



ENABLING ENVIRONMENT NATIONAL ASSESSMENT (EENA)

National Report

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ARMENIA



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Table of Contents

Abbreviations	4
Introduction.....	5
Methodology	7
Main Findings	9
SDG implementation in Armenia	9
Association.....	10
Freedom of Expression	19
Access to Information	25
Peaceful Assembly.....	33
Effective civil society partnerships	37
Conclusion	44
Recommendations for the government	44
Recommendations for CSOs.....	47
Recommendations for international organisations and donors	49
Annexes.....	50
Annex 1: EENA Assessment Matrix – Armenia	50
Annex 2: Key Research Questions	73
Annex 3: List of Interviewed Experts	78
Annex 4: Questions for Focus Group Discussions	79
Annex 5: Online Survey Questionnaire	81

Abbreviations

AMD	Armenian Drams
CEPA	Comprehensive and Enhanced Partnership Agreement
CSO	Civil Society Organisation
EENA	Enabling Environment National Assessment
EU	European Union
FG	Focus Group
GONGO	Government-Organized Non-Governmental Organisation
HR	Human Rights
HRDO	Human Rights Defender (Ombudsman)
ICNL	International Center For Not-For-Profit Law
ICCPR	International Covenant on Civil and Political Rights
LGBT	Lesbian, gay, bisexual, and transgender
MLSA	Ministry of Labor and Social Affairs
N/A	Not Applicable
NGO	Non-Governmental Organisation
NGOC	NGO Center Civil Society Development NGO
OSCE	Organisation for Security and Co-operation in Europe
RA	Republic of Armenia
RSF	Reporters without Borders
SDGs	Sustainable Development Goals
SRC	State Revenue Committee
UDHR	Universal Declaration of Human Rights
UN	United Nations
USAID	United States Agency for International Development
USD	US Dollars
VAT	Value Added Tax
VNR	Voluntary National Report

Introduction

This research has been part of the global Enabling Environment National Assessments (EENAs), which aims at assessing how conducive national conditions are for civil society organisations (CSOs) to exist, function and act. In particular, the research explores how laws and regulations relating to fundamental civic freedoms are implemented in practice, and how they affect civil society. The new pilot EENA methodology specifically focuses on civil society monitoring of Sustainable Development Goals (SDGs) 16.10 on fundamental freedoms and access to information and SDG 17.17 on effective civil society partnerships.

The report provides an overview of the state of the enabling environment for CSOs in Armenia based on the results of research conducted between April and June 2018. Research methods used include desktop research, expert interviews, focus group discussions (FGD) and an online survey.

As the research commenced, in April-May 2018, dramatic political events took place in Armenia. Often referred to as the ‘velvet revolution’, protests and rallies of unprecedented scope led to the change of the prime minister and the government cabinet. The protests against the Republican Party-controlled government, led by an opposition leader, started in response to the nomination of the president of the country, Serzh Sargsyan, as a prime minister.¹ Sargsyan served as the president of Armenia for two five-year consecutive terms, while claiming in 2014 that he did not intend to serve further in a high office.² In 2015, amendments to the Constitution were adopted, changing the presidential system into a parliamentary system and giving main powers to prime minister.³ Following the election of Sargsyan by the parliament on 17 April 2018, opposition leader Nikol Pashinyan announced the start of a “velvet revolution”. Sargsyan resigned on 23 April amid massive protests spreading through the whole country.⁴ Protests continued against the ruling Republican Party up to 8 May, when Pashinyan was elected by the parliament as the prime minister.⁵

It should be noted that the demands of protesters were backed up with decades of dissatisfaction with the country’s leadership, accusing the ruling party of lack of justice, high

¹ Armenian opposition MP kicks off 14-day march to prevent incumbent president's 'next term as PM', Panorama.am, 31.03.2018, <https://www.panorama.am/en/news/2018/03/31/Armenian-opposition-MP-march/1927396>

² Serzh Sargsyan will never again seek the post of the country leader, Azatutyun.am, <https://www.azatutyun.am/a/25328146.html>; Serzh Sargsyan: I will not nominate my candidacy for the post of the president (video), A1plus.am, <https://www.a1plus.am/1310362.html>

³ Armenian constitutional referendum, 2015, Wikipedia, https://en.wikipedia.org/wiki/Armenian_constitutional_referendum,_2015

⁴ Serzh Sargsyan: Armenian PM resigns after days of protests, BBC News, 23.04.2018, <https://www.bbc.com/news/world-europe-43868433>

⁵ Armenia's protest leader claims victory after national lockdown, Independent, 02.05.2018, <https://www.independent.co.uk/news/world/europe/armenia-nikol-pashinyan-opposition-victory-elections-railways-airports-civil-disobedience-a8333436.html>; Armenia protest leader Nikol Pashinyan elected prime minister, CNN, 08.05.2018, <https://edition.cnn.com/2018/05/08/europe/armenia-new-prime-minister-nikol-pashinyan-intl/index.html>

levels of poverty, widespread corruption and election fraud.⁶ The protests and the ensuing political changes have played a significant importance regarding the assessment of fundamental freedoms and the CSO environment in the country. Therefore, the outcomes of the research described in this report are often differentiated as “before” and “after” the transition.

The freedom of association has been least affected with the political changes as the legislation regulating CSOs and the environment for its operation has been assessed as rather beneficial for CSOs both before and after the transition. The taxation and regulatory framework of CSO operation are generally not restrictive. The main challenges found in this dimension are insufficient protection from non-state actors for CSOs working on issues considered as sensitive, a lack of tax exemptions for economic activities of CSOs and a lack of incentives for philanthropy.

The freedom of expression has been more vulnerable in Armenia, as lack of press freedom, challenges faced by individuals and CSOs who criticise the government, and incidents of violence towards media and CSOs representatives have been reported. Human rights and fundamental freedoms were identified among the priorities of the new government, and the prime minister declared the protection of human rights and democracy as the most important role of the police. At the same time, some CSO representatives have noticed a restrictive tendency in the freedom of expression, notably intolerance towards dissenting voices critical of the new government, which is in particular visible on social media platforms.

The freedom of assembly in Armenia has a history of a weak protection by law enforcement bodies, seen the use of excessive force and the prosecution of protesters, despite a liberal law on peaceful assemblies. Up to recently, political protests was often accompanied with a heavy presence of police and violence towards peaceful protesters and journalists during major protests in past years. With the recent court decisions regarding the release of last years’ protesters from prison, and the police reframing its role as a guarantee of people’s safety, the situation is expected to improve. However, a lack of effective remedies for past recorded violations is still a barrier to an effective legal protection of this right.

Access to information in Armenia is guaranteed by the Law on Freedom of Information. The level of access to information depends however on the subject of the information requested, the government body and the personal approach of specific official, as well as the standing of the CSO requesting the information. At the same time, according to the research participants, the pro-active publication of information has not been properly implemented neither by the previous government, nor the new government. Discretion and the lack of effective remedies are among the major challenges in this dimension.

The last dimension covered in this research report is effective civil society partnerships. Again, the effectiveness of those partnerships depends on various factors, with both successes and failures in terms of collaboration reported in this area. However, with the current developments, and in particular taking into consideration the fact that a number of civil society

⁶ Armenians Want What They Need, After Getting What They Wanted, RFL/RL, 27.04.2018, <https://www.rferl.org/a/armenians-look-to-get-what-they-need-after-getting-what-they-wanted/29196411.html>; Nations in Transit 2018: Armenia, Freedom House, <https://freedomhouse.org/report/nations-transit/2018/armenia>

representatives are included in the new government, the research participants expressed a hope that the effectiveness of civil society partnerships will improve as to successfully fulfil the joint goals of the government and CSOs.

The research concludes with recommendations addressed to the government, CSOs, and international organisations on steps forward towards improvement of legislation and practice in the five dimensions covered by this research report, and thus implementation of SDGs 16.10 and 17.17.

Methodology

The Enabling Environment National Assessment (EENA) of Armenia is based on a methodology developed jointly by CIVICUS and ICNL. The EENA is a participatory, civil society-led and action-oriented research methodology, focused on the civil society monitoring of SDG 16.10 on fundamental freedoms and access to information and SDG 17.17 on effective civil society partnerships.

Sustainable Development Goals (SDGs)

SDG 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Fundamental freedoms, including the key civil society freedoms of association, peaceful assembly and expression, are covered by target 16.10, namely:

- SDG 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Under SDG 17 - strengthen the means of implementation and revitalize the global partnership for sustainable development – target 17.17 is focused on effective partnerships:

- SDG 17.17: Encourage and promote effective public, public-private and civil society partnerships building on the experience and resourcing strategies of partnerships

Agenda 2030 encourages states to conduct regular reviews on the progress made on the SDGs. The EENA methodology aims to provide a tool for national civil society to monitor these two relevant SDG targets, as a shadow report for SDG reporting.

As the official indicators of SDG 16.10 and 17.17 do not cover all aspects laid out in Agenda 2030, the EENA research can additionally assist the Armenian government to take a broader approach to these SDG targets and define national indicators addressing the main issues in relevant areas.

EENA: dimensions

The EENA methodology distinguishes five dimensions related to SDG 16.10 and SDG 17.17:

1. **Association:** the freedom to form and operate CSOs;
2. **Expression:** the freedom to express oneself freely and criticize powerholders, including the freedom of the media;

3. **Access to Information:** internet freedom and access to various kinds of information, including from public sources;
4. **Peaceful assembly:** the freedom to assemble and protest freely;
5. **Effective civil society partnerships:** the quality of state-civil society relations and involvement in decision making and public functions.

It should be noted that in the EENA methodology, CSOs include associations, non-governmental organisations (NGOs), community-based organisations, faith-based groups, foundations, trade unions, social movements etc.

Research methods

An assessment of each of the five dimensions listed above was done by gathering answers to a series of questions associated with each dimension (see Annex 2: Key Research Questions). The questions were divided into factual and perception questions, the latter reflecting the experiences from diverse civil society stakeholders. The answers to the questions were collected through the following methods:

- (1) **Desk research** involved an analysis of laws, policies and regulations, existing research reports on civil society and enabling environment, media publications, official statistics, etc.
- (2) **Expert interviews** were conducted to find answers to factual questions that were not possible to answer through the desk research, as well as focused on the ways in which the existing laws and regulations are implemented in practice. Interviews were conducted with 11 experts, including CSO leaders with expertise in the 5 dimensions covered by the research, a UN representative, a government representative on SDGs, a representative of donor organisation, and a representative of trade unions (see Annex 3: List of Interviewed Experts).
- (3) **Focus group discussions (FGDs)** were organised to get answers to the perception questions and feedback from CSOs on their own experience. The FGDs covered different regions to capture regional perspectives (see Annex 4: Questions for Focus Group Discussions). Three FGD discussions were conducted: one in Yerevan, covering CSOs from central regions, one in Vanadzor, involving CSOs from three northern regions, and one in Goris – covering CSOs from the south of Armenia. Each discussion involved between 13 and 17 participants. In total, 45 CSO representatives participated, including 13 men and 32 women, 20 CSO leaders and 25 CSO employees and/or members.
- (4) **An online survey** was conducted in June 2018 to collect answers on perception questions from a wide range of CSOs. The survey aimed at capturing perceptions of CSOs about the implementation of fundamental freedoms in practice, while also seeking to understand the major challenges in the five research dimensions (see Annex 5: Online Survey Questionnaire). The survey was widely disseminated through social networks and CSO resource organisations' mailing lists. Additionally, phone calls were made by NGOC staff to CSOs to contacts available in various CSO databases to encourage CSOs to participate in the online survey. In total, 95 CSOs participated in the

survey, covering CSOs from all regions in Armenia. However, it should be noted that this survey is not representative, thus it serves solely as an additional information source besides the information gathered from the three previous research methods.

