regime and of rejecting the old ways for a new, independent and accountable government. All this can become a reality, considering the legitimacy of the new government, brought to power with the support of overwhelming majority of the public, its programs and public interest-driven approaches (which still need to be reflected in their programs). The new government, unlike the previous ones, is not burdened and constrained with lawlessness, has been formed fairly by the free expression of the will of citizens, and thus is legitimate. The vision of the development of New Armenia is conditioned by the legitimate government, elimination of all kinds of pressures and the presence of the political will to undertake the ownership of reforms.

The preconditions for the reproduction of power was highly centralized government on the one hand and illegal control over the economy and the market on the other. Artificial monopolies were invested and strengthened consistently not only in the economic sphere, through the tools, such as primitive quota system in imports, patronage of kin and removal of "strangers" from the market, but also in the spheres of politics, dominant ideologies, education, and even in the reproduction and meaning-making of the culture and history. An attempt was made to monopolize even the memory of the people, imposing notions of the ruling force regarding certain episodes in history. Reforms in the judiciary, educational, customs, tax and other spheres aimed at the fulfilment of liabilities undertaken before international organizations, were, in fact, imitative, and contributed not to the formation of free citizens, who own their rights, who undertake initiatives and have confidence in the future of the country, of their family and of their own future, but to the formation of an electorate—conforming, vulnerable, obedient and ready to leave the country.

Towards the changes and recovering from the previous regime, it is necessary to think and work around the cultural background of the society. One of the possible steps will be showing value-driven thinking in policymaking. Thousands of people who went out to the streets clearly stated the revolutionary values: fairness, justice and respect for human rights, accountable and inclusive governance. These are universal values and constitute the pillars of democratic and open societies. In this situation, international cooperation becomes necessary, because human rights, justice and accountability are the fundamental features of the European Union, not only in the commitments it has undertaken, but also in its actions. In order to prevent all the risks of backsliding, it is necessary to pursue the dissemination of liberal values possible through closer and tangible cooperation between the European Union and the government and civil society. Fundamental values, such as civil rights, freedom of choice and equal opportunities, should be reflected in the high priorities of the government, including government program, concepts, policies, strategies and road map actions.

In December, Armenian citizens elected a new National Assembly and set up legitimate power in parliament and ministries. Nevertheless, the long-standing experience in analysing and monitoring the process of state capture shows that re-establishment of justice and rule of law, accountability and effective governance will not follow automatically democratic elections and formation of a new and credible government. The system was captured beyond the level when it can recover and function without comprehensive revision and reform. In the course of its existence, this system has produced a large number of injustices and violations, has created deep social inequalities, and as a result, masses of people have become disempowered and marginalized, scores of youth have been undereducated

and hence have found themselves in dramatically unequal and uncompetitive vis-à-vis the adult life's challenges.

The Armenian example of failure and manipulation in creating a democratic and equitable system during the post-Soviet period along with the experience of other countries show that captured systems revive unyieldingly either by counter-revolutionary revanchist actions, or by imitation, if the system reproducing injustice and misery is not analysed and denied, if special, targeted and adequate measures are not taken to prevent a possible recapture. Now with the presence of a political will to accept the supremacy of the rule of law, the situation is changing and effective management becomes possible. However, for the new government and for new political parties, it is urgent to know what needs to be rejected, what measures should be taken, which cases of human rights violations should be reopened, and in which cases the justice should be restored. Below is the summary of the features and specifics of state capture in Armenia before April 2018. All the points discussed and relevant recommendations are based on studies and published reports and, if needed, the corresponding list can be presented in the form of an appendix.

At the same time, before starting tackle the urgent issues, it is extremely important for the newly elected National Assembly to undertake the assessment and condemnation of systematic, massive and numerous violations of human rights during the history of the Third Republic of Armenia, consistent debilitation and sterilization of democratic institutions, capture of the state, economy and election system, introduction and development of semi-authoritarian system. The formulation of that assessment should not be unilateral, but with the broad participation of the public, in the result of public hearings and discussions convened in the National Assembly and civil society platforms.

HEGEMONY OF SINGLE-PARTY SYSTEM

During recent 15 years, the consistent policy pursued by the ruling power aimed at weakening the political parties and capturing the entire field by one power has been one of the trends in the formation of the political groups in Armenia. Measures were taken up, both at the legislative level and in practice, to centralize the decision-making powers in the hands of one or several individuals, to channel oligarchic capital into the interests of the party and to weaken the financial accountability of the parties. This made possible the capture of parties by individuals, the convergence and engagement of wealthy people and politicians in politics and formation of an oligarchy. The ideological struggle among the parties gradually yielded to the race for capital. Thus, before the velvet revolution, the capital owned by the ruling Republican Party of Armenia (RPA) was three times greater than all other parties together. It was in this power relations that the ruling power initiated constitutional amendments of 2015 the declared aim of which was to make the state a parliamentary republic. The state government would have actually passed to a majority party in the parliament, based on the power of one person and on the capital of the party member oligarchs.

The constitutional amendments imposed in 2015 and adopted by a referendum passed with a significant number of violations, practically created an opportunity for one party to enshrine in the law the control over the legislative, executive and judicial power from one centre. The new constitution stipulated the requirement of a stable parliamentary majority. Afterwards, a new Electoral Code was adopted, which, along with the proportional electoral system declared by the constitution, introduced mechanisms, such as a rating system, mandate distribution bonus system, limitation of the number of parties that are members to a possible coalition. These mechanisms made it possible for the oligarchs and "neighbourhood authorities" to collect votes during elections by distributing massive electoral bribes, intimidating and directing voters—facts recorded both in the final report of the OSCE / ODIHR Election Observation Mission in 2017 and in the reports of a number of local observation missions. At the same time, the mandates of the party that gained the majority of votes by the bonus system were increased artificially by reducing the mandates of the other party that received votes from the voters. These mechanisms, as well as other mechanisms used during previous elections, such as organized abuse of administrative resources, involvement and use of "neighbourhood authorities," voters' intimidation, control over the judiciary, organized and deliberate inaction of the law enforcement system, allowed the ruling political party to form a solid majority in the parliament in 2017. The majority received a decisive vote (3/5 of the vote of the National Assembly) for the election of judges in key judiciary positions, the election of the chairperson and members of the Central Electoral Commission, the Ombudsman and the Prosecutor General. In fact, the parliamentary minority was deprived of the opportunity to influence the election for these positions and insist on their accountability.

Recommendations:

- It is necessary to eliminate the principle of guaranteeing solid majority through constitutional amendments in order to exclude the parliamentary system constructed on the basis of a single-party hegemony. At the same time, the parliamentary minority should gain sufficient opportunities (mechanisms) to influence the formation of the bodies exercising oversight function.
- It is necessary to revise and reform the Constitutional Law on Political Parties and other laws to increase the financial accountability and transparency of party activity and to introduce mechanisms of democratic decision-making within the parties.
- It is necessary to develop and realize a line of activities to restore public confidence in elections and in their legitimacy. Criminal prosecution against electoral frauds alone is not enough in terms

of preventing election frauds effectively. It is necessary to identify and evaluate the mechanisms of past violations and the legislative regulations promoting them (e.g. rating electoral system, limited powers of observers, inefficient appeal procedures) based on which electoral system reforms should be initiated to prevent such violations in the future. Such reforms should include both changes in electoral legislation and measures to raise the levels of independence and accountability of the Central Electoral Commission and the efficiency of electoral fraud prevention.

- It is necessary to hold parliamentary and public discussions for the draft amendments to electoral legislation, elaborated by the committee formed by the RA Prime Minister, as well as to elaborate other related draft legal acts that will promote fair and free elections.

CAPTURE OF THE JUDICIARY

One of the main tools and characteristics of state capture for many years has been the control over the third branch of power - the courts. Control over the judges has been carried out from the moment of their appointment. Although various mechanisms for the appointment of judges were practised at different times, all of them have been worked out so that the ruling regime or party (formerly on behalf of the president and later on behalf of the party having the majority of votes) decides the composition of the courts. Judges elected by political decisions and vulnerable in terms of their promotion, dismissal and disciplinary measures, have always served the interests of the ruling power, were unable to administer justice and to protect human rights impartially, including their own, from the infringement on the part of the state and those related to it. The high level of corruption in the courts has led to the decline of public trust towards that institution.

A number of reports have been published on this and many other issues, including the Human Rights Defender's special report of 2013, various assessments of the Council of Europe and the European Union, which, however, did not serve as a basis for taking measures to recover the judicial power. Judicial reforms initiated over different years have not led to the formation of such a judicial power, which would be a real counterbalance to the executive. Those reforms were mostly window dressing. The concentration of power actually allowed not to separate the branches of power, but to manifest the same power in all spheres. The paramount objective of judicial reforms, namely the establishment of an independent and impartial court to serve as the addressee of the right to due process of law, was not achieved. State bodies, including courts, instead of consolidating their legitimacy with the effective exercise of human rights and demands were targeted to purely serving and attaching a legitimate look to the economic interests of the ruling majority, their ideological aspirations, and political expediency. The typical expression of that was the presence of political prisoners, persecutions of active citizens, and a number of cases of human rights violations, of which a fair assessment was given by the European Court of Human Rights in a number of judgements against the Republic of Armenia.

The ruling party acquired a solid majority in the parliament, and therefore the monopoly power to form the judiciary, as a result of the constitutional amendments of 2015. By means of 3/5 of votes the chair candidacies of a number of courts, members of the Supreme Judicial Council and judges were nominated, who were later to be approved by the RA president. Such a procedure of appointment essentially predetermined the future behaviour of these judges. Many of them consistently granted the motions for unsubstantiated detention, and convicted political prisoners based on fabricated charges.

Apart from the warnings about pressures on the judges by the ruling power, civil society has also voiced about the tools of internal control. Thus, the self-governing body of the judiciary, formerly the Justice Council and now the Supreme Judicial Council, is called to ensure the independence of

judges, for a long time however this body has served as a mechanism to instruct the judges. The Council has arbitrarily applied the constitutional powers of appointing judges, promoting, dismissing and subjecting to disciplinary liability in order to praise or to reprimand the "non-obedient" judge.

The accessibility of the court has been significantly hindered for the most vulnerable groups, which did not have the capacity to independently defend their rights in the courts. Human rights organizations have been deprived of the opportunity to apply to the court for public interest claims. And, despite the fact that in 2010, the Constitutional Court recognized the right of NGOs to apply to courts, the government did not create mechanisms for many years to exercise that right. Meanwhile, a number of documents adopted by the Council of Europe envisage that each state should provide a favourable environment for non-governmental organizations to participate in the development and improvement of the legal system. In order to respond to these and many other issues of the judiciary, it is necessary to map and evaluate issues in a comprehensive way, to develop a judicial reform program based on short-term, urgent, and long-term goals.

Change of the composition of the personnel of judicial power as the dissolution of the tools designed by non-legitimate presidents

The main outcome of the April-May revolution of 2018 was the change of the country's illegitimate government. However, the democratic nature of the new government creates wide opportunities for the previous illegitimate regime for revenge through the judicial system developed by it. This also creates misunderstanding in some spectrum of the society about the deemed weakness and inconsistency of the new government. The new government, however, from the very beginning, stated that it would follow the principle of separation of powers, unlike the former executive power, which, had actually merged the three branches of power, and therefore, it is obvious that the revolution brought only a change in the executive branch of the government. As a result of the parliamentary elections held on December 9, 2018, the citizens also formed a legislative power through the expression of their free will. In fact, due to the revolution, judiciary, which has received a real status of a separate branch of power, has been formed by neither the public nor bodies formed by that public.

Will the change of judges not lead to the violation of their independence and other principles? The problem is that the guarantees for the independence of a judge - the irremovability, the authority to provide final answers to the issues under his/her jurisdiction, belong not to the individual judges, but to holders of judicial power. Until 2018, there were courts in Armenia, but not a judicial power, therefore, there could be no holders of a non-existing power, and in fact, only the guarantees of independence and irremovability given to those holders. In the case of real judicial power in Armenia, the elections would not be rigged, which is a crime, and new crimes would not be committed to conceal the former ones. In the case of an actual judicial power in Armenia, there would be no oppression and persecutions of the opposition, including murders, and eventually illegal acts of courts would not be made to conceal the precedent crimes (due to this, the judgements of the European Court of Human Rights are available, in particular, related to the illegal nature of judicial acts of March 1, 2008). There is no one in the Armenian society who can insist that if the authorities acting in 2008 did not have 100 per cent conviction that the RA Constitutional Court would recognize the election results, they would falsify the elections. The same is also relevant for the March 1 case: it would not have happened if the authorities had some fear of the prospect, that the judicial power could abolish the grounds by which force was applied against protesters, and could prove the illegality/nullity of the scenarios/justifications made by the authorities for those events, eventually carried out by the European Court of Human Rights.

The fake judicial power, in essence, served as a guarantor of concealing the crimes of the acting authorities. This is the least that can be said about the role of the judiciary, since the fact that the

judicial power is totally incapable of counterbalancing the illegitimate executive power, has amplified the determination of the authorities to commit the crimes of seizing power and other crimes against the constitutional order, and to falsify the national elections, which contains features of criminal enterprise per se.

Recommendations:

1. Amend the "Judicial Code" constitutional law with the relevant constitutional amendments (with subsequent adoption along with the new Constitution), adoption of transitional provisions on the procedure for the election of the Supreme Judicial Council and new courts on the following:

- The powers of the courts of general jurisdiction, the Court of Appeal, the Constitutional Court and the Court of Cassation are terminated, for example, from September 1, 2019.
- The provisions of the Judicial Code on the Court of Corruption Cases come into force from September 1, 2019, a Court of Corruption Crimes is established (which exercises judicial control over pre-trial proceedings and administers justice).
- Supreme Court of the Republic of Armenia is established as one unified supreme judicial instance, without the artificial separation of the supreme judicial instance of constitutional justice, as the Constitution has supreme legal force, and its norms are indivisible source of the legislation regulating criminal, civil and administrative proceedings (the names of this body may vary, the Supreme Court, the Constitutional Court, the Supreme Constitutional Court, etc.).
- Two chambers are established in the Court of Appeal to examine complaints against decisions and judgments of the local court and the first instance court. These provisions of the Judicial Code come into force from September 1, 2019.
- The provisions of the Judicial Code on First Instance and Local Courts shall enter into force from September 1, 2019; two-level system of the court of general jurisdiction shall be established, where the 1st circle, the local court is executing judicial control, that is, examines apartment search, detention and other motions, complaints against investigators' / prosecutors' decisions and actions / inaction, as well as, in essence, not grave, for example, cases of crimes punishable by up to 5 years of imprisonment, and the 2nd circle, the court of first instance administers justice (examination of the case on the merits) only for grave and particularly grave crimes (5+), with the exception of cases under the jurisdiction of the Court of Corruption Crimes.

2. A new Supreme Judicial Council is formed to ensure its legitimacy, as one-half of the previous SJC was elected by a parliament elected by fraud and the other by a judicial system that was not a judicial power. It is necessary to ensure the independence, legality, accountability and transparency of the SJC's activities through the improvement of the Judicial Code, which, in its turn, will help to protect the judges against possible pressures. The SJC must be fully independent of the possibility of speculating its administrative leverage through the judicial department. In law and practice, the SJC should show maximum accountability, build its activities on predictable processes, and make substantiated decisions. It is necessary to introduce an independent and effective mechanism to report on cases of interference with judges. The decisions of the SJC at least on the promotion, subjection to disciplinary liability/termination of powers of judges, shall be justified and appealed in the judicial instance, in the newly establishing supreme instance in the Republic of Armenia.

- For appointing judges in all courts, a competition is announced. The results of this competition, which is held to fill a new list of candidates to judges and not for vacant positions, at least for 200 persons, are summed up by June 1, 2019. Corresponding changes are made in the Judicial Code and in the Law on Justice Academy, which will require training of candidates to judges for 3 months. Alternatively, the Justice Academy is expected to train exclusively acting judges, or, instead of September 1, 2019, for all described actions, the deadline is January 1, 2020. It is necessary to develop a balanced mechanism for the appointment and nomination of judges

through constitutional amendments to exclude the monopolistic position of any party in making those decisions. The new judicial power will be formulated with transparent and non-political criteria, at the same time excluding the appointment of persons who have assisted the former authorities in disrupting justice, reinforcing political persecution, failing to address gross violations of human rights, and concealing corruption.

- It is necessary to initiate complex measures to prevent corruption, targeted to declaration checks and to the implementation and efficient operation of conflict of interest declaration mechanism, as well as overcoming corruption risks while exercising judicial power. Among the judiciary anti-corruption actions, there should be such actions directly affecting the trust in the judiciary, as the monitoring of judicial acts to reopen cases of different solutions in similar situations by the same judge, to find the presence of justification of a different treatment, one of the most important points of which is judicial representative statistics, then bringing the judges to justice for making different decisions in the same situations, i.e. with the presence of the similar facts with equal legal importance. As the most important objective of judicial reforms, it should be proclaimed and implemented to ensure predictable, transparent, independent and effective justice.
- It is necessary to stipulate by the legislation the right of non-governmental organizations to apply to the courts for the protection of public interest or other citizens.

FIGHT AGAINST CORRUPTION

Corruption perceptions indexes and indices over the past ten years show that corruption in Armenia has always been a serious problem and has a systemic nature. The root causes of corruption were the integration of political and economic elites, the absence of check and balances between the branches of power, monopolization of the economic and political power, extreme social polarization and the very high level of poverty. Policies and political decisions have been adopted in the state, serving the personal or clan interests of a number of high-ranking officials, thus leading to the "capture" of the state.

In the described situation and parallel reality, the former government of the Republic of Armenia had declared "fight against corruption", which was mainly an imitation and, as a rule, did not pass beyond legislative initiatives. It was expected that the real fight against corruption would include: (a) the establishment and implementation of basis for free, fair elections free from political corruption, (b) the formation of corruption prevention bodies and policies, (c) the establishment of an independent and specialized anti-corruption law enforcement body and clarifying the scope of corruption offences d) transparent and accountable governance and engagement of the public in decision-making processes, e) ensuring basis for public service free from conflict of interest, f) formation of an independent judiciary. Obviously, the former government of the Republic of Armenia, being involved in corruption schemes, did not have a real political will to eliminate or reduce this vicious phenomenon. On the contrary, the current authorities have adopted a rather active and intolerable approach focusing on law enforcement practice, but yielding corruption prevention policies.

Taking into account a number of current governance, organizational and institutional factors, we consider that in Armenia it is preferable to continue, but of course, to improve the decentralized model of anti-corruption bodies. In the case of this model, preventive and law enforcement functions are separated and, unlike the universal model, it is more inclined to provide a balanced approach to the application of these functions, as well as to guarantee long-term, comprehensive and more sustainable trends in the fight against corruption.

After the April revolution of 2018, the RA Anti-Corruption Council did not function and its composition was not revised based on the new realities. The work done by the Anti-Corruption Program Monitoring Unit of the RA Government is not visible. Despite the limited liabilities of these institutions, their purposed operation and coordination of current anti-corruption actions is crucial. The distribution and coordination of anti-corruption functions of the RA Government and the Ministry of Justice are unclear.

In the post-revolutionary period of 2018, the process of formation of the Corruption Prevention Committee has suffered, it has not been formed and as a result, so far, the most important preventive and supervisory functions defined by the Law of 2017 on the "Corruption Prevention Committee" and by the Law of 2018 on "Public Service" are not properly implemented. At the same time, during this period, the Competition Board for the election of Corruption Prevention Committee members was formed with very hasty and controversial processes. Particularly, the election of the representatives of the RA Chamber of Advocates and the Public Council was dubious and non-transparent, and the decisions of the people elected by non-legitimate processes can initially challenge the legitimacy/integrity of the forming Corruption Prevention Committee. In general, the format of the Competition Council for the election of members for the Corruption Prevention Committee and the format of public participation in it has been adopted by the previous government for the purpose of imitating public participation and is highly controversial and subject to review.

The lack of an independent, specialized law enforcement body examining corrupted crimes is a serious obstacle to the law enforcement practice in the effective fight against corruption. At present, many law enforcement bodies are involved in disclosing corruption crimes, but there is no single unified professional anti-corruption body capable of carrying out operative-search, investigative and preliminary examination functions, and at the same time having a country-wide representation.

The scope of corruption crimes is not defined by criminal law. The current list of corruption crimes is approved by the order N3 of the RA Prosecutor General, as of January 19, 2017, including about 70 offences. However, one of the important steps in the real fight against corruption is the recognition and definition of corruption crimes at the legislative level.

In practice, the fight against corruption has been concentrated in several institutions or manifested in a number of discrete actions, distorting the general approach of the state. The current anti-corruption strategy and its action plan are aimed at continuing such a desultory approach by putting at risk the efficiency of anti-corruption policy and the efficiency of the fight against corruption.

One of the priorities of the fight against corruption is the disclosure of corruption cases, schemes and mechanisms taken place during the previous authorities, the return of illegally acquired assets, as well as assets withdrawn from Armenia. According to the 2015 assessment of the Global Financial Integrity, which periodically publishes reports on illegal financial flows from developing countries, during 2004-2013, $9.8 billion was illegally withdrawn from Armenia. To prevent corruption and, in particular, the state capture in future, it is important to provide assessment for the past vicious practices and liability for illicit enrichment that can also be realized within the framework of transitional justice policy.

The RA Legislation prohibits public officials from engaging in entrepreneurial activities, whereas, many continue to engage in entrepreneurial activity alongside their positions. On the one hand, there is no legislative requirement in Armenia to reveal the beneficial ownership for the companies (including those having political influence) and, on the other hand, the trust management institute does not function properly.

Declaration of property and income of the officials is not transparent enough. The names of the donators, the names of income taxpayers, the location of the property are not published, which does not ensure and guarantee the proper public oversight over the enrichment and the effectiveness of the prevention and disclosure of corruption.

Although the RA Law on "Protection of Whistleblowers" was adopted in 2017, it is not actually implemented or there is no relevant information about its implementation that would promote the establishment of this institution and would involve citizens in the fight against corruption.

Taking into consideration the latent (hidden) nature of corruption crimes, it is necessary to introduce the criminal-justice institute of cooperation agreements. It should be taken into account that the victim and potential witnesses have a certain unity of interests, and evidence should be tried to obtain from lower circles of the corruption chain against more influential ones. Moreover, the co-operation proceeding should also extend to convicts, in other words, if a person has been convicted to 10-year sentence, in the event of evidence of a graver crime than the one committed by him, he/she may expect a review of the verdict.

Recommendations:

- Reorganize and re-launch the RA Anti-Corruption Council ensuring proper coordination of the fight against corruption in the country. To develop institutional capacities for assessing the state of corruption and monitoring anti-corruption programs. To clarify the functions of the institutions involved in the fight against corruption.
- Review the procedure for electing members of the Anti-Corruption Commission and to eliminate the false format of public participation by assigning election of the members of the commission to the National Assembly.
- Establish the Corruption Prevention Commission to ensure proper prevention and settlement of conflict of interest, including through the examination of income and property declarations. In case of adopting a policy to enlarge the scope of income and property declarations, to review the framework of competent structures, as well as the entire concept of corruption prevention and its institutional framework.
- Initiate an assessment of the corruption risks and other preventive measures in all public administration bodies, ensuring a wider and more participatory process in the fight against corruption. To take steps to develop the capacities of the ethics committees and their members to ensure proper control over the integrity of public service.
- Establish a single unified specialized law enforcement body dealing with corruption crimes that will be empowered to carry out operative-search, investigative and preliminary examination functions, ensuring countrywide representation. To allocate serious resources to develop the capacities of the anti-corruption law enforcement body.
- Define the scope of corruption crimes under the Criminal Code. To improve the trust management institute by guaranteeing the exclusion of entrepreneurial activity by public servants.
- Improve the legislation and establish international cooperation for repatriation and recovery of the stolen assets.
- Create legislative bases and to provide a technical opportunity for the disclosure of information on the beneficial owners of companies, including those having political influence, in the process of state registration of legal entities and for the publication in the online electronic registry. To ensure the placement of information on the beneficial owners of operating companies in the electronic registry within a short period (no more than 1 year). To eliminate fees for getting information about companies and other legal entities.
- Expand the data list of property, income and interest declarations of officials to be published (name of donators/names, names of income taxpayers, location of property etc.), ensuring the efficiency of corruption prevention and disclosure.
- Consider the possibility of a separate and unified legislative act on conflict of interests, setting out common general rules for preventing, limiting and regulating the conflict of interests, both

for individuals and servants holding public office and for employees of organizations of public importance.