An Expert Advisory Panel (EAP) was selected at the beginning of the research. The EAP's role has been to guide the research process and to validate the research report. The National Consultation, a multi-stakeholder dialogue that took place on 10th July 2018, aimed at validating the research results and to create a plan of action to remedy the identified challenges.

Main Findings

This section presents the research findings of each of the five research dimensions covered by the EENA, preceded by a general description of the SDG implementation in Armenia. Each subsection provides an overview of the key findings, including enabling and restrictive legal provisions and challenges CSOs are faced with in practice. An in-depth analysis of the challenges pertaining to the specific dimension is presented based on the research results, while also summarizing the trends of the recent years. Each section concludes with specific recommendations based on the research findings.

SDG implementation in Armenia

In the framework of the implementation of SDGs, the Armenian government established a National Council on Sustainable Development, chaired by the Prime Minister and Inter-Agency Task Force for SDG Nationalisation. The SDG working groups were established in 2017 to start the 'nationalisation' of SDG indicators and targets and to synchronise them with other national strategies. Four thematic groups were established to cover social, economic, ecological and law/democracy areas. The SDG goals were grouped accordingly, with the Goal 16 covered by the Law and Democratic Society group, while Goal 17 was included in all thematic groups as an overarching goal. A call for participation was disseminated via online channels, and all CSOs that had submitted applications (about 300 CSOs) were invited to take part in the activities of SDG working groups. However, the development of a national SDG strategy is yet to be completed, which, as explained by government representatives, is mostly due to changes of government cabinet.

A national statistical platform on SDG has been created by the Statistical Committee of Armenia as a tool of publishing national statistics, metadata, and related information for the global SDG indicators⁷. The indicators on SDG 16.10 include two global indicators:

- 16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months;
- 16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

The indicators on the Goal 17.17 include one global indicator:

⁷ Armenia SDGs indicators, Statistical Committee of the Republic of Armenia, <http://armstat.am/en/?nid=655>

- 17.17.1 Amount of United States dollars committed to public-private and civil society partnerships

At the time of writing, no national-level indicator was nor data was available on the statistical platform for the above mentioned global indicators.

A Voluntary National Report (VNR) was prepared by the government for the UN High-level Political Forum on Sustainable Development that took place in July 2018. The VNR of Armenia indicates the following progress with regards to the global indicators of SDG 16.10:

- The Human Rights Defender (Ombudsman) of Armenia (HRDO of Armenia), established in 2003, is an independent national human rights protection institution in Armenia. The new Constitutional Law on the Human Rights Defender's Office, adopted in December 2016, expanded the functions of the HRDO, inter alia, in the field of education and public sector. The HRDO complies with the requirements and standards of the National Ombudsman Institute.
- Armenia adopted and implements constitutional, statutory and/or policy guarantees for public access to information.⁸

Additionally, in May 2017 Armenia adopted its second Human Rights Action Plan 2017-2019⁹, which includes 96 activities and serves as a supporting and cross-cutting framework for the implementation of Armenia's development agenda.

Freedom of Association

The freedom of association is guaranteed by article 45 of the Constitution of Armenia. The Civil Code provides general regulations on the formation and operation of non-profit organisations, including public associations and foundations.¹⁰ CSOs registered as legal entities (non-governmental, non-profit organisations) currently include public associations, foundations, legal entity unions and trade unions. CSOs are free to operate without registration if they do not enter into financial transactions in their name. As of 1 April 2018, 3,814 public associations, 1,045 foundations, 640 trade unions, and 248 legal entity unions were registered in Armenia.¹¹

According to the amendments to the Civil Code, entered into force in February 2017, legal entity unions need to be restructured into public associations by February 2019.¹² For the other three types of CSOs, there are specific laws describing the procedure of registration, operation,

⁸ SDG Implementation Voluntary National Review (VNR) Armenia: Report for the UN High-level Political Forum on Sustainable Development, Yerevan, July 2018

⁹ Decision of the RA government N 483-Ն on approving the action plan 2017-2019 based on the National Strategy of Protection of Human Rights

¹⁰ RA Civil Code, 05.05.1998, articles 122-124

¹¹ Report on the statistics of the legal entities registered with the State Register of the Ministry of Justice, 01.04.2018, http://moj.am/storage/files/legal_acts/legal_acts_2888356038691_stat_2018-03.pdf

¹² RA Law on Amendments and Supplements in the RA Civil Code, 16.12.2016, article 6

and reporting requirements.¹³ In addition, the Law on State Registration of Legal Entities¹⁴ provides details on the registration requirements and the functions of the State Register of the Legal Entities of the Ministry of Justice of the Republic of Armenia (hereinafter – State Register) responsible for the registration of legal entities in Armenia.

A new Law on Public Associations was adopted in December 2016 after extensive consultation with CSOs. In comparison with the previous law adopted in 2001, the new law provides more flexibility for the type of CSO governance structures, changes the minimal frequency of general assembly from two years to five, allows economic activities and introduces several provisions on volunteering. In addition, with the new law, public associations are provided an opportunity to protect public interests in court if the case concerns environmental issues and when the organisation has sufficient experience in environmental area. Otherwise, organisations can only present their own interests or interests of their members, beneficiaries and volunteers in the court, and cannot file any lawsuits to protect public interest.¹⁵

Registration

Any capable physical person or legal entity can serve as a CSO founder, irrespective of citizenship. For persons under 18, a legal representative's consent is required. However, public associations cannot be founded by trade unions, religious organisations or political parties.¹⁶ The requirements in terms of the required number of founders are not burdensome: public associations can be established by two or more physical and/or legal persons¹⁷, foundations can be founded by one person¹⁸, while trade unions can be established by at least three employees.¹⁹ There is no legal limitations on the purpose of CSOs; however, for religious and political purposes the organisation needs to register as respectively a religious organisation or a political party and cannot register as public association.²⁰

As mentioned above, legal entities in Armenia need to register with the State Register. The list of necessary documents for registration is provided by law and includes an application for registration, the organisation's charter and a protocol of the founding assembly or decision about founding organisation(s) along with information on the founders (names, addresses, and information of physical entities or registration data of legal entities), as well as receipts for the payment of relevant state fees.²¹ The registration fee for foundations, public associations, and trade unions is the same amount: 10,000 AMD (approximately 21 USD) for the registration of new entities and 5,000 AMD (approximately 10.5 USD) for the registration of changes (i.e.

¹³ RA Law on Public Associations, 16.12.2016; RA Law on Foundations, 26.12.2002; RA Law on Trade Unions, 05.12.2000

¹⁴ RA Law on State Registration of Legal Entities, 03.04.2001

¹⁵ RA Law on Public Associations, 16.12.2016, article 16

¹⁶ RA Law on Public Associations, 16.12.2016, article 10.4

¹⁷ RA Law on Public Associations, 16.12.2016, article 10.3

¹⁸ RA Law on Foundations, 26.12.2002, article 10.1

¹⁹ RA Law on Trade Unions, 05.12.2000, article 4

²⁰ RA Law on Public Associations, 16.12.2016, article 3.2

²¹ Documents, fees and terms for state registration, Electronic Register of the Government of Armenia, <https://www.e-register.am/am/docs/49>

revised charter, change of the executive head or his/her personal information).²² In case charter revision is based on the legislation change, the registration of the revision is free of charge within the timelines defined by law.

There is no requirement for CSOs to renew their registration, unless it concerns the registration of revision/ changes (the necessity for registration of charter revisions appears in case the organisation needs to change its charter, which can derive from relevant legislative changes or an organisation's own purposes). In this case, the organisation has to apply to the State Register for register the changes.

The registration requirements are considered by the experts and CSOs involved in the research as generally enabling but highlighted the following specific challenges.

The registration fees were not found expensive, but an expert representing trade unions mentioned that the payment of fees creates additional problems due to a lack of mechanisms for further compensation of the fees usually paid by the founders, from the newly established organisation's funds.

Registration applications can be rejected on the grounds of incompliance of the presented documents to the legal requirements. In this case, the application can be re-submitted, and there is no limitation in terms of new submissions. The registration decision can be appealed in the court. However, in practice, since the number of attempts to register is not limited, CSOs can revise their documents in accordance with the provided comments and apply again, and appeals in courts are very rare. At the same time, experts note that rejections of registration applications are not always duly justified, and a discretionary interpretation by officials of the State Register can take place as to whether the charter provisions are lawful or not. For example, as mentioned by one of the interviewed experts, there were multiple cases of rejected registration applications on grounds of the failure to present a comprehensive list of CSOs' beneficiary groups in the charter, which is however not a legal requirement.

Research participants report that the registration process improved in recent years due to improved administration processes, particularly the one-window registration process and timely responses to applications. Additionally, since recently CSOs are able to submit registration documents in regional offices and receive responses accordingly. Up to the spring of 2018, CSOs needed to undertake multiple visits to the central office of the State Register in order to register as a legal entity. It should be noted that, unlike CSOs, business entities had the possibility to register both in regional offices and online since long. At the same time, FGD participant CSOs were mostly unaware of the new registration options in terms of regional offices.

Another marked improvement in the area is better responsiveness and assistance on the part of State Register's officials: compared to the past, respondents indicate that officials are provide more often timely feedback in case of inconsistencies in the application documents, and hereby assist directly to improve minor deficiencies. However, interviewed experts find that there is still a need for the improvement of the expertise and attitudes of the relevant officials in the

²² Documents, fees and terms for state registration, Electronic Register of the Government of Armenia, <https://www.e-register.am/am/docs/49>

State Register to ensure they understand the specifics and needs of public associations and to avoid discretion when approving charters.

Experts also expressed concern with the provision of additional paid services by the State Register to assist in the preparation of registration documents, in particular the Charter. The preparation of registration documents for non-profits is included in the list of paid services and costs 60,000 AMD (approximately 125 USD).²³ Thus, CSOs have the option to pay this amount and have their registration documents prepared by State Register staff, which would further facilitate the registration process. Though this is a legitimate procedure, research participants find there is a risk of corruption, since the State Register officials may create red tape bureaucracy on purpose in order to make CSO founders use this paid service for faster and easier registration. However, as reported by FGD participants, the tendency to create artificial obstacles has decreased as compared to the past.