- Establish and ensure the launching of public whistleblowing platform in Armenia, as well as to take active steps to practically implement the institute of whistleblowing in Armenia.
- Introduce the institute for co-operation agreements with persons accused or convicted of committing less grave crimes, in order to guarantee the disclosure of graver crimes and the inevitability of criminal liability of guilty persons.

PENITENTIARY ISSSUES

Since independence, a number of issues related to the inhumane conditions of detention, poor medical service, criminal subculture and prevalence of hierarchical relationships continue to remain unresolved in Armenian penitentiary institutions. Following the membership in the Council of Europe, the country had to introduce a set of standards for reforming the criminal justice system, including the protection of the rights of persons deprived of liberty. Nevertheless, because of the failure by the Republic of Armenia to comply with its international commitments for many years, the European Court of Human Rights has ruled in a number of cases that the state has violated prisoners' right to life, to liberty and security, rights to freedom from torture and ill-treatment, privacy and other rights. These issues become more severe in case of the LGBTI people and other vulnerable groups facing isolation and humiliation in penitentiary institutions (PI). The mortality rate in Armenian prisons for different years compared on a pro rata basis with the general population was one of the highest among the Council of Europe member-states. Rights protection and early release mechanisms have not been effective. The civil society monitoring group has regularly encountered obstacles in visiting a certain group of inmates.

Penitentiary programs should be developed and implemented under comprehensive criminal justice reforms, as the issues existing in PI often stem from judicial errors, application of arbitrary detention and arrest, systemic corruption, and absence of efficient programs for probation service, crime prevention and re-socialization of persons. Among other measures, it is necessary:

Recommendations:

- Close down the number of PIs, including Nubarashen, Goris, the building conditions of which are inhumane and can no longer be improved by renovation.
- Increase the quality and accessibility of medical services for PIs, ensuring the independence of doctors, the quality of medical services, increasing the quality of medical services to correspond with the standards in civilian medical institutions and simultaneously starting the process of transferring the medical staff of the penitentiary institutions under the subordination of the Ministry of Health.
- Develop the mechanism for early release to ensure its effective application for the detainees sentenced to life imprisonment and other convicts. To this end, introduce social and rehabilitation services and individual assessment system for the prisoners.
- In order to avoid arbitrary approaches, the probation service should be the only body to present a conclusive report to the court on the eligibility of a detainee for an early release based on the assessment of detainee's needs and risks, while the conclusion (or statement) of the PI should serve as a source for the assessment of the probation service.
- Eliminate the criminal subculture and the hierarchical relationships among the detainees at PIs, restore the rule of law and prison administration's effective control over the prisons.

- Carry out a comprehensive and objective investigation in penitentiary institutions for each case of murder, suicide, self-injury or death, examine their underlying causes and introduce effective early prevention mechanisms.
- Transfer the function of oversight of the execution of punishment from the prosecutor's office under the judiciary control.
- Carry out a comprehensive and objective investigation in penitentiary institutions for each case of murder, suicide, self-injury or death, examine their underlying causes and introduce effective early prevention mechanisms.
- Transfer the function of control over the execution of punishment from the prosecutor's office to the courts' control.

LAW ENFORCEMENT AND SECURITY BODIES

The constitutional amendments of 2015 and the subsequently adopted laws reinforced the centralized and unaccountable public administration system that has been in place before. The law enforcement and security system has been transferred from the subordination of the president or the executive power to the subordination of the prime minister.

Political and institutional changes have actually turned Armenia into a super prime-ministerial republic, distorting the principle of the separation of branches of the authorities. The powers of the prime minister have been further expanded by separately adopted laws in order to formulate security and law enforcement administration and exercise control over them. At the same time, the issues regarding the status and the accountability of the prime minister and the immediate subordinate structures remained open for the National Assembly and for the society at large.

In addition to the fact, that the law enforcement bodies were subordinated to executive power or to Prime Minister personally, and their accountability to public was not ensured, neither was ensured such a functional distribution and counterbalance between the prosecutor’s office, investigation, investigative and security agencies, and functional independence of each institution, which would genuinely lead to crime prevention, their disclosure, punishment of perpetrators, thus by safeguarding the national security and ensuring human rights. Instead, law enforcement and security agencies turned into tools to maintain and extend the power of individuals, to suppress individuals and the public, and to conceal large-scale and gross violations of human rights, abusing their powers. As a result, no public trust was established towards these structures.

Considering the above mentioned, it is necessary to reconsider and re-evaluate the importance, objectives and functions of law enforcement and security bodies in a systematic way, and to define them, to develop clear mechanisms for their implementation, to ensure structural and functional independence and accountability of these bodies, to create legislative, institutional and practical guarantees in terms of ensuring human rights, building and developing public trust towards the entire system. Additionally, it is extremely necessary to involve civil society in the reform process.

The legacy of Soviet Union has remained and become firmly established in the state system, characterised by a tradition, according to which the state does not respect the privacy of the individual, does not ensure the effective protection and accessibility of personal data, often contrasting the assurance of these values and their accessibility with the internal and external security of the state. As a result, we have achieved vague legislative regulations or their absence, which has resulted in arbitrariness of state bodies in exercising their functions and restricting human rights unlawfully.

Police

Back in 2001, the police was deprived of the status of ministry and became directly dependent on the president. The constitutional amendments of 2015 practically retained the dependence of this

structure on one person, this time the prime minister. According to the amendments, the latter nominates and dismisses the police chief. The Prime Minister also exercises direct and immediate control over the police, and no control function or mechanism has been reserved for the National Assembly. Besides, the police is left out of the scope of public control, but civil society has repeatedly voiced the statement that it is in police that individuals are subjected to torture or other ill-treatment, or their rights for personal immunity, fair trial and other fundamental rights are being violated. It is the police that has repeatedly used unlawful and inadequate force or special measures against the participants of peaceful assemblies, causing damage to the lives and health of individuals, but the management has not been charged, or held liable.

Additionally, the police is also recognised by no proper response to the crimes committed against vulnerable groups. The entire legal field regulating the police organization and activity is subject to review, as for decades a tendency has been in place, according to which instead of regulating a certain issue by law, it has been reserved for departmental acts, Chief of Police orders, in particular, to the Statute of the Police Forces and other similar acts, including the act defining the list of confidential and strictly confidential information relating to the police. The public should be aware of the number of policemen in Armenia, as the taxpayers decide how much it will "cost" to ensure public security.

Recommendations:

- Remove the police from the immediate subordination of the prime minister, giving to structure the status of a ministry and ensuring its accountability to the National Assembly, by defining and implementing clear tools of parliamentary control.
- Develop capacities of police staff in the context of the right to freedom of assembly, on issues particularly focusing on ensuring the security of participants of assemblies and other members of public related to the use of non-violent methods of interrogation (any better word that this?), and gender sensitivity issues.
- Evaluate the activity of organizing community police, to take effective measures and clear and accountable steps for the practical implementation of the Community Police Institute, by identifying failures.
- Ensure proper implementation of the pilot program for the installation of audio and video equipment at Police Departments, as well as the introduction of such system in all police departments.
- Initiate steps in providing an appropriate response to crimes against minorities, socially and otherwise vulnerable groups, including relevant capacity building of the law enforcement bodies' staff.
- Ensure the transparency of data on budget allocations and staff numbers provided to the police.
- Ensure public control over the police, ensuring the work of the Public Monitoring Group at the Police.
- Eliminate or reorganize police internal troops on the ground that Armenia has no internal enemies.

Prosecutor's office and investigative bodies

In terms of implementing the functions of prosecutor's office and investigating bodies, the proper ensuring of their independence, accountability and scope of functions both at the constitutional and operational levels is problematic.

Thus, the appointment of the Prosecutor General has traditionally depended on the will of the executive power. Although by the constitutional amendments of 2015, the election of the Prosecutor General has been reserved for the National Assembly by the proposal of the competent Standing Committee, there are no objective criteria in the candidate's nomination and election process. Besides, the demand of the qualified majority in the National Assembly and the distortion of the principle of separation of powers between the executive and the legislative powers result in the fact that the appointment of the Prosecutor General is greatly dependent on the will of the political majority. As regards the Special Investigation Service and the RA Investigative Committee, their administration is formed by the nomination of the Prime Minister, without participation of any member of the National Assembly or objective criteria for the election of the candidates. Besides, these investigative bodies do

not submit annual statements or reports to the National Assembly, but rather solely to the Government. Such developments cannot have a positive impact on the functional independence and accountability of these bodies.

The powers of the Prosecutor's Office have been increasingly restricted since 2005. For example, the function of examination was removed from the prosecutor's office. In addition, despite that the Prosecutor's Office has been authorized to file a lawsuit for the protection of state interests, it has been limited to "exceptional cases". Moreover, the legislation does not define the notion of "state interest" neither it does regarding what cases and by what actions the prosecutor defends that interest.

As for the functions of the Special Investigation Service (SIS), it carries out only preliminary investigation and does not have the authority to carry out operative-search activities, which is crucial for the effectiveness of cases examined by the SIS towards police officers. The legislation does not provide for the Police to report to the SIS about the persons or about serious injuries to persons under the control of the Police. Besides, the territorial accessibility of the SIS's has not been practically ensured, including in terms of lodging complaints of human rights cases by law enforcement bodies and officials.

Recommendations:

- Provide a professional, apolitical independent assessment in the nomination and election procedure of the candidate to the Prosecutor General by the National Assembly.
- Ensure the election of the Head of the Special Investigation Service and the Head of the RA Investigative Committee by the qualified majority of the National Assembly and the appointment of their deputies, after the consultations on the candidates in the National Assembly committees.
- Define the obligation of the investigative bodies to submit annual reports to the National Assembly on their activities and the procedure for the consideration of that report in the National Assembly.
- Discuss about the politically independent mechanisms (inspectorates) of control over the activities of the Prosecutor's Office and/or the investigative bodies and to develop the perspective and the possibility of introducing the relevant model for Armenia.
- Review the functions and the role of the Prosecutor's Office in the state system both in terms of criminal justice and beyond. To establish reasonable and adequate functions and mechanisms for their implementation to achieve the objectives of criminal justice.
- To clearly define the concept of "state interest" in the legislation, the cases and actions of the prosecutor to defend it. At the same time, to ensure guarantees against arbitrariness. Such guarantees may be that prosecutors' decisions are subject to judicial review.
- To reserve the investigative subordination for the SIS and for the RA Investigative Committee in all areas, including security, tax and customs. To clearly define the criteria by which the prosecutor shall be guided when handing the case from one body of preliminary investigation to another.
- To establish SIS power of Operative-Search Activity.
- To establish a mandatory requirement for the Police to inform the SIS about the presence of persons or about serious injuries to persons under the control of the Police.
- To ensure the accessibility of the SIS by the legislation and practice, establishing SIS territorial subdivisions, as in the case of the RA Investigative Committee, to ensure the accessibility of lodging complaints and applications by citizens to the SIS in cases of human rights violations by the law enforcement bodies and officials.
- To unite the investigative bodies operating in all the departments into the composition of the Investigative Committee.

National security bodies, National security service (NSS)

The functions of the national security authorities include administering activities beyond the criminal-procedural and criminal proceedings, including the collection, maintenance and use of information.

They carry out investigation, counterintelligence, military intelligence, investigative actions, expertise, as well as a number of other functions in terms of state border protection, security and crime prevention. In addition, they are militarized bodies, and serving there is considered a military service. All these powers extend to ensure both internal and external security. The appointment of the

management of these bodies was also given to the prime minister's discretion, as well as the latter was vested with the control power over this body, and the deputies of the National Assembly were only given the right to get information about the activities of the National Security Service.

These broad powers or functions are inherited from the Soviet Union. Their implementation envisages interference with the rights of individuals, their concentration in the hands of one body and one person - the prime minister, and therefore contributes either to the lack of democratic, civil and judicial control or to their insufficiency. Such a condition turns the security bodies into a mechanism of public pressure and unpunished interference to human rights, that cannot take place in a society based on the principles of democracy and the rule of law.