“In 2011, when we were founding our organisation, it was shame, they tried to artificially [justify rejection], sending back the Charter as if it did not correspond to some conditions or criteria, and offering intermediary service to develop a charter. Some [CSOs] paid for this, formally or informally but we did not go that way... However, now, as I learn from those who registered in recent 1-2 years, there is no such problem (Yerevan FGD).

The State Register need to provide a response to registration applications within 10 days in case of public associations²⁴, 15 days in case of foundations²⁵, and 30 days in case of trade unions²⁶. This timeframe is generally followed; moreover, according to CSOs, unlike several years ago when the response, including a rejection, was often given close to the deadline, at present there is a tendency to provide feedback as soon as possible and CSOs do not have to wait until the last day to revise their charters and apply again if needed.

Similar to experts and participants of FGD discussions, online survey respondents assessed the registration process as generally accessible for CSOs in Armenia.

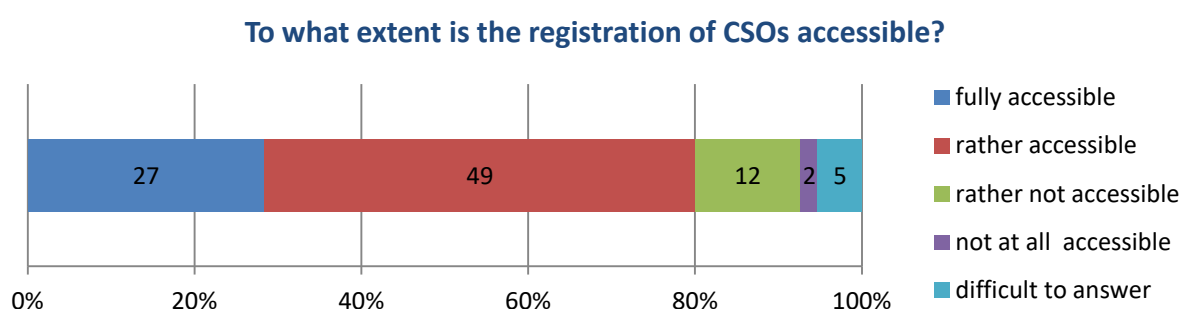


Figure 1: To what extent is the registration of CSOs accessible? Data of online survey, June 2018 (frequencies, N=95)

²³ Decision of RA Government N-860 on Approving the List of Paid Services and Payment Sizes for State Registration of Legal Entities, Registry of Private Entrepreneurs, Registration of Personal Status, Apostil Stamps, Registration of Mobile Property and Allowing to Open an Off-Budget Account for the Ministry of Justice, 02.06.2011

²⁴ RA Law on Public Associations, 16.12.2016, article 14.2

²⁵ RA Law on Foundations, 26.12.2002, article 17.1

²⁶ RA Law on Trade Unions, 05.12.2000, article 9.1

Challenges indicated by survey respondents are related to unjustified requirements for document revisions, procrastination by registration officials, and discretion applied by the State Register. It should be noted that most of the CSOs who expressed challenges during the registration, had registered before 2015.

Operation and Reporting Regulations

The name, registration date, and tax code of CSOs are published on the electronic website of the State Register of the Legal Entities of the Ministry of Justice.²⁷ CSOs are not required to notify the government of their meetings, but are required to notify the State Register in case there has been a change of the executive head of the organisation, the organisation's address, or other key information provided to the State Register during the registration process.²⁸ However, CSOs are mandated to keep the documentation (protocols) of the general assembly (in case of public associations) or the board of trustees (in case of foundations) and present them if required by relevant authorized bodies.

The legislation provides several reporting requirements depending on the CSO type. Foundations are required to publish annual reports on implemented projects and financial sources, expenses and names of staff members paid from the foundation's budget.²⁹ Public associations are required to publish similar reports in case they have any funding from public sources (such as the state or community budget) in the reported year.³⁰ These reports are published on a government-administered website.³¹ Apart from the publication of financial reports and standard accounting reports on salaries and expenses presented to tax bodies, CSOs are not required to provide any other report to the government, besides reporting to their own governing bodies.³² Though the provision on reporting in case of public funding requires reports only for the part of funding provided by state bodies, the report form approved by the State Revenue Committee in February 2018³³ contains entries on CSO's programs, number of volunteers, number of board members, which is not directly related to the funding from public sources and, according to experts, is burdensome. Participants of the National Consultation also highlighted that there is no specific definition of "funding from public sources", for example in case of procurement contracts with state or local governments as it is not explicit whether this should be considered as "funding from public sources" or not.

Currently, the State Revenue Committee (SRC) is the authorised body for CSO oversight and can inspect CSOs for compliance with the law, including governance, financial management, and accounting inspections. According to the package of legislative amendments in December

²⁷ Electronic system of the State Register of the Legal Entities of the Ministry of Justice of the Republic of Armenia, www.e-register.am

²⁸ RA Law on State Registration of Legal Entities, 03.04.2001, article 26

²⁹ RA Law on Foundations, 26.12.2002, article 39

³⁰ RA Law on Public Associations, 16.12.2016, article 24.2

³¹ Official Internet website of the Republic of Armenia for public notifications, www.azdarar.am

³² RA Law on Public Associations, 16.12.2016, article 18; RA Law on Foundations, 26.12.2002, article 25

³³ Order N59-Ն of the Chairman of the State Revenue Committee adjunct to the Government of the Republic of Armenia "On Approving the Sample Report Form on Activities of Public Associations, the Rules of Filling in the Form, the Rules of Publishing the Report and Presenting to the State Revenue Committee adjunct to the Government of the Republic of Armenia", 13.02.2018

2016, SRC replaced the Ministry of Justice which was previously responsible for overseeing legal compliance of CSOs' activities, while SRC was only responsible for CSO taxation issues. In 2017, a special department was created within the SRC to oversee the activities of non-profit organisations. The rules of procedures of this department are in development and once available, will give more details on the procedures related to CSO oversight.

Present challenges with regards to CSO oversight are related to the lack of clarity in rules of procedures and inadequate sector knowledge of the tax inspection bodies. As claimed by the research participants, tax officials are not quite aware of the specifics of CSO activities, especially visible in the regions. This issue was raised both by experts and by CSO participants of the survey and focus group discussions.

“There should be a differentiated approach: this is a non-profit organisation, thus it [the procedure] should be as simple as possible, with no burdensome paperwork. Because the paperwork means that you need a professional accounting service for each simple activity, and maybe there is even a need for permanent accounting staff, while, as a professional association, [a CSO] should go into this type of issues as less as possible.”
(Expert interview)

Excessive tax reporting and paperwork requirements are highlighted by the survey respondents as hindering CSOs' operation. Additionally, they highlighted a lack of trust towards oversight bodies and noted that in the absence of clear and transparent oversight mechanisms, discretion might be applied.

Interviewed experts and FGD participants did not mention any recent incidents of the use of CSO oversight by state authorities to harass or pressure CSOs. Instead, they expressed their concerns with the lack of state protection in relation to the hindering CSO activities by non-state actors, as well as the absence of proper investigations into attacks on CSO representatives.

“We don't have any case when the state interferes into the CSO's internal affairs, but when there is an issue of protection, and let's say protection of the values declared by the state itself, there is no action.” (Expert interview)

Most often, these attacks and cases of harassment happen in response to CSOs' statements or CSO activities in human rights protection, particularly related to sexual minorities, women, or domestic violence, as well as strong criticism of specific state agencies or officials. For example, Right Side NGO, an NGO advocating for equality of transgender people, was attacked in July 2017 by a couple allegedly living next door, which inflicted physical violence against one of the beneficiaries and called out threats and hate speech against the head of the NGO.³⁴ The director of Veles NGO, working on anti-corruption, shadow economy, fraud and money-laundering, claimed that she had faced several years of harassment and threats accompanied with different kinds of prosecutions, which, as stated by human rights defenders, attempt to silence the organisation.³⁵ A parliament member, leader of a political party and founder of “Iravunk” newspaper, is well-known for his hate speech and his accusations of

³⁴ Statement about physical attack on the Right Side NGO and its Visitors, Helsinki Citizens' Assembly Vanadzor Office, 07.07.2017, <http://hcav.am/en/events/statement-about-the-fisical-attack-on-right-side-ngo-and-its-visitors/>

³⁵ Statement in Support of Marina Poghosyan, Human Rights House Yerevan, 21.12.2016, <http://veles.am/en/statement-in-support-of-marina-poghosyan-human-rights-house-yerevan/>

CSOs as “grant-eaters” sponsored by the West and aimed at “perverting and destroying Armenian society”. Additionally, he often names specific human rights organisations in his “blacklist” of grant-eaters in publications, which negatively affects the CSO image in the eyes of the public.³⁶ More attacks related with statements by CSOs are discussed further in the section on the freedom of expression.

The participants of the National Consultation highlighted that for more effective activities of CSOs, the right to protect public interests in court should be ensured: currently this is only possible for protecting environmental interests, while CSOs working in other fields such as the protection of labour rights, social issues or human rights protection, also need this right to utilise judicial mechanisms for the purposes of advocating and protecting the rights of their beneficiaries in general.

Termination and dissolution of CSOs

According to the Constitution, involuntary termination of associations can take place only through a decision of the court’s decision.³⁷ The authorised body (which is currently the State Revenue Committee) can apply to court to terminate or dissolve a public association in case it identifies a significant or flagrant violation of law.³⁸ CSOs are free to dissolve on a voluntary basis by the demand of their governing body, through applying to the State Register in case of public associations (if there are no disputes to be solved by a court), and to the court in case of foundations.³⁹

A law was adopted in December 2016 stating that from 1 December 2017, legal entities that had not submitted any tax reports in the last four years would be automatically dissolved, unless they presented an objection by 1 November 2017.⁴⁰ Many organisations, however, were not aware of this new law, as they did not receive any notification, though the list was published on the website of the State Register. Some of them applied to the SRC or other relevant agencies, and regained their status, others were declared as “activities suspended” on the electronic register website. In any case, the law is considered problematic as it contradicts the constitutional provision on judicial mechanisms of involuntary dissolution of associations. Furthermore, being non-profit organisations, CSOs’ operations might not require any financial transactions and thus tax reports. CSOs suggested to review the approach of linking organisation’s activity with the submission of tax reports.