Recommendations:

- Ensure by the legislation and in practice that the functions of the Security Bodies are defined and served to their mission of ensuring security.
- Define the body and subdivision of the NSS responsible for carrying out operative-search activities.
- Demilitarize the NSS, replacing here military service with special civilian service.
- Clearly define in the Legislation the criteria, bases and procedures for keeping security-related information, accessibility and limitation of information, including personal data, state and service secrets, based on Tshwane Principles, 2013 and best international practices.
- Ensure parliamentary, civilian (including the creation of a public monitoring group to control the detention facilities of the National Security Service) and judicial control over the activities of security bodies, to make it more transparent and accountable.
- Clearly define parliamentary control over the activities of Security bodies, not limited to receiving information only from the deputies. To define the obligation of the NSS to submit annual reports to the National Assembly and the procedure for their consideration.
- Ensure that the parliament, including the relevant commission, implements such democratic control powers towards security bodies, as: a) receiving and having access to public and official secrecy information and places, b) having the right to collect facts, including visiting and checking secret places, collecting testimonies, evaluating documents, and even operative information, if necessary; c) having the right to request, initiate or carry out official inquiries, examinations and independent audits in case of abuse of official position; d) having the right to publish conclusions and recommendations, without endangering the national security.
- Remove the investigative subdivision from the National Security Service and transfer it to the composition of Investigative Committee.

Operative-search activity (OSA)

The RA legislation provides that police (military police), national security service, tax, customs authorities and penitentiary service are authorised to carry out operative-search activities (OSA). The Special Investigation Service and the Investigative Committee are not authorized to carry out operative-search activities. As a result, the latter remain largely dependent on the information received from the Police and the National Security Service within the framework of their activities. This may create a conflict of interests and disrupt the objective investigation of a case and is particularly problematic in terms of torture and other cruel and inhuman treatment especially in these bodies, as well as in terms of cases of corruption.

The legislation does not clearly establish precise standards for operative-search actions on concrete individuals. Practically, such measures have been applied to persons who did not have criminal procedural status. Besides, the person does not receive any information about the OSA applied to him, for example, when the criminal case is closed. Legislation simply gives an individual the opportunity to apply for and to receive that information. However, it is necessary that the State be obliged to inform the person of the OSA applicable to him, because if a person is not notified of the application of the OSA, he/she cannot appeal it.

There are a number of issues in terms of the OSA for judicial control. The task of the prosecutorial control is that the same body provides instruction of OSA measure and controls it by itself. Besides, the court has never denied the petition for the application of OSA measure, regardless of its comprehensiveness and justification.

The issues related to access, storage and use of the OSA materials are not clearly regulated, neither is ensured public control over that activity.

Finally, it is crucial that the courts carry out content wise consideration of the evidences before the examination of the criminal case on the merits (preliminary hearings), including the permissibility of evidences obtained through the OSA. This will help withdrawing unacceptable evidences from the evidentiary file, and the investigating judge will never know the existence and content of unacceptable evidence, which in its turn will prevent the implementation of unreasonable OSAs.

Recommendations:

- Review the RA Law on "Operative-search actions" and to conform it with the Council of Europe principles and standards. Also, to apply relevant changes in the RA Criminal Procedure Code.
- Define clearly in the legislation and practically provide the scope of bodies subject to OSA and the application criteria.
- Ensure judicial and prosecutorial control over operative-search activities and legal assessment of actions, proper notification of the action subject on the actions, as well as liability of the official realizing OSA in case of violations.
- Increase the efficiency of appealing on the OSA by an individual, defining the state's obligation to notify the person of the measures taken against him/her, as well as to establish effective appeal procedures, including the legitimacy and justification of the OSA.
- Vest the Special Investigation Service with the authority to carry out operative-search activities.
- Define by legislation, the body of the National Security Service competent to carry out operative-search measures.
- Foresee preliminary hearings as a means of judicial control over the legitimacy of pre-trial proceedings for the content-wise examination of evidences before the examination of the case based on the merits.

TRANSITIONAL JUSTICE

Considering the large-scale human rights violations in the past, the systemic nature of corruption and economic crimes, and their linkage with massive and systematic violations of human rights and the state capture, as well as the circumstance, that the RA justice system, due to numerous systemic problems mentioned herein, is unable to serve the needs for passing from semi-authoritarian system to a democratic system, it is necessary to implement transitional justice. The elaboration and implementation of the concept of transitional justice will ensure the proper examination of previously unexamined or concealed cases, the examination of various human rights violations, the disclosure of truth, the possible compensation for victims, the recovery of the state system, including law enforcement, security and judicial bodies. It will also prevent further violations and contribute to a due and legitimate response to them. Transitional justice should also reflect the application of democracy, the rule of law and human rights values on practice.

While developing the concept of transitional justice, action plan and relevant legislation, it is necessary to take into consideration the Armenian context and the issues raised in this document along with proposed solutions, as well as to adopt a systemic approach, as opposed to sole initiating separate criminal cases against selected individuals. It is particularly important to focus on areas such as previous elections that have been rigged or organised with large-scale violations, and violence against peaceful assembly participants, and impunity, political prisoners and victims of political persecutions, unfair punishment as a result of procedural errors, torture and other cruel and inhuman treatment and use of evidence in criminal cases in that way, cases of life-sentenced persons, the independence and liability of courts, the independence and accountability of the Prosecutor's Office, investigative bodies, systemic corruption and economic crimes, the deaths of servicemen in the army in the non-combat situations, which remain undisclosed, seizure of property for state needs and other cases of gross human rights violations.

In terms of the independence of judiciary, the transitional justice should not solve the problem related to the independence of a judge, but rather the one related to the independence of the holder of the entire judicial power. Until now, the representatives of executive and other authorities, having committed an illicit act, have had a sense of impunity, which has contributed to the continued manifestation of such behaviour. The non-punishment by the judiciary, and even concealment of such illicit behaviour shows that Armenia actually did not have an independent judicial power, but simply had people who implemented the functions of the judiciary without preserving and understanding the philosophy and values of the concept. Thus, the revolution changed the executive power, the executive ensured the change of the legislature through the elections, but the judicial system did not change and remained a part of the former regime.

In terms of transitional justice to the above-mentioned spheres, it is necessary to implement at least the below mentioned, in the process of which it is necessary to ensure also the effective participation of the civil society and the public.

Recommendations:

- Develop a Concept of Transitional Justice, an Action Plan, involving civil society and public. To set deadlines for the implementation of actions of transitional justice.
- Ensure a real value and ideological change in a sense that human rights are not in artificial contradiction to national security.
- Adopt a law on transitional justice that will comply with international law and standards.
- Implement constitutional amendments by which state capture will be excluded by any authority.
- Implement systemic reforms, including through practical steps, legislative and constitutional amendments, to ensure the independence, accountability of law enforcement, security bodies and judicial system and the efficiency of their functional issues.
- Implement vetting of law enforcement, security, judicial system to examine the morality, involvement in corruption schemes, and professionalism of persons working in those systems. To ensure that these systems are replenished with new staff, at the same time not completely cleaning them from former employees who have a serious and necessary institutional experience. To implement capacity-building extensive programs. To ensure comprehensive institutional reforms.

- Ensure that those who aspire to certain public positions in the judiciary system, in the National Assembly, law enforcement and security bodies, pass through vetting process prior to assuming the office, which will also include the accessibility of their personal files to public.
- Ensure a political assessment of fraudulent elections in the past and realisation of institutional, legislative and practical reforms to prevent their future emergence, irrespective of the current governmental forces. Such measures may also include a vetting process of public service system.
- Ensure effective examination of cases with acts of violence against participants of peaceful assemblies, as well as to provide moral and material compensation. In particular, to give a legal and political assessment of the violence against journalists, providing them with material and moral compensation as a group of victims. To give a legal and political assessment to the issue of political prisoners and to introduce a system of justice that will exclude future political persecutions or deprivation of liberty.
- Ensure that persons unjustly convicted due to violation of the right to a fair trial have the opportunity to apply and reopen their cases, and that a fair trial procedure takes place. As an option, a separate subdivision of the Prosecutor's Office may be established, which will deal with those cases and will consist of highly reputed, objective and impartial professionals who have not been previously involved in those cases and have relevant professional capacities.
- Ensure that persons who have been subjected to torture or other cruel, inhuman treatment may have the opportunity to receive compensation regardless of the terms of committing the act and subjecting the responsible person to criminal liability.
- Take proper actions for early release of life-sentence prisoners (those who have passed threshold of 20 years), review of cases (life-sentence prisoners of military cases), through the abolition of the part of the RA president's Decree PD 103-A, on life imprisonment (for cases replacing death penalty with life imprisonment).
- Carry out proper examination and reveal the truth about the deaths in non-combat situations in the army.
- Examine corruption and economic crimes and take effective measures enabling restoration of assets irrespective of criminal cases. To ensure that the restored assets are used in victim compensation or development projects.
- Ensure proper examination of the events of March 1 and punishment of guilty persons by ensuring the right to a fair trial.
- Ensure restitution of rights and compensation of the victims of property rights violation cases.

STATE FINANCIAL MANAGEMENT

Over the past 20-25 years, the Republic of Armenia has consistently amended the state financial management system with the help of the International Monetary Fund, the World Bank, DFID, USA Treasury, GIZ, the European Union and other external partners. Though a significant part of the information on the state budget and its implementation has become publicly available, the effective use of public funds still needs improvement. The warnings of investigative journalists to the RA Control Chamber and the civil society organizations on the inefficient use of state funds mostly remained unanswered. Despite numerous training and refresher courses, the low capacities level of a significant number of employees in public administration system is still concerning. All positions in the public administration system that had perspectives for further promotion were assigned to people having close ties with the authorities and the ruling party. Formation of a fact-based policy was problematic and continues to be so until today. A significant part of the government's decrees and ministerial orders do not have evidence-based support. Ignoring the low capacities of the governance system, the country's political power was trying to attract large amounts of funds to finance the construction of a new nuclear power plant, Iran-Armenia railroad, the North-South highway and other technically and economically unsupported projects (or perhaps those grounds were not made accessible to the public).

Ignoring the “golden rule” of state finance management

If financial resources from international financial institutions were involved for the implementation of specific projects in target areas (although their effectiveness was also problematic), control over the use of the funds involved for the construction of the North-South highway from the Russian Federation and international markets in the form of foreign currency bonds and reports on their utilization were missing. Despite the fact, that in November 2016, the RPA top leadership declared, that the external debt "was not wasted on operating expenses”, however, in October 2017, in the message regarding the state budget of 2018, the government declared that it directs fiscal policy to the restoration of the "golden rule" to create a basis for a long-term growth and ensure debt sustainability, in which case the public debt is exclusively used for funding state capital.

Implementation of programme budgetting

The state interest of Armenia requires that public funds ensure maximum results for the public. A large segment of the society started to believe that the state budget was the property of the government and government officials. For many years, the state budget has been wasted by funding inefficient and non-priority projects and activities.

State budget allocations should be linked to result indicators. The state budget means must ensure efficiency, should be used effectively and economically. The public should see and feel the impact of public services in its everyday life, see the increase of their number and quality improvement.

Wasting resources on futile projects lacking sufficient technical and economic rationale

For several years, state budget reports indicated the work done for the construction of a new nuclear power unit (units). In 2010, the RA Ministry of Energy and Natural Resources signed an agreement with the RF State Atomic Energy Corporation “Rosatom” to back up the manufacturing capacities of equipment for the “nuclear island” of the new nuclear power unit to be built in Armenia, and the RF and the RA governments have signed an intergovernmental agreement on cooperation for building a new nuclear power unit(s) in Armenia. The same year, the Armenian government declared the Australian "Worley Parsons Europe Energy Systems Limited" company the manager for the construction of the new nuclear power unit, which developed the final version of the “feasibility study

for a new nuclear power unit in Armenia". With the №789-Ն decision of the Armenian Government, on July 16, 2009, $ 404,000 was allocated to the Ministry of Energy and Natural Resources for the services delivered in 2009 within the frames of the project contract for the construction of a new nuclear power unit(s) in Armenia. According to the reports on the execution of the state budget in subsequent years, the work was limited to meetings and discussions. Finally, on December 20, 2014, an agreement was signed between the Government of Armenia and the Government of Russia "On cooperation for extending the term of the exploitation of the second power unit of the Armenian nuclear power plant." The process of this agreement, much like other agreement processes, was not transparent and participatory enough.

Lack of capacities in the government

There was (and there is) such a lack of qualified and competent staff in the government, that in February 2014, in connection with the decision to halt the construction of the North-South highway, the country's top leadership had to admit that "there were no capacities in the Republic of Armenia to give us the possibilities: 1) to design such roads, as we did not have the knowledge, specialists and normative acts, 2) to manage road building of such large-scale investments, as we did not have the experience, knowledge and skills." The construction of the North-South highway requiring large-scale financial resources, foreseen to be completed in 2019, is the evidence of weak capacities of the Armenian government. This construction has become a heavy burden for the state budget due to the large amounts taken as a loan and the resources it has been absorbing could have been directed to address social and economic issues in Armenia. The volume of funds allocated for the external public debt exceeds those allocated to education, healthcare or culture.