“If a public organisation works on a voluntary basis, for example it has been four years that we provide professional orientation assistance for basic school teachers, and we do that exactly on the voluntary basis, without any costs incurred, and suddenly it appears that we should be taken off the register just because we didn’t present a report. Thus,

³⁶ Grant-eaters should be expelled from the public life: Hayk Babukhanyan, Iravunk newspaper, 09.11.2015, http://www.old.iravunk.com/index.php?option=com_content&view=category&layout=blog&id=41&Itemid=57&limit=25&limitstart=1665&month=3&year=2018

³⁷ RA Constitution, 05.07.1995, amended 06.12.2015, article 45.4

³⁸ RA Law on Public Associations, 16.12.2016, articles 31, 32

³⁹ RA Law on Foundations, 26.12.2002, article 34

⁴⁰ RA Law “On Dissolving Legal Entities and Taking Off the Register Private Entrepreneurships that Did Not Submit Tax Reports”, 16.12.2016

maybe we should help the government to find another way of tracking [CSOs].”
(Vanadzor FGD).

Regulations on funding and volunteering

The legislation allows CSOs to receive different sources of funding including state funds, earned income, donations, membership fees, funding from foreign donors, etc., and relevant taxation and reporting rules are applicable. The income from grants, membership fees and donations is not taxed. The income from economic activities is taxed by profit tax in the same way as companies. Additionally, a value-added tax (VAT) is paid for the income from economic activities in case the overall income for year exceeds 58.35 million AMD (approximately 121,500 USD). CSOs can be granted VAT exemptions for the purchase of goods and services in the framework of projects deemed as charitable by the decision of a special state committee – the Charity Program Coordination Commission of the Government of the Republic of Armenia. As a rule, the Commission holds its meetings on a monthly basis and discusses applications by various organisations. Purchases in the framework of USAID and EU-funded projects are exempt from VAT based on bilateral agreements.

The new Law on Public Associations removed the ban on income-generating activities by a public organisation.⁴¹ However, this has brought new challenges to public associations facing a new reality of accounting, in particular a separate accounting and taxation for economic activities. CSOs mentioned that there is a lack of clear guidelines on how the income from economic activities can be spent and what documents are needed to verify these expenses. They are also concerns about more and in-depth tax inspection of CSO in case they start economic activities. These concerns serve as additional hindering factors for CSOs to start economic activities to generate income.

Other challenges to CSOs’ financial sustainability mentioned are the lack of effective incentive mechanisms for business and public donations. The culture of philanthropy is not sufficiently developed in Armenia, and there is a lack of legislative tools for stimulating public donations. Thus, most CSOs rely on international funding sources.⁴²

A positive provision in the Law on Public Associations is the introduction of the concept of volunteering which was not regulated in the past. The law defines that contracts should be signed with volunteers in case their commitment in the organisation exceeds 20 hours a week.⁴³ In August 2017, the Ministry of Labour and Social Affairs (MLSA) proposed a draft law on volunteering, aimed at regulating volunteers’ engagement, rights and responsibilities, third party liability, reimbursements, and several other aspects related to volunteering.⁴⁴ Although the draft includes some enabling provisions, it was criticised by CSOs for its restrictive provisions, since it introduced additional documentation, reporting, and

⁴¹ RA Law on Public Associations, 16.12.2016, article 8

⁴² 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia, USAID, https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf

⁴³ RA Law on Public Associations, 16.12.2016, article 17

⁴⁴ Draft laws “On volunteering and volunteer work”, “On amendment to the RA Code on Administrative Offences”, “On changes and amendments to the RA Law on Charity”, “On changes and amendments to the RA Law on Public Associations”, “On amendment to the RA Law on State Dues”, “On amendment to the RA Law on Archiving”, Unified Website for Publication of Legal Acts’ Drafts, <https://www.e-draft.am/projects/389>

requirements to disclose volunteers' personal data, as well as quota on the number of volunteers in an organisation, the definition of the areas where volunteers might be involved, and other controversial provisions. The draft was discussed with CSOs and sent to the government in November 2017. In May 2018 MLSA reviewed the draft in accordance with the government's recommendations, removing some of those restrictions. The renewed draft is yet to be discussed with CSOs.

It should be noted that though there are practically similar regulations for the registration and activities of CSOs, trade unions have a specific niche in the CSO community and are often not covered in studies on the CSO sector in Armenia. Generally, their activities in terms of protecting employees' rights or advocating laws and policies are less visible, and they are often considered by the public as formality structures. There are a number of challenges in the area of labour rights in the country, including non-registered employment, exploitation of labour force, extending allowed numbers of working hours, lack of adequate working conditions, pressure by employers, etc., which are not adequately addressed by trade unions. Interviewed experts note that trade unions might have difficulties to register and effectively operate due to employers' attitudes, and often fail to actively protect employees' rights as the latter do not trust trade unions and prefer to solve labour-related problems through social networks rather than legal channels. Thus, the environment for the establishment and activities of trade unions is considered quite challenging and needs a complexity of measures, which are yet to be explored.

To sum up, the government has taken several positive steps in the area of associations since 2015. Particularly, as noted, the administration of CSO registration has improved, and the new law on public associations (which however has been on the government's agenda since 2009) has provided better opportunities for CSO registration, funding and operations.

Recommendations

Based on the challenges and concerns expressed by the research participants, the following recommendations toward the improvement of the environment for associations can be highlighted:

- Raise awareness on the possibility of CSO registration through local (regional) registration bodies: guidelines on registration procedure would be helpful in this aspect.
- Carry out a development of capacity of officials involved in the State Register and SRC Department of Non-Profits' Oversight to improve their understanding of the distinctive features and specifics of CSOs.
- Specify the scope of functions and authorities of SRC with regards to CSO oversight and make the oversight rules of procedures public.
- Clarify the scope of reporting for organisations that have received funding from public sources; remove irrelevant provisions in the reporting form; explicitly identify the types of contracts considered as "funding from public sources".
- Ensure better state protection for trade unions to ensure the free choice of employees in establishing and operating trade unions without any fear of pressure by the employer.

- Improve the legal framework to allow CSO tax exemption and encourage charitable contributions for CSO causes and operation; remove restrictive provisions of the draft law on volunteering.
- Allow CSOs to present public interests in court not only for environmental cases, but any case related to their area of activity.

Freedom of Expression

Freedom of expression is guaranteed by the Armenian Constitution and may be restricted only by law with the aim of protecting state security, public order, health and morals, honour and reputation of others, as well as other fundamental rights and freedoms.⁴⁵

Besides the constitutional provision, legislation regulating freedom of expression and especially the freedom of the press includes the Law on Mass Media (2003) and the Law on TV and Radio (2000). According to the Law on Mass Media, journalists are protected by law in carrying out their professional activities. There is no licensing requirement for mass media, except radio and TV companies. Censorship, pressure, obstruction to professional activities and discrimination is prohibited by law.⁴⁶ The limitations to expression in media are related to the disclosure of private information and information collected through unlawful means such as audio or video recording without the consent of the person providing information.⁴⁷ According to the Constitution, the Commission on TV and Radio, an independent state agency, ensures the freedom, independence and diversity of broadcast media and provides oversight over the TV and radio companies. It further provides broadcasting frequencies in an open and competitive manner.⁴⁸ The members of the Commission are selected by the parliament.⁴⁹ Another decision-making body in this area is the Council of Public TV and Radio which is the governing body for the Public TV and Radio broadcasting over the whole territory of the country. According to the law, the members of this Council are appointed by the prime minister for a period of six years, and represent prominent professionals in the field, who cannot have political or business affiliation while serving in the Council.⁵⁰

Freedom of press

The experts interviewed in the framework of the research note that the Law on Mass Media is generally enabling and follows international standards related to freedom of expression. On the contrary, the Law on TV and Radio contains a number of challenges as it provides limitations which can be viewed as restricting the activities of radio and TV companies and creates grounds for a lack of competition in the field. In particular, one of the controversial provisions is related to the granting of licenses and the limitation of digital broadcast. The Commission on TV and Radio grants licenses in TV and Radio, particularly licenses to broadcasting media and

⁴⁵ RA Constitution, 05.07.1995, amended 06.12.2015, article 42

⁴⁶ RA Law on Mass Media, 13.12.2003, article 4

⁴⁷ RA Law on Mass Media, 13.12.2003, article 7

⁴⁸ RA Constitution, 05.07.1995, amended 06.12.2015, article 196

⁴⁹ RA Constitution, 05.07.1995, amended 06.12.2015, article 197

⁵⁰ RA Law on TV and Radio, 09.10.2000, article 27

digital multiplexor operations.⁵¹ Any broadcasting media should acquire a license by the Commission.⁵² Digital broadcasting licenses are granted to a specified number and thematic areas of TV channels, and a limited number of TV and radio channels can use the public digital broadcasting network (e.g. only one private local TV channel for each region can use the digital broadcasting network).⁵³ One private multiplexor is allowed to operate in the country; however, according to the field expert and available reports⁵⁴, the requirements towards the company running private multiplex set by the law are too strict (e.g. country-wide coverage, ownership of all components of the digital broadcasting network⁵⁵) and make company participation in the tender unattractive and practically impossible, which eventually restricts fair competition and freedom of broadcasting media. Hence, in 2016 and 2017, the tenders for licensing the operation of the private multiplexor failed because of the absence of applicants.⁵⁶ Another tender was announced on June 22, 2018⁵⁷; however, CSOs working in the field expect that the outcomes of the tender will be the same due to the unchanging tender criteria.⁵⁸

Challenges in the freedom of expression in Armenia are rather related to the practice. The 2018 World Press Freedom Index score for Armenia, according to Reporters without Borders (RSF), is 29.99, and Armenia's rank is 80th out of 180 countries.⁵⁹ The Freedom of the Press 2017 Index by Freedom House ranked Armenia as 63th out of 100 countries and qualified the freedom of the press in Armenia as "Not Free". As highlighted in the Freedom House report, broadcasting media are usually controlled by the ruling power or specific political parties, encouraging self-censorship as not to overly criticise of state bodies or the given party.⁶⁰

Experts note that there is lack of alternative views expressed in broadcast media, and usually human rights activists expressing criticism and views opposing to the government are not invited to the public TV and other channels traditionally considered as the voice of the

⁵¹ RA Law on TV and Radio, 09.10.2000, article 36

⁵² RA Law on TV and Radio, 09.10.2000, article 46

⁵³ RA Law on TV and Radio, 09.10.2000, article 47

⁵⁴ Media Freedom in Armenia in 2016, Ara Ghazaryan, Hetq.am, 26.07.2016,

<http://hetq.am/arm/news/69445/iratvamijocneri-azatutyuny-hayastanum-2016-in.html>; Annual Report 2017 on the Status of the Freedom of Speech in Armenia and the Violation of the Mass Media Rights, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2>; Switching Off Media's Diversity In Armenia, Hermine Virabyan, 25.08.2017, <https://www.balcanicaucaso.org/eng/Areas/Armenia/Switching-Off-Media-s-Diversity-In-Armenia-181961>

⁵⁵ RA Law on TV and Radio, 09.10.2000, article 55.1 (amended 18.12.2015)