Lessening the role of the National Assembly

Over the past few years, the National Assembly has lost oversight of the budget that it approves. The budget reports it receives, refer to other documents and not the implemented budgets. The ministries and departments modify easily the allocations made to them by the National Assembly. When in 2006-2009 the government adopted 88-100 decisions annually allowing to make changes in the state budget (except for 2007, when 122 decisions were made), in 2014, 2015 and 2017, more than 300 decisions were annually made. This approach makes the law that the NA needs to approve the budget redundant, as at any point the government introduces changes in the law freely and easily. The government does not have liabilities of introducing similar changes in other laws.

Absence of strategy

Since 2008, Armenia does not have a development strategy. The Sustainable Development Program approved by the government in 2008 and the 2014-2025 long-term development programmes approved in 2014 were still-born at the time of their approval, as they were cut off from the reality of Armenia and the global economy and were just a wish list. After the transformation of the Poverty Reduction Strategy Paper, Armenia does not have a strategic plan that will outline the government's goals and priorities and the steps intended to achieve those goals. In the absence of strategic plans, the allocation of funds in the state budget were based on snatch and group decisions that pursued the interest of certain state officials and businessmen related to top officials who managed to get their share in the allocations made for various sectors.

Tax privileges

Since 2011, the government has been postponing the deadline for the payment of VAT for three years for import by specific companies. The decision-making process is not transparent. The essential issue of postponing the tax deadline and the decision of making changes in the state budget is the lack of transparency and the projects are not presented for the public discussion on www.e-draft.am, the unified website for legal act drafts. The society knows about these drafts only when they have already been included in the agenda of government session. It is not clear whether the government rejects the

requests for VAT postponement on imports or considers all received applications. The government does not submit a report on the companies that have received permission for VAT postponement a few years ago have fulfilled the deferred liability. Moreover, the postponement of VAT payment interferes competition, has a negative impact on the whole result chain and creates preferable terms for specific companies and businesses. This approach takes away a part of the annual revenues on the basis of an evasive promise to pay it in the future. There are cases of companies that have been declared bankrupt shortly after receiving these privileges.

Financial accountability

The financial management and accountability of state non-profit organisations, state funds, state or community organisations having more than fifty percent share need significant improvements. Despite the use of new technologies, there has been a regression of transparency and accountability in a number of areas. For example, financial accountability decreased when the status of higher educational institutions changed from state non-profit organisations to foundation. According to the OECD report (OECD, 2018, Anti-corruption reforms in Armenia. Fourth round of monitoring of the Istanbul Anti-Corruption Action Plan), the oversight functions of the Ministry of Education and Science have been limited as a result of a change of the status of higher educational institutions. In general, corruption is a systemic problem in education and in the higher education in particular, and in consequence the financial means directed to higher education by the state and students are used inefficiently.

Public procurement

Over the past 18 years, Armenia has adopted 4 different laws regulating public procurement, but the activities of this field are still concerning and lack trust. The issue of value for money still remains a serious problem in the procurement system. The classification of information on the protocol expenses of the President, the Prime Minister and the Speaker of the National Assembly as confidential constitutes the most serious problem in the public procurement system. The accountability of procurement clients still remains a matter of concern, as formerly, despite existing legislative requirements.

The publication of procurement notices electronically, as well as their subjection to automatic processing are in line with the commitments undertaken by Armenia, in particular in terms of Open Government Partnership. Publication of data in this format will provide more opportunities for the public sector to make comparisons and analysis. There are cases, where the quality of public information is not maintained, there are notices on signing a contract where the amount and other liable data is not mentioned. Often there is a lack of information on whether the same notice was announced in the past, was changed or not.

Although an electronic procurement system has been introduced, the legislation does not require all purchases to be made through the electronic system, thus, a part of the procurement continues to be made in a paper form. The Law on Procurement requires that the Ministry of Finance (hereinafter, the RA MF) registers purchase transactions, which create liabilities for the state. However, in reality, if the RA MF is dissatisfied with the signed contract, not only it does not register the contract, but also sends it back to review or even demands to cancel. This is a direct intervention in the procurement process by the RA MF, which is in line with the requirements of the Procurement Law (Article 16). According to the data received from private sector representatives, the winners who offered the lowest price within the framework of public procurement competitions have to possibility to make changes in the proposed projects, due to which the quality of the goods, work and services provided to the state often does not comply with the defined requirements.

As a result of legislative changes in March 2018, the Procurement Appeal Board, whose sessions were broadcast online according to the Government Second Action Plan and within the framework of the Open Government Partnership, was replaced by a "complaint investigator" whose independence is problematic. The mandatory fee of 30,000 AMD for requesting evaluation procedures might create obstacles for the submission of complaints. At the same time, there are a number of free of charge

whistleblowing systems. There is no systematic approach. Placing a notice in the hotline is free of charge and in case of disclosure of the source, it is necessary to make a preliminary payment.

The Law on Procurement refers to conflicts of interest, but there is not a designated body verifying the identification and authenticity of the declarations (hence, the public is not aware of the results of their review), and the RA legislation does not mention the penalties applied for violations.

Information on cancelled competitions is published annually, whereas for statistical combinations it is desirable that this information be published quarterly, at least on the websites of public administration bodies.

There is an information gap regarding EAEU countries. In particular, the information on domestic suppliers that appeared on the blacklist is translated into Russian and is available to other EAEU member countries. Equality of rights suggests that there should also be information on suppliers included in the black list in Belarus, RF, Kazakhstan and Kyrgyzstan. The list of domestic companies included in the black list is available in Russian for EAEU member states, but there is no information on companies that are in blacklisted in EAEU for Armenian customers.

Recommendations:

- The government should present to the public a strategic document that will include the vision of the country's economic and social development for the next 10 years.
- The government should take measures to reduce the external public debt and alleviate the burden on the state budget due to public debt servicing.
- In case of large-scale investment programs, the government should submit their feasibility studies and initiate public discussions.
- Reinforce the parliament oversight of the state budget and restrict the government power of making changes in it.
- Define the scope of functions of the state and state bodies, reduce state administrative apparatus, recruit highly qualified professionals and raise their salaries.
- Link the allocations from the state budget to result indices.
- Discontinue the postponement of VAT amounts in case of import, which grants privileged status to certain business entities, interferes competition, and removes a part of annual tax incomes.
- Develop local self-government by expanding the scope of rights and responsibilities of decentralization and local self-governing bodies by creating necessary financial resources to provide public services.
- Improve financial management and accountability of state non-profit organisations, state funds, state or community organizations having more than fifty percent shareholding.
- It is necessary to eliminate the legislative requirement for the confidentiality of the protocol costs of the President, the Prime Minister and the Speaker of the National Assembly to ensure the transparency and accountability of the activities of these structures.
- Information on the procurement announcements, with concise quarterly data, are summarized and published both on the procurement official website and on the websites of public administration bodies. Based on this data, it is necessary to submit quarterly information on the websites, which should be included in annual procurement reports.
- Ease the access of the appeal system for all beneficiaries by increasing the system's attractiveness for whistleblowers. In this sense, it is necessary to remove the fee of 30,000 AMD for the complaint review.
- Form a registry of beneficiaries, which will allow verifying the authenticity of statements about the lack of conflict of interest.
- Provide mandatory quarterly reports on the disclosure of verified declarations and any gaps or inconsistencies therein.
- Summarize information on inactivity on a quarterly basis and publish it on the website.
- Information about cancelled competitions should be mandatorily published quarterly at least on the websites of public administration bodies.
- Ensure equal conditions in terms of information on EAEU procurements and provide access to the website for non-residents.
- Improve procurement appeal mechanism and ensure the full independence of complaint investigators.

- Require from the RA MF to deal only with the registration of procurement transactions, which create liabilities for the state, and not to interfere with the procurement process.
- Foresee legislative changes according to which the bids that satisfy the requirements of the product, work or service specifications pass to the financial assessment stage.

Monopolies

The dominance of monopolies in Armenia's economy is one most serious issues and challenges of the country. Monopolies hinder the development of small and medium-sized businesses, promote systemic corruption, merge business and political elites, and promote poverty and emigration. Studies on the relevance and role of monopolies in the Armenian economy by international organizations (World Bank, International Monetary Fund, World Economic Forum, European Bank for Reconstruction and Development, etc.) and their comparison with monopoly situation in other post-Soviet countries are also the evidence of the gravity of the issue. These studies show that in previous years Armenia's economy, unfortunately, is one of the most monopolized economies of post-Soviet countries.

After the velvet revolution in April-May 2018, the new government, unlike the previous regime, displayed a real political will to substantially limit and reduce the dominance of monopoly in the country's economy. The important manifestations of that will were: a) the enforcement of the law on the protection of economic competition, and as a consequence companies with monopolistic or oligopolistic positions were deprived of leverages and tools for the removal of their competitors from the market through unauthorized and illegal methods, as well as b) significant decrease of their direct representation in the executive and legislative bodies, as a result the vast majority of the real owners of those monopolies and oligopolies are no longer directly represented in the new government and National Assembly formed after the parliamentary elections of December 9.

Thus, it could be said that in case of continuing the protection of competition and current anti-monopolistic policy by new authorities, one of the root causes of monopoly domination in Armenia will be substantially or completely neutralised, that is, the merging of business and political elites, which is also one of the root causes of systemic corruption in the country.

However, the presence of political will is a necessary condition for the neutralisation of the dominance of monopolies and oligopolies in Armenia and their regulation. Treating other issues in the field will facilitate this process. The most important among them is the ineffective policy of protecting economic competition, due to which, during the previous regime, the vast majority of the country's commodity markets were evaluated as highly centralised. There is no relevant statistical data on the current situation, however, economists mention that creating equal conditions for businesses only by administrative and political methods, as mentioned above, is not enough, as monopolies and oligopolies continue to maintain their economic leverages and tools. Besides, economics analyses show that the entry of new business entities into such centralised markets is very difficult, even if illegal and unacceptable methods of competition are not applied against them. The inefficient anti-monopoly policy in Armenia was due to legislative gaps, improper enforcement of laws, the weakness of institutional system (the State Commission for the Protection of Economic Competition and the Public Services Regulatory Commission) (also the lack of political will), and also the fact that most of the monopolies ensured their status and profitability by imposing illogically and artificially inflated prices of their goods and services to consumers, acquiring state assets cheaply, suppressing small and medium-sized businesses and paying extremely low wages to their employees. This strategy, spread among importer monopolies and oligopolies, made them extremely uncompetitive and without the "roof" of state-owned apparatus, they would have been quickly removed by technologically equipped companies with modern management skills.

Individuals and companies having the monopoly of importing specific products vertically integrated smaller value chains. For example, business entities with a monopoly of particular product import gained relative advantage over other domestic retailers through the creation of retail chains. The company, having a monopoly for railroad services, reinforced its position in the transport market by acquiring the shares of the company offering ferryboat services and gained a relative advantage over other companies offering transportation services. Such behaviour by individuals and organisations with monopoly positions was encouraged by the authorities of the day.

After strengthening their positions in their fields, individuals and companies with monopolistic position used their accumulated means for horizontal integration and acquired banks, enterprises of textile industry, mines, sports clubs, and constructed hotels, restaurants, and casinos. According to some estimates, due to such developments, the lion's share of the Armenian economy has become the property of about 40 families since independence in 1991.

The other critical issue is the absence of corporate management culture and, as a consequence, the almost complete absence of relevant laws, regulations and structures. Companies are still managed by ancient autocratic management style and non-formal arrangements between the managers, resulting in serious barriers for foreign and local investors.

Another very serious problem has been the absence of goals, objectives and strategy of the economic policy implemented in the country. As a result, the model required for regulating monopolies is not defined. The current model is highly criticised by a large number of economists. They point out that the model based entirely on punitive functions, failed given the presence of the shadow economy, monopolies merged with the political apparatus and inefficient state management. As an alternative, economist suggest models based on prevention rather than punishment.

Monopolies in the energy sector have served various self-directed needs leading to the deterioration of financial stability of this field from 2010.

Energy Sector Companies:

(1) attracted loans for the goals not related to their main line of activities;

(2) used inadequate mechanisms to compensate for ENA losses inflicted by external causes; and

(3) state companies of the energy sector could not cover their costs.