⁵⁶ Announcement on cancelation of the tender for licensing the operation of the private multiplexor, National Commission on TV and Radio, 2016,

<http://tvradio.am/resources/menu/adminzonetv/elections/44400913fea7bda2ce86c41f3cede35f.PDF>;

Announcement on cancelation of the tender for licensing the operation of the private multiplexor, National Commission on TV and Radio, 2016,

<http://tvradio.am/resources/menu/adminzonetv/elections/174314df31ef2d8ad73f8660f7de0e64.pdf>

⁵⁷ Announcement on tender for licensing the operation of the private multiplexor, National Commission on TV and Radio, 2018,

<http://tvradio.am/resources/menu/adminzonetv/elections/32ed2fb87783d4d8823adc3b7584ccbe.pdf>

⁵⁸ Quarterly Report on the Situation with the Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June 2018), Committee to Protect Freedom of Expression, <http://khosq.am/reports/hայաստանում-մ-խոսքի-ազատույթյան-վիճակի-15/>

⁵⁹ 2018 World Press Freedom Index, Reporters without Borders, <https://rsf.org/en/ranking>

⁶⁰ Freedom of the Press 2016, Armenia, Freedom House, <https://freedomhouse.org/report/freedom-press/2016/armenia>

authorities in power. This was especially visible before the “velvet revolution”; however, the situation since then has not much changed in broadcasting media.⁶¹

“The whole media market is politicized: print press, though half-dead, is divided into political and economic camps and serves their interests. The broadcast media is under the total control of the government or political parties, which is unacceptable. The public television is the speaker of the current ruling authority.” (Expert interview)

Online media are more liberal in their publications; however, they might be subject to harassment and pressure. In 2017, 11 cases of physical violence towards journalists and 113 cases of various types of pressures towards media and their representatives were reported by the Committee to Protect Freedom of Expression, a CSO that monitors the situation of freedom of expression and publishes quarterly and annual reports on the situation and challenges in this area.⁶² On the other hand, as reported in the Freedom House’s Freedom of the Net report, online manipulations increased with “coordinated bots spreading misinformation and attempting to stifle independent reporting on Twitter”.⁶³

The number of court cases against journalists on the issues of slander and defamation are high each year, reaching 60 in 2017.⁶⁴ Most of these cases are initiated by officials. The largest number of lawsuits in 2017 was related to the scandal that took place during the pre-election period of the parliamentary elections held in April. The court cases were initiated by heads of schools and kindergartens against the Union of Informed Citizens NGO administering Sut.am website, which disclosed through audio records how the directors disused administrative resources to make lists of voters in favour of the Republican Party. The directors demanded to withdraw the published information and to pay compensation, reaching about 60 million AMD in total (approximately 125,000 USD); however, at the first court hearings they refused their lawsuits.⁶⁵

Although defamation was decriminalised in Armenia in 2010, administrative sanctions applied to media and CSOs sometimes involve high fines which may endanger the financial survival of the organisations. Libel and insult, as well as maximum compensation rates, are regulated by the Civil Code of the Republic of Armenia, which sets compensation up to 1 million AMD for insult and 2 million AMD for defamation. However, according to the Civil Code, the court has to take into account the property of the defendant.⁶⁶ It should be noted that the Law on Mass Media proposes the right to refutation and response as a means of restoring the rights of the

⁶¹ Quarterly Report on the Situation with the Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June 2018), Committee to Protect Freedom of Expression, <http://khosq.am/reports/hayastanunin-d-junuph-wqawtner-pjan-d-hnawlh-15/>

⁶² Annual Report 2017 on the Status of the Freedom of Speech in Armenia and the Violation of the Mass Media Rights, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2>

⁶³ Freedom on the Net 2017 Armenia, Freedom House, <https://freedomhouse.org/report/freedom-net/2017/armenia>

⁶⁴ Mounting concern about press freedom in Armenia, Reporters Without Borders, 06.04.2018, <https://rsf.org/en/news/mounting-concern-about-press-freedom-armenia>

⁶⁵ Daniel Ioannisyann: Headmasters refuse lawsuits, A1plus.am, 17.07.2017, <https://en.a1plus.am/1262395.html>, Wave of lawsuits against media outlets, Committee to Protect Freedom of Expression, 31.07.2017, <http://khosq.am/en/2017/07/31/wave-of-lawsuits-against-media-outlets/>

⁶⁶ RA Civil Code, 05.05.1998, article 1087.1

person subjected to libel or insult⁶⁷, which, according to the field expert interviewed, could be utilised in many cases without the necessity to initiate a court case. Media Ethics Observatory, initiated by Yerevan Press Club in 2007, serves as an internal regulatory body and settles grievances in relation to violations of Code of Conduct for Media (developed by Media Ethics Observatory and signed by 46 Armenian media companies),⁶⁸ including cases of libel and insult.

According to the interviewed field expert and human rights defenders⁶⁹, court cases are used to put pressure on journalists and make them more cautious in publications criticizing officials or revealing their property. In 2015, the Organisation for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media expressed concern in a response to the court decision in which two media outlets, the Hraparak newspaper and Ilur.am news portal, were ordered to disclose their confidential sources, stating that this case can have a chilling effect on the freedom of media.⁷⁰ The Constitutional Court finally issued a ruling affirming the right to protect sources, which was considered as a positive step in protecting media freedom.⁷¹

During the FGDs, challenges in the collaboration with local media were also reported, particularly by human right CSOs. Media is reluctant to cover sensitive human right issues raised by CSOs.

“We had problems with local media, when they created artificial barriers and didn’t provide coverage, increased the price twice, three times [...]. Voicing any human rights problem itself means targeting yourself, whether you are an informal group, public organisation, whatever. Depending on the group you defend, for example, if you protect rights of vulnerable groups, be it LGBT persons, drug users, or even [those with] mental health problems, even women, you or your organisation are already in a very vulnerable position”. (Vanadzor FGD)

Obstruction of journalists’ activities by police during large protests, including cases of violent treatment resulting in injuries of media representatives, are serious challenges to the freedom of expression. During the mass protests in 2015-2016, as well as the April protests in 2018, police used excessive violence towards journalists, damaging their equipment and causing serious injuries.⁷² According to reports by the Committee to Protect Freedom of Expression, 21

⁶⁷ RA Law on Mass Media, 13.12.2003, article 8

⁶⁸ Self-Regulation Initiative: Media Ethics Observatory, Yerevan Press Club, <http://ypc.am/self-regulation/media-self-regulation-initiative/>

⁶⁹ Human Rights Defenders: The Aim of Lawsuit of Principals of Schools against Daniel Ioannisyanyan is to Intimidate, Media Center, 12.04.2017, <http://www.media-center.am/en/1492000593>

⁷⁰ Forcing journalists to disclose confidential sources infringes work of media in Armenia, OSCE representative says, Organisation for Security and Co-operation in Europe, 16.07.2015, <https://www.osce.org/fom/173311>

⁷¹ Constitutional Court Defends Media's Right to Protect Sources, Anna Barseghyan, Media.am, 21.10.2015, <https://media.am/en/Constitutional-court-ruling-on-Information-source>

⁷² Armenian reporters injured, equipment damaged while covering protest, Committee to Protect Journalists, 25.06.2015, <https://cpi.org/2015/06/armenian-reporters-injured-equipment-damaged-while.php>; Injured Journalists Refuse President Sarkisian’s Request to “Forget About” Violence, 02.08.2016, <http://www.armweeklynnews.am/n/ne/en187.php>; RFE/RL Journalists Assaulted In Armenia, Broadcasting Board of Governors, 23.04.2018, <https://www.bbg.gov/2018/04/23/rferl-journalists-assaulted-in-armenia/>

journalists and cameramen were victims in each of the protests of 2015 and 2016⁷³, and 22 journalists during the mass protests in April 2018⁷⁴. Cases of violence and impediments were also reported during parliament and Yerevan City council elections and the preceding campaign in the spring of 2017. However, only a few court cases were processed in this connection and at the moment of writing, none of the police officials responsible for the violence has been held accountable for these violations.⁷⁵

Tolerance towards criticism

Besides the violations stemming from police officers, representatives of CSOs and media sometimes face threats and physical violence from non-state actors. In general, CSOs and media issuing critical statements are targeted. In 2017, Artur Sakunts, the director of Helsinki Citizens' Assembly Vanadzor Office, reported that he received death threats by a Facebook user in response to Sakunts' Facebook post criticizing the Armenian government.⁷⁶ In February 2018, the editor of MediaLab.am, a platform publishing satirical cartoons including on political topics, received death threats after publishing a cartoon depicting the Minister of Defense.⁷⁷ This was not the first case of attacks against this organisation: about a year ago several cartoons from MediaLab.am were stolen.

CSOs that express critical opinions or work in sensitive areas such as domestic violence, gender issues, sexual minority rights, are subject to online and offline smear campaigns by state-controlled media, as well as officials and non-state actors. These campaigns depict CSOs as foreign agents and criticize them as threatening national values.⁷⁸ For example, during the discussions on the draft law on domestic violence in 2017, a number of publications by state-controlled media contained negative descriptions of human rights CSOs, while some officials and members of parliament called for exercising control over foreign-funded CSO activities.⁷⁹ Experts and CSOs highlight that in such cases the state has the obligation to protect CSOs and

⁷³ Annual Report 2017 on the Status of the Freedom of Speech in Armenia and the Violation of the Mass Media Rights, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2>

⁷⁴ Quarterly Report on the Situation with the Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June 2018), Committee to Protect Freedom of Expression, <http://khosq.am/reports/hայաստանում-վ-խոսքի-ազատության-վիճակի-15/>

⁷⁵ Annual Report 2017 on the Status of the Freedom of Speech in Armenia and the Violation of the Mass Media Rights, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2>; Report on Human Rights Violations in Armenia, Protection of Rights without Borders NGO, Committee to Protect Freedom of Expression NGO, Journalists' "Asparez" Club, Helsinki Committee of Armenia, Helsinki Citizens' Assembly-Vanadzor Office NGO, <http://prwb.am/new/2017/10/27/report-human-rights-violations-armenia-july-17-30-2016/>

⁷⁶ Armenia: Death Threats Against Rights Defender, Human Rights Watch, 07.06.2017, <https://www.hrw.org/news/2017/06/07/armenia-death-threats-against-rights-defender>

⁷⁷ Armenian journalists again facing threats for political cartoons, European Endowment for Democracy, 06.02.2018, <https://www.democracyendowment.eu/news/armenian-journalists-again-facing-threats-for-political-cartoons/>

⁷⁸ Front Line Defenders, #Armenia, <https://www.frontlinedefenders.org/en/location/armenia>; Human Rights in Armenia, a member state of the Eurasian Economic Union: State of Play in 2015 and Perspectives, Willy Fautre, 2015, <http://hrwf.eu/wp-content/uploads/2015/07/Human-Rights-in-Armenia-State-of-of-Play-in-2015-and-Perspectives.pdf>

⁷⁹ Challenges and Opportunities of Civil Society Environment, Haykuhi Harutyunyan, March 2018, <http://prwb.am/new/wp-content/uploads/2018/03/Armenia.pdf>; The authorities implement a campaign against civil society, Aren Melikyan, 15.11.2017, <https://www.a1plus.am/1580048.html>

take appropriate measures to prevent and condemn such cases, which usually does not happen. CSOs expressing critical views are particularly vulnerable in regional communities. They are often negatively treated by the local government and face various barriers in their activities. In particular, they experience difficulties in the collaboration with local structures which can harm the effectiveness of their activities.