The government used the financial assets of state energy companies at its discretion, without informing the public in any way. For example, the funds of the Yerevan Thermal Power Plant were used to pay current expenses of Nairit and Vanadzor chemical plants, including paying salaries. It similarly instructed state companies to attract loans and to finance these two factories. In 2010-2011 Vorotan HPP and Yerevan TPP allocated 1.6 billion AMD for the capital repair works of the Government Reception House. More than 1 billion AMD of Vorotan HPP's circulate assets have been used to fund investments in infrastructures (for example, for the construction of a road section).

Considering the ineffective management of the sector, the burden of all incurred costs has been transferred to the final consumer, and the tariffs of the electricity for the majority of the population have been increased regularly. Thus, the interest expenses paid against the borrowed funds attracted by the state in order to promote investment in the energy sector have been included in the tariffs of the respective companies and the redemption burden has been transferred to end-users.

Recommendations:

- Formulate clearly the objectives, issues and priorities of economic policy. The establishing and implementing of an effective anti-monopoly policy it will be possible, only within a clearly formulated policy framework.
- Differentiate monopolies and adopt a differentiated policy towards them. As proposed by economists, the differentiation should take into account the presence of legitimate monopolies acting within the rules of free competition.
- Replace the current punitive model with the preventive model to fight monopolies. At the same time, review the emphasis on the sanctions, from the perspectives of the inevitability and effectiveness of punishment. The business entity should see that all violations are being disclosed and, consequently, penalties must be paid which will exceed the benefits generated by the violations for several times.
- Create a single unified body instead of the current two bodies (SCPEC and PSRC) for the protection of competition, to make the policy more coordinated in this area.
- Organise the activities of the regulatory body based on programmatic approaches and measurable indicators.
- Ensure the participation of civil society in decision-making processes of the regulatory unified body.
- Prohibit the use of financial resources of state energy companies to finance transactions not related to their core business.
- Review the methodology of electricity tariff calculation.

COMMENSURATE TERRITORIAL DEVELOPMENT AND LOCAL SELF-GOVERNANCE

The total of the budgets of all Armenian communities in the country's gross budget has been around 8.5-10% for over a decade. In the total budget of all communities of Armenia, the budget of Yerevan city has been 60-65% in recent years, while the remaining 501 communities (999 settlements) make up 1/3 of the budget of communities. As a result, the community budget in Yerevan per capita (without public health and education funding) is approximately 2.5-3 times bigger than the average index of community budget of other communities per capita. Thus, community infrastructures and services per capita are funded three times more in the capital compared to other communities. In particular, there is an opportunity to have free kindergartens, better-refurbished streets and abundant night lighting, etc. in Yerevan. According to the data of the National Statistical Service, in 2015-2017, the population of marz centres has consistently dropped, and the population of Yerevan has grown. This was the case when 30,000 to 40,000 people emigrated from the country every year, which means that the emigration took place at the expense of marz population. The above-mentioned situation, with features of territorial discrimination, has been achieved under the current legislation and due to the lack of an actual regional decentralisation policy. In Armenia, the state authority has consistently strived to cling to its powers and financial resources, which has hindered the development of the country and its actual decentralization.

Despite numerous promises of decentralisation and community development, the state authorities did not take any practical and legislative steps towards decentralisation, including infrastructure redistribution, transfer of powers and increasing funding of communities. With the intention to reproduce and remain in power, the state authorities kept local self-governing bodies in financial and political dependence. The principle of subsidy is essentially distorted in Armenia. In particular, many issues the settlement of which would be incomparably more productive and community-friendly at the level of local self-governing body, were not resolved in that level because of absence and lack of powers and were resolved by state authority with centralised government mechanism. Negligence of the principle of subsidy has led to passivity and impairment of local self-governance.

The deficit of community budgets often does not allow implementing development programs, and the budgetary funds have merely covered the administrative costs of the community council; rendering services in almost half of the communities was impossible due to lack of budgetary resources. To increase cost-effectiveness, in 2015-2017 state authorities initiated the process on consolidation of communities, which was largely implemented in accordance with their will, without public debate and agreement, and against the will of local population and LSGBs (local self-governing bodies). This has caused public discontent in a number of communities. The consolidation process has been suspended after the revolution.

The state financial system is highly centralised. The financial capacities of LSBGs are extremely limited. The central authorities are responsible for all decisions related to the quantity and distribution of services. Decentralisation of educational, health, social, cultural and other services, the role of LSGBs in rendering those services, and the establishment of necessary financial basis have constantly been a subject of speculation.

Recommendations:

- To redistribute powers of state authority by reviewing legislation and to increase LSGB's powers by ensuring required funding for their implementation.
- To revise legislation on financial equalisation so that the difference of community budgets of communities per capita is not more than 20% -30%.
- To define the principle of community consolidation by law, to define consolidation as an LSGBs' voluntary activity, which may be implemented only on the basis of a positive decision as a result of local referendum.

- To establish tax, credit and social privileges in the areas and communities affected by socio-economic aspects.
- To improve the Electoral Code in terms of LSGB elections, ensuring quality representation in consolidated communities.

HUMAN RIGHTS

Both local and international organizations and institutions have repeatedly referred to human rights protection mechanisms in Armenia. In all its reports on Armenia, the European Committee for the Prevention of Torture refers to cases of ill-treatment in penitentiary institutions, police departments, psychiatric hospitals and other closed and semi-closed institutions. The examination of torture and ill-treatment is artificial and ineffective. The most common is the arbitrary nature of the law-enforcement bodies against the participants of mass events, the examination of registered facts may prolong for several years, and in the end, no one is held responsible. In fact, the situation is that of impunity in the field of protection of human rights, and particularly regarding the right to be free from torture, which contributes to public distrust towards the justice system, while the victim of torture is subjected to new sufferings.

Observing data of local organisations, one can conclude from studying the reports of the local organisations that cases of degrading and inhuman treatment are of continuous nature due to the deficiencies of the legislation, institutional problems and lack of political will. This means that the government does not fulfil its constitutional and international obligations.

Discriminatory practices constitute a serious challenge in the field of human rights, especially against sexual and religious minorities, women and children. Up to date Armenia has not fulfilled its commitments in accordance with the Constitution and international conventions, and has neither adopted legislation nor established bodies to prevent discrimination.

The cases of domestic violence with fatal outcome are continuously witnessed, which points out to inadequate practices and approaches by law enforcement bodies in that field.

The authorities did not demonstrate consistency in eliminating the systemic issues raised in the ECHR judgements against RA. It is worth mentioning that the amendments to the RA Law "on Alternative Service" adopted in 2004, were applied only in 2013, despite the repeated assessments in ECHR judgments on the legislation regulating alternative military service. Such reluctance points to the inadequate understanding of the authorities' commitments in the field of human rights and to the absence of the necessary political will.

The cases of discrimination and ill-treatment after the Velvet Revolution, and the tardiness of the investigative bodies to examine those criminal cases point to the persistence of ill practices developed over the years.

Effectiveness and legality of investigation

The failure to carry out an objective and effective investigation by law enforcement bodies is a large-scale and systemic issue. The profound reasons are not only legislative and institutional, but also practical. The evidence for this is also provided by the judgements of the European Court of Human Rights (eg, Ashot Ghulyan vs. Armenia, ECHR September 20, 2018, Mushegh Saghatelyan vs. Armenia, ECHR September 20, 2018). Frequently, the investigation and deprivation of liberty were carried out by illegal methods, including ill-treatment and procedural violations. Such violations include the search of individuals without a judicial sanction, duress or ill-treatment towards detainees to extort confession or testimony against someone, the reliance on police testimonies only, neglecting the testimonies of the defence or the victim (the injured party), ignoring essential facts and not including them into the case, misuse of the expert examination results, summoning persons as witnesses and subjecting them to torture, etc. It is not accidental that the majority of the ECHR judgements against Armenia is related to the violation of the right to fair trial, followed by ineffective examination, torture and other ill-treatment, and unjustified limitation of the person's liberty.

Recommendations:

- Ensure mechanisms to enforce ECHR judgments, by ensuring legislative, institutional, and practical measures not only for effective examinations, punishing the guilty and compensating the victims, and also to prevent similar violations in the future.
- Ensure effective examination of all the cases, not taken to the international court yet.
- Ensure mechanisms enabling individuals to apply and to review the verdicts made with gross violations of the right to fair trial.

Right to freedom from torture and other ill-treatment

The Criminal Code only provides the definition of torture, while other cruel, inhuman and degrading treatment and punishment are not criminalised. Until now, no official has been convicted for torture, although reports of human rights organisations have shown that torture or other ill-treatment often take place during arrest and interrogation. The use of physical violence to extort confession or information is among the common abuses in police custody. The police also "invites" individuals to "informal conversations" and later gives them the status of a suspect. Holding people in police station for a long time is another common issue, recorded in 2016 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The use of torture and other ill-treatment is practices not only by police, but also by other investigative bodies, especially to national security agency. Since the work of these institutions often implies state and official secrecy, and they are not subject to public oversight, they officials feel immune to use of torture and other ill-treatment, its ineffective examination and concealment under the security pretext.

Besides, the evidence allegedly obtained through torture or other ill-treatment is not immediately rejected from the case materials, but remains there until the verdict is published. However, under the ECHR precedent right, this is a procedural violation of torture and other cruel and inhuman treatment or punishment (for example, Harutyunyan vs. Armenia, ECHR 28.06.2007). Therefore, such evidence cannot be used in any case. The state does not provide sufficient funding for the compensation of torture victims and rehabilitation services.

Recommendations:

- Criminalise ill-treatment, repeal the statutory limitations in law and practice, to exclude the application of pardon, amnesty or other similar measures towards the persons convicted for torture and ill-treatment.
- Ensure immediate medical examination for persons subjected to torture or other ill-treatment, properly recording their injuries (based on the Istanbul Protocol) and keeping the facts to ensure the effectiveness of the investigation.
- Exclude the use of evidence obtained through torture in any form and at any stage of criminal prosecution, which is an important warranty for the substantive examination of the evidence before trying the case on merits as a means (way) of judicial control over the legality of the of pre-trial investigation.
- Prevent torture and ill-treatment in places of detention, police and security bodies, in places of pre-trial detention, with introduction of audio and video recording of the interrogations. To ensure that these recordings are accessible to public observation groups, to the National Prevention Mechanism, based on individual's application or on a suspicion of torture or ill-treatment.
- Develop and implement compulsory educational programs for investigative bodies, penitentiary staff, prosecutors, medical staff, forensic experts, and judges on prevention, detection and documentation of torture and ill-treatment (based on the Istanbul Protocol standards).
- Provide that not only an acquitted person has the right to receive compensation for torture, but also the convicted person.
- Provide in the legislation that the victims of torture have the right to receive compensation and the state's obligation to provide this, regardless of the fact of finding the perpetrators, and to ensure its realization in practice, even in case of termination of criminal prosecution against the alleged offender on legitimate grounds.
- The state should provide adequate financial rehabilitation services to victims of torture and other ill-treatment, including medical, psychological, social and legal services.

The right to peaceful assembly

The right to peaceful assembly has been constantly endangered in Armenia. Assemblies of civil society groups or political opposition has been perceived as a threat to the regime, followed by

measures of dispersion, illegal intervention, and demonstrators' intimidation. In its judgements against Armenia, the European Court of Human Rights has registered numerous violations, as individuals who participated in peaceful assemblies in different years have been subjected to violence, were illegally detained, and often by policemen with civilian clothes, and their freedom of expression and movement was limited. The use of special means and violence by police, the cases of unjustified detention and the violence against journalists, amidst dispersing assemblies, indicate that the law enforcement officers also pursued the aim to punish assembly participants for their actions (2008 in Liberty Square, Lusavorich ave., 2015 Electric Yerevan, Electric Gyumri, 2016 Khorenatsi, Glinka streets, Yerevan Sari Tagh, 2018 April-May in Yerevan, etc.). The authorities used all available resources, including government agencies, private employers, educational institutions to suppress the protesters and to prevent their participation in demonstrations. No objective investigation was carried out into the numerous cases of violations presented by civil society baked with solid evidences, creating an atmosphere of impunity in the system of law enforcement. In order to protect the right to peaceful assembly, the state should implement the following:

Recommendations:

- Carry out effective investigation to disclose all the previous violations during the peaceful assemblies, including violence actions against journalists, and provide compensation to all the victims of violations.
- To train the corresponding police units to ensure public order during the assemblies and to introduce police accountability mechanisms aimed at preventing potential violations by them.

Freedom of media

In recent years, there has been no progress in the field of media freedom on both legislative and law enforcement levels. Legislation on Broadcasting does not guarantee the independence of the national regulatory authority - the Commission on Television and Radio (formerly the NCTR), and the fair distribution of public resources, namely the transmission lines. The legislation does not define a mechanism for the disclosure of mass media owners. More than ten local TV companies operating in marzes have appeared on the brink of closure due to the absence of digital broadcasting licenses. Over the past one and a half decade, journalists have performed in extremely unfavourable conditions, subjected to violence numerous times, along with pressures and hindrances to professional activity. No effective and reliable examinations of attacks on journalists were carried out.

Mass media is not obliged to disclose its owners. Television companies are interconnected with representatives of the political elite or large businesses, which leads to centralised media control.

The RA Law "On Television and Radio" hinders the liberalisation of the broadcasting industry, competition development and does not ensure television airtime diversity. According to the law, the private multiplexer is obliged to carry out the multiplex through its own electronic communication network, the coverage area of which should not be smaller than the coverage area of the digital network of public broadcasting, which means that a commitment to republican coverage creates a monopoly in the sphere.

In 2016, a full transition from analogue to digital broadcasting was implemented, but more than ten local TV companies operating in the regions appeared on the brink of closure due to the absence of digital broadcasting licenses. Analogue TV channels appeared in an environment of unfavourable competition, in terms of signal quality, security, access to audience and attractiveness for advertisers. Analogue marz (regional) TV companies did not shut down by law, and presently operate in unequal conditions, which can lead to gradual lessening of their activity. This situation hinders pluralism.

The procedure on forming regulatory body does not ensure its independence and accountability as a sector regulatory body. The activities of the regulatory body lack transparency and fair competition procedures in broadcasting.

More than 130 cases of physical abuse and hindering to professional activity have been registered against journalists over the past ten years. In most cases, the guilty were neither disclosed, nor subjected to responsibility. Law enforcement agencies either failed to institute criminal cases in relation to these cases, or even if they have instituted, they have dismissed them owing to the lack of corpus delicti; in exceptional cases, symbolic punishments have been applied to the perpetrators.

The spiritual-cultural public TV channel operating under the subordination of Public Television and Radio Company (named "Shoghakat") builds its editorial and program policy at the discretion and by direct order of the Holy Armenian Apostolic Church (HAAC). The technical maintenance of this TV company is carried out by state, public funds. Thus, one of the churches operating in Armenia discriminately possesses state funds and uses restricted public resource, namely TV transmission lines.

Recommendations:

- Establish by law the requirement of publicity of the actual and formal owners of mass media and ownership interest.
- Transfer to a simple broadcast licensing procedure, ensuring transparency and fairness of competitions. It is necessary to eliminate the concentration and monopolisation stipulated by the law of private multiplexor activity and to cancel the obligation of republican coverage.
- Clarify the status of marz TV companies without digital broadcasting license, and to create equal competitive conditions for all marz TV companies by transferring to a simplified licensing procedure and permitting the activity of small and private multiplexes.
- Ensure the actual independence of the broadcasting regulatory body by establishing public control mechanisms.
- Carry out a full and impartial examination of all cases of physical violence against journalists and hindering to their professional activities by publishing periodical reports on the results of the examination.
- Eliminate the discrimination of the spiritual-cultural public TV channel of the Public Television and Radio Company by the HAAC to make the editorial policy of that TV channel independent of the church or the authorities, or to free the Council of TRC from the burden of managing such a TV channel, and thus transfer the TV transmission lines to the Television and Radio Commission for the exploitation and allocation to a private TV company.

Right to freedom from discrimination

The victims of abuses and discrimination were deprived of effective remedies, and the cases of discrimination remained unaddressed. Armenia does not have comprehensive and effective anti-discrimination legislation. The existing legislation does not provide the definition of discrimination, and procedural laws hinder effective investigation into the discrimination cases. The Court's approach to evidential matters, in particular to the burden of proof, does not comply with international standards of anti-discrimination legislation.

More limited is the access to justice for victims of systemic discrimination, as non-governmental organisations cannot file a suit to the court on behalf of the victims. There is also a lack of effective mechanisms for the prevention of discrimination and promotion of equality, since the legislation does not define the positive responsibilities of the central and local authorities in this respect. In the context of impunity for discrimination, the former authorities also promoted discrimination due to which some minorities have been subjected to open or concealed systemic discrimination.

Recommendations:

- Adopt a comprehensive and effective anti-discrimination legislation, which will ensure effective mechanisms for the protection of victims of abuses and discrimination, access to justice and restitution of rights, including the right to file suits for the protection of public interest by NGOs in cases of discrimination.
- Define the functions of the government and local self-governing bodies and their proactive responsibilities in preventing discrimination and promoting equality.
- Establish an independent and effective national equality body, ensuring its independence both at institutional and operational levels and by vesting it with support and procedural functions.

The secular foundations of the state and the principle of freedom of religion and belief have been seriously undermined by de facto and discriminatory privileges granted to the Holy Armenian Apostolic Church (HAAC) and due to the interventionist approach initiated by HAAC. By interpreting

and abusing the constitutional provision in its own way, which proclaims the "exceptional role" of HAAC, the former authorities and the HAAC have introduced and promoted the HAAC as an exclusive "national church". By the constitutional amendments, the former authorities have tried to separate the HAAC from other religious organisations, thus trying to substantiate the discriminatory attitude towards them. The legislation related to religious organisations contains restrictions for the registration and activities of religious organisations, instead, setting privileges for the HAAC. Besides having monopoly on entering educational and health institutions, armed forces and other closed institutions, HAAC abuses its position by interfering with the activities of these institutions and endangering their secular nature.

The authorities have directly and indirectly encouraged discrimination, hate speech, and violence against LGBTI persons. Armenia is the third most unfavourable country in Europe for LGBTI because of lack of defence mechanisms and negative public attitude. The legislation on hate crime does not recognise sexual orientation and gender identity as a basis for crime, and law enforcement bodies do not conduct a comprehensive and effective examination for cases of violations of the rights of LGBTI persons.

Recommendations:

- Revise the constitution and the legislation on religious organisations, clearly expressing that HAAC is a religious organisation and has the same rights and obligations as provided by law for other religious organisations.
- To review the hate speech and the legislation prohibiting crimes of hatred foreseeing a person's sexual orientation and gender identity as a protected basis.

Women's rights and domestic violence

Ignorance of the issue of domestic violence for years has resulted in the tolerance and impunity of domestic violence cases. In the period of 2010-2018, about 60 women were killed due to domestic violence, and nearly half of cases of sexual harassment towards minors occurs in the family. The law adopted in 2017 puts forward a benchmark the strengthening of "traditional values" and the "restoration of solidarity" in the family, as opposed to protection of the abused person and restoration of rights.

Recommendation:

- Criminalise domestic violence and ratify the Istanbul Convention.

Labour rights

The lack of effective oversight mechanisms and the impunity of employers make the workers vulnerable and unprotected. In addition to systemic and regular violations of labour rights, the workers of different sectors were previously exploited to collect votes for ruling party candidates. Likewise, many individuals were forced to stop attending peaceful demonstrations under the threats of losing their jobs, not to appeal against illegal actions of the police or other state bodies. Thus, in the light of poor guarantees for labour rights protection, individuals are unable to exercise and protect their fundamental rights. The trade unions in Armenia, meanwhile, objectively do not fulfil their mission of protecting the rights of workers. In 2013, the State Labour Inspectorate was dismantled, transferring its certain functions to other state bodies that were formed later. The currently operating Inspection body, with its powers and status, does not comply with the RA international commitments.

Recommendations:

- Revise the Labour Code of the Republic of Armenia, strengthening the guarantees of labour rights protection, enhance the independence and powers of trade unions, establish an independence and adequately equipped State Labour Inspectorate.
- Revise the Law on Trade Unions.
- Clarify working hours and bonuses for workers.
- Establish clear guarantees to ensure that working contracts are signed with workers.
- Implement changes in the Labour Code, removing the article concerning the "loss of confidence in worker."

Property rights

In Armenia, the property right has not been effectively protected by the legislation and in practice. Despite numerous violations of property rights, illegal alienation of property, disproportionate compensation, seizure, the courts not only failed to be an effective means of protecting the law, but also legitimized the cases of illegal misappropriation. It is evident from a number of judgements against Armenia, where the ECHR has recognised not only facts of abusing the property rights, but also the right to a fair trial. At the same time, all the decisions concerning problematic urban development projects and mining projects, where dominance of the society and state needs over the private property was recognized, have been adopted without public discussion and consideration of the opinions and interests of the owners, or through formal and not genuine discussions. The whole process of urban development in the Yerevan city centre with all its corrupt practices testifies the merger of authorities and the construction companies, and corrupt interconnections, resulting in deprivation of property and displacement of hundreds of people.

EDUCATION

The field of education, more than other public fields, has been a taken hostage of economic and political interests of former authorities for years to the detriment of the quality and integrity of education. Over the last 15 years, the capture of the educational system by the government and the leading political power has led to the establishment of absolute control over the management of the system and the distortion of the quality and content of education. The absolute control over the system has systematically served as a tool for power reproduction in the electoral process with the exploitation of administrative resources. Public resources, including credits from international development banks, have been wasted for the benefit of the ruling regime's preservation and reproduction. In Armenian and international assessments, the educational outcomes of Armenian students have been systematically falsified and distorted to conceal the real picture of the quality of education and the ongoing decline in students' literacy.

As a consequence, current authorities inherited a deeply discredited general education system with the following key issues:

- The lack of integrity in educational content (distortion and falsification of textbooks and content of education, lack of teachers' professional skills and capacities, absence of modern and child-centred teaching and non-democratic education system, development of philistine subculture at educational institutions, partyness of management system);
- The lack of integrity in education management (corruption and sponsorship, multi-layered manifestation of conflict of interests at all levels, financial abuses and insufficient funding for basic needs);
- The lack of equality and access to quality education for different, most vulnerable groups of the population (discrimination against the poor and rural children, discriminatory approaches to girls, ethnic, religious, and other minorities).

The results in higher education are not encouraging either. The political force ruling until April 2018 had absolute control over the management and control of the entire system. Furthermore, methods specific to authoritarian regimes, such as ideological instructions, control over student structures and limitation of academic freedoms, have been applied directly.

Explicit abuses of this critically important public benefit and universal right have been carried out openly and regularly, through the distortion and falsification of pricy and various reforms in public and higher education.

Below are presented the systemic issues the solution to which, in terms of system recovery, is urgent. The issues are different in their essence: some are systemic; others are the consequences of the latter. Undoubtedly, it is more beneficial to focus on systemic issues and eradicate the destructive systemic corruption. In case of adopting this approach, it is possible to expect amelioration in education quality and restoring social justice if significant investments are made for a certain period of time to improve teaching quality, reform the content of education and rebuild destroyed infrastructures in marzs and rural areas. Therefore, such an approach seems effective and justified.

However, it excludes a whole generation of young people whose rights for education have been massively violated over the last 15 years. The principles of justice suppose a restitution of such massive violations of law and compensation for the insufficient education of youth, as well as for the poor quality education of student cohorts currently in middle and high schools. Therefore, the officials responsible for the development of education should realize that, along with the solution of urgent systemic issues, there are more urgent problems requiring immediate intervention. In particular, it is necessary:

a) to estimate the extent of the already inflicted damage, that is, the actual need for urgent additional education to fill the gap in knowledge,
b) to develop different and effective approaches to the organization of additional education for children belonging to different groups and needs;
c) to allocate the necessary resources for immediate satisfaction of the specified needs.

Thus, at this stage, it is important not only to restore the integrity of the system, but also to restore the violated right of education for an entire generation, who as a result of more than a decade-long distorted quality of education lack sufficient knowledge and skills to pursue an effective life.

From the Soviet years, the problem of bullying (physical and psychological persecution) towards students and in some cases towards teachers, has been present in public education. It is well-concealed, widespread, commonplace for many people and is not perceived as a problem affecting the quality of education. Meanwhile, the bullying, as it shows the experience of other countries, has a significant impact on the quality of education, as well as the future work and psychological state of graduates.