“Those who have more experience and international funding are more independent... However, even in case of those developed organisations there is a reservation, they are more cautious as regards to local policy, quite cautious... if a CSO has a strict attitude, it is targeted and will be certainly repressed by the regional governor, mayor, etc.: there could be various types of repressions.” (FGD in Goris).

Regional CSO representatives more often mentioned that an atmosphere of fear did not allow people to freely express their opinion. For example, CSOs based in Goris noted that the freedom of expression had been suppressed for years in this region, which contributed to the lack of a culture of voicing problems and violations taking place in the community and surroundings.

Positive trends in the freedom of expression along with a diminishing atmosphere of fear have been noticed by respondents during and after the peaceful protests in April 2018. This improvement is visible in the survey results, where participant CSOs’ rating of the freedom of expression significantly differs for the present and past years.

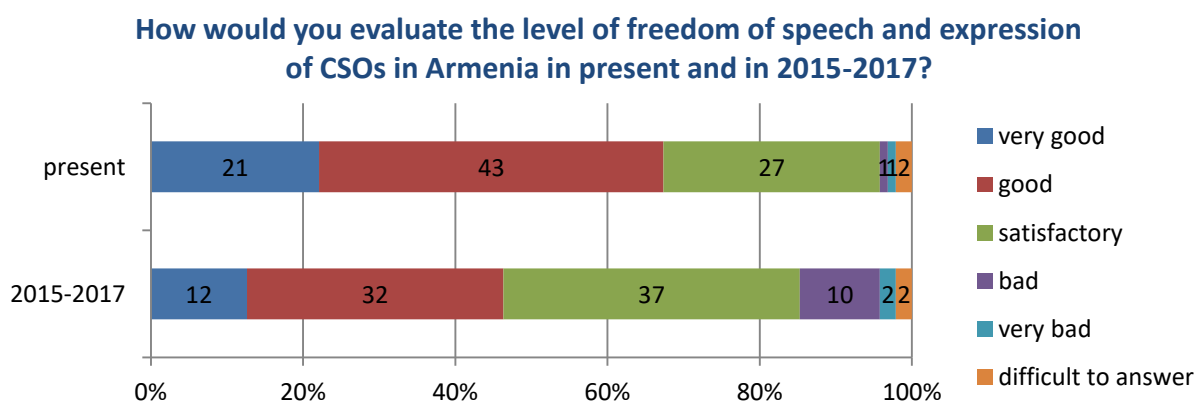


Figure 2: How would you evaluate the level of freedom of speech and expression of CSOs in Armenia in present and in 2015-2017? Data of online survey, June 2018 (frequencies, N=95)

Among the barriers to the freedom of expression, survey participant CSOs mention the lack of press independence, self-censorship among CSOs, threats and accusations, and, most of all, a lack of a collaborative approach and adequate responses from the authorities. In the regions, people are more reluctant to express their views, criticise, or speak up about problems, as this could harm their relationships and bring the label of a “snitch”. Many CSOs noted that criticism is generally tolerated, but it is often disregarded by the government and no further steps are taken to solve the raised issues.

Despite the generally positive changes in the freedom of expression after the “velvet revolution”, some negative trends have been reported by FGD participants that currently undermine this freedom. More specifically, the criticism of the new government is often

condemned by large groups of individuals, particularly in online platforms, and generally a lack of tolerance towards alternative opinions is noted.

“If you are out of the general track, doesn’t matter what you talk about, you are overly criticized. ... We have achieved a rather high level of freedom of expression but we have serious problems to accept alternative views.” (FGD in Yerevan)

To sum up, the challenges related to freedom of expression include a lack of free and impartial coverage by broadcast media; a lack of competition and a number of restrictions in the area of broadcast media regulations; violations of journalists’ rights by police; a lack of sufficient protection and remedy mechanisms, as well as a lack of tolerance towards alternative opinions manifested online and offline.

Recommendations

Recommendations on further steps to improve the freedom of expression include:

- Amend the Law on TV and Radio or develop a new law to set up-to-date and liberal broadcasting sphere and establish free and competitive environment for broadcast media.
- Involve CSOs with relevant expertise in the formation of the Commission of TV and Radio, as well as Council of Public TV and Radio Company.
- Provide consistent follow-up of cases of violence applied against journalists and obstruction of media activities to further exclude any such incidents.
- Revise the frequency of administrative sanctions and size of compensation in defamation cases; promote solution of disputes through extra-judicial bodies such as utilisation of the right to refutation and response or presenting grievances to Media Observatory Body.
- Ensure protection of CSOs, media and individuals from attacks and threats by third parties.
- Raise awareness among the public and CSOs to help them better understand their rights in expressing opinions and possible limitations, as well as to change the condemning attitude toward criticism.
- Implement trainings to improve media literacy among media and CSOs.
- Promote tolerance toward alternative views.

Access to Information

Similar to other fundamental rights and freedoms, access to information is guaranteed by the Armenian Constitution. The Law on Freedom of Information was adopted in 2003, defining the responsibilities of information holders, and the procedure, form and conditions of receiving the information.⁸⁰ In addition, in 2015 the government adopted rules governing the registration, classification, storage, and provision of information by public administrators and municipal

⁸⁰ RA Law on Freedom of Information, 29.09.2003

bodies, state agencies, and other state entities.⁸¹ These rules include the regulation on information requests sent to state bodies in electronic format. According to the Law on Freedom of Information, responses to written information requests should be provided within five working days upon receiving a request. In case additional work is needed to provide information, 30 working days are allocated for a response, given that a notification about the additional period and justification is provided within five days.⁸² Limitations on providing information relate to national security or professional secrecy, private information, data on preliminary investigation, and data protected by copyright.⁸³

A number of e-government tools and platforms have been set up by the government in recent years to facilitate the access to information and to simplify requests for information. For example, a platform e-request.am provides the possibility to send a query electronically through a one window format, with further classification of the information and response from an assigned official.⁸⁴ The e-government website provides information related to government decisions⁸⁵, and websites of ministries are being refined to provide a standardized view and easier access to various types of information.

Provision of information

In general, experts assess the Law on Freedom of Information as enabling. After the adoption of the law in 2003, there were a number of initiatives, for example in 2009, 2011 and 2014, to amend the law aimed at improving information administration and access; however, these amendments were not adopted, and, according to CSO representatives interviewed, most of these amendments could possibly restrict the access to information. The recent draft law on amendments to the law was discussed in 2017 and included restrictive provisions, for example, linking the necessity to provide information with the public significance of this information, or allowing state agencies with smaller staff not to respond to information requests.⁸⁶ CSOs suggested to withdraw the discussed draft and to create a joint working group to develop specific necessary amendments to the law that would address the current gaps.⁸⁷ Currently, according to the interviewed experts, these amendments are suspended.

Although the current law provides beneficial procedures and timeframes for receiving information, multiple cases of failure to provide information or providing incomplete or elusive responses have been reported. These problems were highlighted both by experts and CSOs who participated in the survey and FGDs. According to the online survey results, most CSOs find

⁸¹ The Decision of the Government of the Republic of Armenia N 1204-Ն on defining the rules of registration, classification, storage of information created or received by the information holder, as well as provision of information or its copy by public administration and municipal bodies, state agencies and organisations, 15.10.2015

⁸² RA Law on Freedom of Information, 29.09.2003, article 9.7

⁸³ RA Law on Freedom of Information, 29.09.2003, article 8

⁸⁴ Unified portal for e-requests, <https://www.e-request.am/en>

⁸⁵ Electronic Government of Armenia, <https://www.e-gov.am>

⁸⁶ The development of the new law “On Freedom of Information” has brought up concerns by the civil society representatives, Azatutyun.am, 26.12.2017, <https://www.azatutyun.am/a/28758562.html>

⁸⁷ Annual Report 2017 on the Status of the Freedom of Speech in Armenia and the Violation of the Mass Media Rights, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2>

the process of obtaining information as including government discretion and/or requiring multiple burdensome steps.

How would you assess the process of obtaining information from national and local authorities?

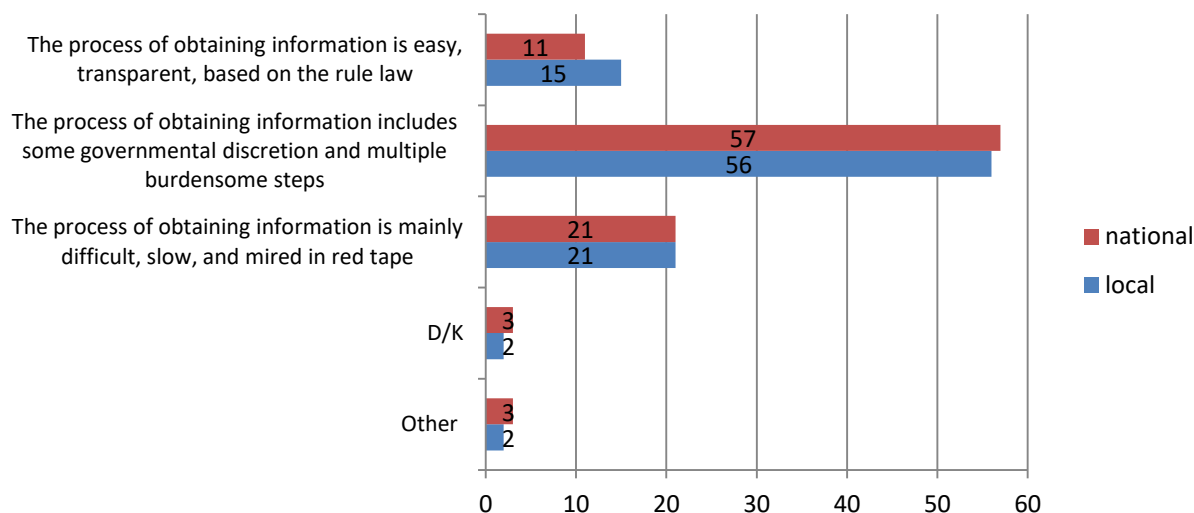


Figure 3: How would you assess the process of obtaining information from national and local authorities?
Data of online survey, June 2018 (frequencies, N=95)

Among the challenges related to access to information, respondents of the survey mentioned the failure to respond, late responses, providing vague or general information, incomplete, elusive or selective responses to inquiries. Some respondents also mentioned the lack of coordination between agencies, and excessive bureaucratic procedures as barriers to access of information.