Issues of governance and management in public education

In order to put the massive corruption into practise in public education, the regime has created profound management, funding and administration leverages, which made possible the establishment of absolute control over the system. As a result, the management boards of public educational institutions were fully controlled by the government. Supporters of the regime were assigned in the positions of school principals opening the opportunity of abuse of official position at all levels of government, including managing human resources and financial resources. The vicious practice has also been expressed in arbitrary falsifications of the assessment of education quality and student progress. Therefore, it is necessary to immediately restore the integrity of the management of public education through the following steps:

Recommendations:

- Reform the staff and liabilities of the board—the Management Body of Public Educational Institutions (PEI), to set up mechanisms that will enable parents and teaching staff to have a productive and effective impact on decision-making, including principal or headmistress election.
- Exclude conflicts of interests within the PEI Board. Limit the participation and membership of government and local governance body representatives in the PEI Boards, having their voting only for consultation purposes. Exclude the interference of marz (regional) administrations, Yerevan Municipality, and the Ministry of Education and Science in the internal management of PEI, election of principals and headmistresses as well as allocation and management of financial resources.
- Improve the procedures of PEI Director competition and election. Establish reasonable timeframes and procedures that enabling the candidates for position to get acquainted with the financial, management and education quality issues of the PEI, have meetings and discussions with parents, students and teachers' boards, develop effective and realistic development programs. Exclude the interference and sponsorship of marz administrations, Yerevan Municipality and the Ministry of Education and Science in PEI Director election.
- Ensure the independence and autonomy of the boards of parents', students' and teachers' boards.
- Define in the law administrative and criminal liability measures and mechanisms to apply effective proceedings and investigations on unlawful actions committed by principals, teachers and other educational entities. In particular, establish effective legal mechanisms for political, party or religious propaganda, child abuse, discrimination or violence, pressures on parents and / or students through grading, prevention of illegal fundraising, as well as protection of teacher' labour rights.

Issues related to public education quality

Financial abuses, insufficient allocations of public financial resources for the development of the system, sponsorship and arbitrariness in the distortion of the quality of education have led to the decline in the quality of teaching, as well as exhausted already poor infrastructures. For example, according to the National Center for Educational Technologies (NCET), for the 2016-2017 academic year, 10 out of 81 schools in Tavush region did not have teachers of physics, 12 of chemistry, 22 of biology, 14 of geography and 48 of social sciences. According to the data of the National Statistical

Service and NCET, 675 out of 1400 schools in Armenia required repair during the 2015-2016 academic year; 33.3% of them required capital repair works. For the same year, water supply was absent at 88 schools, and there was no sewage system at 153 schools.

The propaganda of the ultra-nationalist and conservative ideology of the ruling political force has led to the falsification of the educational content not only from the point of view of the democratic and tolerant value system, but also from the point of view of distorting scientific methods. Content distortions have taken place not only in terms of humanities and history, but also in the field of natural sciences. Such distortions existed even during the Soviet period, but not for natural sciences. In the past years, the development of critical and inquisitive thinking has gradually been restricted in educational system. The inculcation of gender stereotypes and prejudices, discrimination, intolerance and xenophobia has become an ideological component of the content of a number of new textbooks, firmly settling also in the behaviour of the tutors, their attitudes towards pupils, in rooted bullying (physical and psychological abuse) and teaching methods.

Over the years, speculations on the quality of education and various falsifications in the assessment of students' achievement have inevitably led to a gradual decline in the quality of education. As a result, the scores of almost half of the Armenian students in the prestigious international TIMSS-2015 assessment were either low or equal to the established minimum level, while only 2% of the pupils succeeded to overcome the set maximum threshold. It was also recorded that about 10% of youth (aged 19-20) in Armenia have a low level of functional literacy. To correct the current situation in education quality and literacy, both transitional and systemic interventions are required.

Recommendations:

- Register those fifth to eleventh-grade students in public schools with low level of functional literacy, as well as first to fourth-year students HEI (Higher educational institutions), and the volume of necessary investment (both financial, human resources and time to fill their knowledge gap, at least in mathematics and in Armenian language) (urgent transition measure).
- Develop effective methods for the organization of additional / overtime training based on the needs of children belonging to different groups. Allocate necessary resources for immediate satisfaction of the mentioned needs (urgent transition measure).
- Review the public educational standard, educational programs and textbooks, from the point of view of age specifics of child development, strengthening interdisciplinary relations, gender stereotypes and exclusion of discriminatory content, strengthening of tolerance, human rights and democratic values, encouraging inquisitive and critical thinking and sustainable development.
- Increase the volume of financial resources directed to public education from the state budget and international development institutions as well as the efficiency, the transparency and accountability of their distribution and use.
- Allocate resources for the repair and improvement of public schools' infrastructures.
- •Develop and introduce an anti-bullying policy in the field of public education with a participatory mechanism based on international best practices and on the needs of the Armenian education system, which may include codes of conduct, trainings for students and teachers, liability mechanisms, etc.
- Improve the transparency and effectiveness of the procedures for the development of textbooks and competitions for the implementation of publications based on established educational standards.
- Harmonize the public education programs with the amendments of the Law on public education of 2017 (since 2017, the 12-year-old became mandatory in Armenia, but the programs and textbooks were not changed, neither was the content).

Issues of equality and social justice

Because of the situation described above, the effective implementation of the right to education for a whole generation of young people has inevitably been restricted. However, because of the corrupt and inhuman methods of the regime, the most vulnerable groups: poor and rural children and

girls have suffered the most. According to official statistics, non-poor families in Armenia spend 2-3 times more on education than poor families, besides, given the low quality of education, more than half of the costs are spent on tutoring. Children from non-poor families receive excellent marks more frequently (42.8%) than children from poor families (34.3%), while 8.7% of children from poor families receive unsatisfactory marks (0-5 points) when children from non-poor families do not receive unsatisfactory marks at all. As TIMSS 2003-2015 results analysis shows, the problem of children from poor families becomes more acute with the inequality existing between rural and urban schools. The progress of children with lower socio-economic status living in rural areas is lower. At the same time, in the case of two pupils with excellent marks, if one is from a poor family and the other is from a more provided family, the probability of continuing education at HEI for a pupil from a poor family is lower (63% and 82%, respectively). While 77.6% of graduates of urban high schools are planning to enter HEIs, and 76.3% are admitted, only 47.6% of rural secondary school graduates are planning to continue their education at the HEI, and only 42. 9% are admitted.

Gender stereotypes of teachers essentially affect girls' education. Thus, according to the results of the survey in 2017, 27% of the Armenian teachers emphasized the importance of the high paid work for boys, whereas only 0.5% of the surveyed teachers emphasized the same for girls. 7.3% of teachers conditioned the causes of inequality / injustice among men and women by physiological and 10.9% - by intellectual peculiarities. At the same time, according to the results of the survey conducted in 2010, these indices formed respectively 1% and 5%, which testifies to the deepening of gender stereotypes during 2010-2017.

We consider the implementation of transitional and systematic steps to restore social justice and equality in education necessary.

Recommendations:

- Align the curricula of all high schools to the curriculum of 2019-2020, regardless of their type and location (urban high school or rural secondary school). Review the PEI funding formula and define adequate coefficients for the organization of education at high level of public education, regardless of the type and location of the institution (urgent transition measure).
- Introduce radical changes in teachers' professional and training programs, focusing on gender equality, anti-discrimination, tolerance, human rights and democracy, sustainable development, as well as teaching the framework necessary for the 21st century specializations.
- Refine the school funding model by holding discussions with the field professionals. Ensure the inclusion of the quantitative and qualitative indices that arise from the assessed needs of pupils in the edited formula, which will ensure a comprehensive 12-year free of charge public education, including stream and sub-stream education at high-school level, universal access and accessibility for all children.
- In the result of participatory discussions to accept the Strategic Program for the Development of Education, setting out the principles of social justice, equality, tolerance, anti-discrimination and inclusiveness, as fundamental priorities. To build the vision of the development of education based on these principles.
- The adopt as a basis for the development of strategic programs for the development of education adoption of decisions based on a comprehensive analysis of facts and research, as well as Armenian educational achievements and outcomes at national and international levels.

Higher education

Higher Education Reforms in Armenia began in 2005, joining the Bologna process, which was a promising step. It was anticipated that the issue of scrappy adaptations made for the transition to a new and independent system of the management of universities over the years, the issue of throwing off the supposed ideology in humanitarian areas, the universal systemic reform would finally determine academic freedom and integrity in social sciences, would establish inclusive and accountable management in really free universities, which was expected by the Armenian legislation and international best practices.

Unfortunately, the Bologna reforms were colourable and as a result, the universities were put under the absolute control of the executive power. Academic freedom and more, academic integrity, including the process of studies and research, have been completely violated.

Numerous studies have been conducted on the issues of managing and governing HEIs that have clearly stated how to restore the independence and accountability of management and governance. Nevertheless, the system is deeply degraded. Quality assurance mechanisms are limited, education and research in humanities and social sciences are devoid of scientific methodology and still remain under the influence of ideology, the assessment and the attestation of the academic staff and students are urgent issues. The quality and relevance of higher education are questioned and there are no reporting mechanisms to ensure these important educational preconditions.

Equity is also problematic in universities. Higher education is not accessible to all social strata, and gender equality is distorted. Women are expelled from the field of natural sciences, high-profile scientific or administrative posts. Taking into account all this, a comprehensive system audit covering all segments becomes urgent in terms of quality, compliance and high quality personnel.

Recommendations:

Management & governance

- Changes in the Higher Education Law from the point of view of institutional mechanisms for ensuring the integrity of governance.
- To enshrine in law lawful and effective mechanisms for the participation of the academic staff and students in the processes of governance of the HEIs.
- To make the issues of financial mechanisms a subject of legislative regulation.
- To develop and implement a management audit at the policy level to enshrine the situation which is an objective reality at this moment.
- To revise the composition of the Board of Trustees of public higher educational institutions and to terminate the representation of the Board, including political officials and marz governors by the Founding and Authorized body. This will contribute to raising the institutional autonomy of public HEIs
- The Board of Trustees of the National Center for Professional Education Quality Assurance (ANQA) must be independent, whereas up to this point members of political party and representatives of the former Government are involved in the council. According to the standards of the European Association for Quality Assurance in Higher Education, higher educational institutions and their accreditation agencies should be independent and operate independently, without a third-party impact, including the Government. Thus, it is proposed to terminate the current activities of the ANQA Board of Trustees and to appoint a new staff, excluding the involvement of the representation of the Government and any political party. Besides, from the point of view of conflicts of interests, it is necessary to suspend and exclude the representation of the governing bodies of the RA public HEIs at the ANQA Board of Trustees.

Quality of education and academic integrity

- To start a process of analysing and updating specialties by priority order, by analysing the subject load of the specialties through local and international expertise.
- To evaluate the level of expertise of the specialists.
- To analyse and propose clear and transparent and accountable mechanisms for the hiring and promotion of professionals in the HEIs.

CONCLUSION

Considering the formula for the regulation of the aforementioned issues and for the solution of the priorities for the successful development of the new Armenia in the strengthening and development of the public-government working relationship, we deem it necessary to propose to the authorities a trilateral participatory format for the solution to these issues.

In particular, we recommend forming committees (working group, commission or other body) consisting of delegates from three parties. (1) the RA legislative body (with the participation of representatives of all parliamentary fractions), (2) executive body and (3) civil society. In our opinion, these committees will have the powers to discuss, analyse sectoral reforms, to develop the policies of solutions and concepts, to develop draft laws and sub-legislative acts, and to organize public discussion about it.

First of all, we consider the formation of three sectoral working groups as priority by the impact on the reforms and urgency.

1. Justice / Transitional Justice
2. Overcoming Corruption / Fight against corruption
3. Reform, accessibility and quality of education

The group that has drafted this document considers the challenges presented in the Concept as a subject of urgent and pressing solutions, and is willing to discuss them with the authorities and other interested parties as soon as possible and to find the most effective solutions for the sake of the Republic of Armenia. The group that authored the concept considers it its duty to make efforts to settle these and related issues as long as necessary.

The group that has drafted this concept states that they have no expectation from the budgetary means of the Republic of Armenia for participating in the discussions of this and similar ideas and related works. At the same time, it is important to note that this concept does not pretend to be indisputable or perfect, it touches upon a number of but not all areas of country reform, the descriptions of the issues and their solutions may be altered and reviewed both in the result of a change in the events and situation, and in the result of discussions with possible interested citizens, parties, groups and authorities.

The concept that has authored the concept will hold a broad public disclosure to report on the developments related to this document.

"Asbarez" Journalists' Club
Open Society Foundations – Armenia
Transparency International Anti-Corruption Center
Union of Informed Citizens
Helsinki Committee of Armenia
Helsinki Citizens' Assembly Vanadzor Office