Human rights and watchdog organisations often find it challenging to receive requested information from the government. Queries related to budget spending, defense, or human right violations are the most problematic. Most often, rejection of this information is justified by secrecy.

“We certainly can send a query and ask for any kind of information, that’s not a problem. But the information which is very problematic [to get], is related to the owners of mining companies, to expenses, finances, etc. This might become a subject to a red tape and CSOs can spend a lot of resources to get this information. It means that you have to go to court, have a defender, and so on and so forth.” (Expert interview)

The information related to state defence and law enforcement bodies is usually classified; however, experts note that sometimes the secrecy of information is overestimated and misused in cases when the information does not present any threat to security. A human rights CSO, for example, received a rejection in response to its query about the number of deaths in the military force of Armenia, which was explained by secrecy of information.⁸⁸ After the request of the

⁸⁸ Artur Sakunts about their Claim to the CC: “It is a Secret, what is a Secret”, Helsinki Citizens’ Assembly Vanadzor Office, 02.12.2011, <http://hcav.am/en/events/artur-sakunts-about-their-claim-to-the-cc-“it-is-a-secret-what-is-a-secret?”/>

list of classified information, the CSO received another rejection saying that this list is also a secret, which they found to be a violation to the constitutional right to information and successfully appealed in the Constitutional Court.⁸⁹

According to the revised Law on Procurement adopted in December 2016, the expenses related to the activities of the president, the prime minister and the chair of the parliament (such as ceremonial expenses, transportation, food, living costs etc.) were classified as secret information.⁹⁰ CSOs and opposition members criticised this provision as another attempt to restrict the transparency of the government and the access of information. Further, amendments to the law on the protection of personal data were adopted in December 2016, removing the provision allowing media to gather and publish personal information in case it has public significance.⁹¹ This means that media representatives have to obtain the consent of the persons concerned to publish the information, regardless whether this person is an official or not. This amendment was recognized as hindering investigative journalism, making it difficult to reveal, for example, illegal enrichment cases through publishing information on officials' personal property and expenses.⁹²

As noted above, apart from the failure to provide information for different reasons, state structures often provide incomplete responses and do not follow the defined timelines. In case the information is not provided or is not satisfactory, the request of information can be sent to superior official or state body, if applicable, and further – appealed in the court. However, court appeals are ineffective as court cases are time-consuming and expensive: though the court cases are often ruled in the benefit of information requesters, it takes several years and the information subject to the decision might already be outdated by the time court decides. As a rule, CSOs do not go through the court in order to receive the information unless they do it for the sake of realizing their right to information. According to the Code on Administrative Offences, the failure of governmental and self-government bodies to provide information is subject to a fine up to 50,000 AMD (approximately 105 USD).⁹³ The Criminal Code includes higher fines – up to 400,000 AMD (approximately 835 USD) – in case the state body did not provide information directly concerning the requesting party's rights and interests, as a result of which these rights and interests were harmed.⁹⁴ It should be noted that though the court enforces the provision of response to the request, according to the interviewed expert on freedom of information, no administrative sanctions have been applied towards government officials failing to follow legal requirements, and only two municipality heads have been subjected to pay administrative fines since 2003, when the Law on Freedom of Information was adopted. Thus, court appeals hardly contribute to the improvement of officials' responsiveness and systematic positive change.

⁸⁹ Constitutional Court Decision No 1010, 06.03.2012, <http://www.concourt.am/armenian/decisions/common/2012/pdf/sdv-1010.pdf>

⁹⁰ RA Law on Procurement, 16.12.2016, article 15

⁹¹ RA Law on Amendments to the Law on Personal Data Protection, 16.12.2016, article 1

⁹² Mounting concern about press freedom in Armenia, Reporters Without Borders, 06.04.2018, <https://rsf.org/en/news/mounting-concern-about-press-freedom-armenia>

⁹³ RA Code on Administrative Offences, 06.12.1985, article 189-7 (article amended 01.12.2003)

⁹⁴ RA Criminal Code, 18.04.2003, article 148

According to the interviewed expert, the most effective tool for enforcing the legal provisions is not the court but large public resonance of the cases, which often makes officials prone to providing information. This phenomenon is especially illustrative when the requests are sent by organisations with a high standing in the field. An example was the experience of a CSO representative taking part in one of the FGDs. As he noted, though the municipality is usually reluctant to provide information, once he was observing how all municipality departments mobilised to provide comprehensive and timely response to the “Asparez” Journalists’ Club, a national CSO, which has a reputation of harshly criticizing the misconduct of officials. Another CSO working in the field, the Freedom of Information Center in Armenia, a well-known advocate and promoter of the law on freedom of information, publishes the rating of government bodies in Armenia based on own monitoring results⁹⁵ and organizes annual award of Golden Key and Rusty Lock presented to the government agencies that are respectively the most and least performing in terms of providing access to information.⁹⁶ These activities serve as an additional stimulus for promoting better practice in providing access to information by state bodies.

The CSOs who participated in the FGDs mentioned that state agencies are more willing to provide information to CSOs well-known for publicising any misconduct related to publication of information.

“When we send any request they take it seriously now and sometimes even reply on the same day; it is a very important [factor] whether the organisation is well-known.” (Goris FGD)

“We are a media CSO and we have our website, thus, whenever we send a request, we publish the text on the website [...] I don’t remember any case in my experience of the last five years that we did not get an answer, only one case was related to Yerevan municipality but they responded when we sent the request once again.” (Yerevan FGD)

The participants of the FGDs mentioned that apart from the subject of information and CSO’s image, the provision of information also depends on the agency and the official who received the request. Regional and local authorities are more troublesome in this aspect, as they often fail to provide timely and comprehensive information or do not provide any response at all.

“When we started our activities, community heads did not feel obliged to reply to the inquiries of CSOs.” (Yerevan FGD)

This might be explained by the lack of capacity, as well as a lack of prioritizing this responsibility by the local authorities. CSOs noted that the information is often not properly managed in the communities and regional governors’ offices which creates additional obstacles for timely provision of information. Similar problems relating to the inability of local authorities to provide information were reported by the survey participants. Besides, as noted by regional CSOs, local authorities often do not follow the requirements of the Law on Local

⁹⁵ Freedom of Information Center of Armenia, Publications, FOI Monitorings, <http://www.foi.am/hy/research/item/1572/>

⁹⁶ Freedom of Information Center of Armenia, FOI Annual Award Ceremony, General Information, <http://www.foi.am/hy/about-award/>

Self-Government to publicise information on the budget, council's sessions, and other necessary information.⁹⁷

The public disclosure of information is also problematic at the national level. Interviewed experts find the lack of publication of pre-defined information as one of the most problematic issues in the area of access to information. The websites of state agencies and local municipalities are not regularly updated and do not publish full information required by law, which hinders the accountability of the government. Despite the changes in the government and claims of open and transparent work by the new cabinet, experts note that the information published on official websites has even worsened, as the new government representatives often prefer to provide information and feedback on their Facebook pages or via media rather than websites serving as official sources of information.

Accessibility of officials

A recent challenge to the access of information was the new provision on the format of government sessions outlined in the 2018 Law on the Structure and Activities of the Government. According to this provision, government sessions take place behind closed doors, with the media not allowed to attend, unless the prime minister decides to hold a part of the meeting open. Moreover, the government members are not allowed to give interviews and provide information on any issue discussed in the government without prime minister's permission.⁹⁸

This law entered into force as soon as constitutional amendments became fully effective on 9 April 2018, and several sessions of the government thereafter were held closed. This provision was considered as a serious step backward in terms of government transparency and access to information. However, the first step of the new prime minister elected on 8 May 2018 was to announce these sessions to be open and live streamed through media.⁹⁹

As compared to the previous cabinet, the new government members are more accessible on social media, and more often present their views and plans through online and offline media, including frequent briefings before and after government meetings. Survey participants report significant improvement in the accessibility of the public officials as compared to previous years.

⁹⁷ RA Law on Local Self-Government, 07.05.2002, article 15, article 91

⁹⁸ RA Law on Government Structure and Activities, 23.03.2018, article 10

⁹⁹ The government sessions will be open: The first step to be taken by Nikol Pashinyan in case he is elected as Prime Minister, Aysor.am, 30.04.2018, <https://www.aysor.am/am/news/2018/04/30/փաշինյան-ըփստնտր/1408029>; The first step of Pashinyan will be making the government sessions open, Shantnews.am, 30.04.2018, <https://www.shantnews.am/news/view/17885.html>

Accessibility of government officials for public and CSOs to meet or discussing issues of concern in present and in 2015-2017

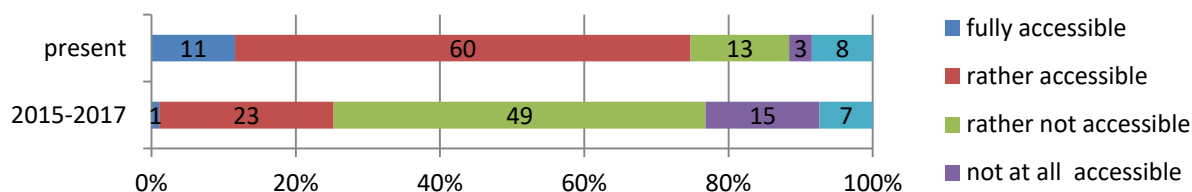


Figure 4: Accessibility of government officials for public and CSOs to meet or discussing issues of concern in present and in 2015-2017. Data of online survey, June 2018 (frequencies, N=95)

On the other hand, some CSOs noted that they cannot reach officials for meetings justified by their overly busy schedule. At the local level, the accessibility of officials and CSO collaborations often depend on the personality of the community leader.

Internet access

There are no specific laws on protecting or restricting internet access, and in practice there are generally no restrictions on the ability to access the internet. Specific incidents were reported in July 2016 during the protests associated with Sasna Tsrer group, when Facebook access was interrupted by some of internet providers for about 40 minutes.¹⁰⁰

There are three mobile service operators and more than one hundred Internet service providers in Armenia.¹⁰¹ However, 95% of the broadband market is controlled by five companies, and the remaining 5% is shared by smaller outfits.¹⁰² An expert interviewed in the framework of the research was concerned with the domination of some companies in the internet providers' market which potentially means control over the internet; the expert noted that this issue is especially important given the lack of special regulations in the area of internet usage. The provision of telecommunication services is regulated by the Law on Electronic Communications, which also describes conditions of licenses granted by the regulatory body.¹⁰³ The regulatory body in the sphere of telecommunication is the Public Services Regulatory Commission of the Republic of Armenia.¹⁰⁴ The members of this commission are assigned by the parliament based on the proposal of the prime minister, and serve in the commission for a period of five years.¹⁰⁵ According to Freedom House's Freedom on the Net report, the commission's operations in the telecommunications sector are transparent and

¹⁰⁰ Precedent: Facebook Blocked in Armenia, Gegham Vardanyan, Media.am, <https://www.media.am/en/facebook-blocked-in-armenia>

¹⁰¹ Licenses of public electronic communication networks, Public Services Regulatory Commission of the Republic of Armenia, http://www.psrc.am/images/docs/license/communication/Canc_Lisence_1807.18.pdf

¹⁰² 95% of Broadband Internet Market in Armenia Controlled by 5 Companies, Hetq.am, 26.10.2016, <http://hetq.am/eng/news/72097/95-of-broadband-internet-market-in-armenia-controlled-by-5-companies.html>

¹⁰³ RA Law on Electronic Communication, 08.07.2005

¹⁰⁴ RA Law on Public Services Regulatory Body, 25.12.2003, article 6

¹⁰⁵ RA Law on Public Services Regulatory Body, 25.12.2003, article 7

perceived as fair.¹⁰⁶ Relevant regulation on blocking or filtering online content is missing in Armenian legislation and court practice is not yet developed.¹⁰⁷

In general, access to the internet has played a key role in civic activism in the recent years, as protest movements heavily relied on social networks for exchange of information and mobilization. The recent protest movement in April 2018 was unprecedented in terms of the live coverage on online media and social network users, which allowed quick mobilisation and follow-up, as well as support of the movement by Armenian diaspora in different parts of the world.¹⁰⁸

To sum up, the challenges in the area of access to information include cases of failure to provide comprehensive and timely information on the part of authorities, especially at the local level, a lack of timely and effective remedies when information queries are rejected, discretion in the provision of information, and insufficient publication of specific types of information as required by law. Any recent positive trend in the provision of information by specific agencies is reported to be mostly due to the efforts of CSOs providing capacity building support and consistently demanding the implementation of the law through numerous applications, communication, and court cases, as well as due to increased data platforms on the internet.

Recommendations

Recommendations on improving the access to information provided by experts and CSOs participated in the research include the following:

- Establish an independent extrajudicial body, such as a Commissioner on Freedom of Information, which would effectively and timely remedy the disputes related to access to information and carry out consultative and awareness-raising functions.
- Train responsible officials on the freedom of information, main principles and procedures of providing information.
- Raise awareness of CSOs on the procedures of getting information, types and sources of information accessible online, and possible limitations.
- Develop periodical reporting mechanisms to ensure transparency and accountability of state agencies and officials, both through online platforms and face-to-face meetings with stakeholders.
- Follow-up and monitor the publication of information in official sources, particularly websites.
- Apply effective sanctions towards agencies violating the access of information.

¹⁰⁶ Freedom on the Net 2017: Armenia, Freedom House, <https://freedomhouse.org/report/freedom-net/2017/armenia>

¹⁰⁷ Internet Freedom in Armenia and Execution of Basic Human Rights in Online Freedom, Hasmik Tamamyan, Movses Hakobyan, June 2017 (updated in December 2017), <http://mediainitiatives.am/wp-content/uploads/2018/03/Internet-Freedom-Research-Report-2017-in-English.pdf>

¹⁰⁸ See, for example, “Digital Activism” section in Freedom of the Net Report 2017, Armenia, Freedom House, <https://freedomhouse.org/report/freedom-net/2017/armenia>; The Revolution of Live Streams, Samvel Martirosyan, 08.06.2018. http://www.noravank.am/arm/articles/detail.php?ELEMENT_ID=17416; Walking with the Velvet Revolution: The Role of Online Media, Civilnet.am, 22.05.2018, <https://www.civilnet.am/news/2018/05/22/-Զայելլով-Թավշա-հեղափոխության-հետ.-առցանց-մեդիայի-դերը/337463>

- Adopt a unified communication policy for government agencies, based on the rule of law.

Peaceful Assembly

The freedom of assembly is guaranteed by article 44 of the Constitution and regulated by the Law on the Freedom of Assembly adopted in 2011. According to this law, an advance notice to local authorities is required at least 7 days before the date of the assembly in case the amount of participants might exceed 100 people. Urgent and spontaneous assemblies are allowed if their duration does not exceed six hours. The place, time, and form of the assembly can be revised by the authorised body in case the suggested time, place or form limits other people's fundamental rights or public interests. The following restrictions are defined for participants of an assembly: judges, prosecutors, investigators, as well as representatives of police, armed forces, national security and other military structure cannot take part in assemblies in their official uniform and should keep political neutrality. Children under 14 can organise an assembly only with a written consent of their legal representatives.¹⁰⁹ According to the Labour Code, a trade union can initiate strikes if it has votes of two thirds of an organisation's staff.¹¹⁰ Currently, the draft amendments to the Labour Code include changing the required number of employees initiating a strike from two thirds to a simple majority.

In general, the legal framework on peaceful assemblies are assessed by the participants of the research as favourable. However, in practice, a number of challenges have been recorded, in particular, the use of violence against peaceful demonstrators, inadequate police force presence, harassment as well as prosecution of participants of protest movements, further described below in this section.

In June 2015, protests took place against the government's decision to increase electricity tariffs based on the request of the electricity distribution company. The protests, organised by the "No To Plunder" civic initiative and further named as "Electric Yerevan", started at the Liberty square and further marched to the presidential office. After being stopped midway by a police cordon, the protesters decided to start a sit-in on Baghramyan Avenue, which is one of the central avenues in Yerevan, thus blocking the street traffic. On 23 June 2015, early morning, an excessive police force, using water tanks and violence against protesters, and

¹⁰⁹ RA Law on Freedom of Assemblies, 14.04.2011

¹¹⁰ RA Labour Code, article 74

media representatives, dispersed the protest.¹¹¹ Over 200 protesters were detained and held in police offices for most of the day, which is far more than allowed legally.¹¹²

Another significant large protest took place in July 2016, when an armed group called “Sasna Tsrer” seized the RA Police Patrol-Guard Service Regiment, and two-week protests followed. During these events, the police used special means to disperse the protests, and several people were injured.¹¹³ It should be noted that aggressive conduct by a few protesters was noted during the protests in 2016; however, according to experts, the police response was not proportionate as the police started to apprehend people randomly and apply force toward people present at the rally, including journalists, instead of targeting the violent protesters. According to a report by the Helsinki Civic Assembly, numerous protesters, as well as activists of different movements were forcibly taken to police departments from the places of the assembly and their home and beaten by police.¹¹⁴ The detained citizens were often unlawfully held in police departments for longer than the established timeframe of 3 hours.

A similar situation took place during the protest actions in April 2018, when more than 1,000 people were detained by the police, including minors¹¹⁵, and about 40 people were arrested on grounds of suspicion in taking part in “mass turmoil” and “organisation and conduct of public gatherings in violation of order stipulated by law”.¹¹⁶ On 16 and 22 April 2018, special means were used by the police causing injuries to dozens of citizens. The usage of these means was assessed by experts as unlawful and disproportionate.

“Special means were used which are not allowable to use in such a distance and scope, thus this was not proportionate, not saying that from the legal point of view, it should not be applied as the assemblies were exceptionally peaceful. [...] These actions show that in practice the government does not respect the freedom of assemblies but, on the contrary, violates this right every time when there is a public protest, and as we can see, the investigation of these violations is not effective at all, and nobody is held accountable, which implies that the government stands by these violations.” (Expert interview)

¹¹¹ Armenia energy protests: Electric atmosphere in Yerevan, Rayhan Demytrie, BBC News, 26 June 2015, <https://www.bbc.com/news/world-europe-33286397>; Armenia's 'Electric Yerevan' protests enter seventh day, The Telegraph, 25.06.2015, <https://www.telegraph.co.uk/news/worldnews/europe/armenia/11699692/Armenias-Electric-Yerevan-protests-enter-seventh-day.html>; #ElectricYerevan: Anatomy of a Movement, Civilnet, 01.07.2015, <https://www.civilnet.am/news/2015/07/01/electricyerevan-anatomy-of-a-movement/273522>; Armenian Police Forcefully Disperse Yerevan Protesters, 18 Injured, RFL/RL's Armenian Service, 23.06.2015, <https://www.rferl.org/a/armenia-police-disperse-electricity-rate-protests/27087394.html>

¹¹² Armenia: Police Violence Against Protesters, Journalists, Human Rights Watch, 24.06.2015, <https://www.hrw.org/news/2015/06/24/armenia-police-violence-against-protesters-journalists>

¹¹³ Armenia: Excessive Police Force at Protest, Human Rights Watch, 01 August 2016, <https://www.hrw.org/news/2016/08/01/armenia-excessive-police-force-protest>; Dozens Injured In Police Clashes With Protesters In Yerevan, Radio Free Europe/Radio Liberty, 30 July 2016, <https://www.rferl.org/a/dozens-injured-police-protester-clashes-yerevan-/27889053.html>

¹¹⁴ Report on the events that occurred in the Republic of Armenia from July 17 through August 5, 2016, Helsinki Committee of Armenia, <http://armhels.com/en/publications/report-on-the-events-that-occurred-in-the-ra-from-july-17-through-august-5-2016/>

¹¹⁵ Report on the Human Rights Violations during the Peaceful Assemblies of April 13-20 of 2018, Protection of Rights Without Borders NGO, <http://prwb.am/new/wp-content/uploads/2018/04/Report-on-the-Human-Rights-Violations-during-the-Peaceful-Assemblies-of-April-13-20-of-2018-1.doc>

¹¹⁶ Special Investigative Service of Armenia, 23.04.2018, <http://www.ccc.am/hy/1428493746/3/5834>

According to experts, the police operated not in accordance with the law but under instructions. Thus, the actions of police have been usually unpredictable, and they behaved differently depending on the context of the assembly. Consequently, the cases of police violence have not been properly investigated and no criminal sanctions have been applied towards the police officers responsible for incidents in the 2015 and 2016 protests. In contrast, many protesters were detained and some of them further charged with administrative and criminal liability on the grounds of mass disorder.¹¹⁷ After the incidents in Sari Tagh district, linked with “Sasna Tsrer” group seizing the police station, at least 32 protesters were indicted, with 21 of them convicted and 11 sentenced to prison.¹¹⁸ A prominent example of the disproportionate treatment of protest activists is Gevorg Safaryan, who was detained on 1 January 2016 during a peaceful assembly conducted in Liberty Square, when attempting to put a Christmas tree on the square. Safaryan was sentenced to two years in prison on charges of committing violence against a policeman.¹¹⁹

There are also several reports on the incidents of physical violence towards protesters and media representatives by criminals or groups allegedly linked with officials and oligarchs.¹²⁰ A lack of a proper reaction by police and law enforcement officials is often reported in these cases and creates another obstacle to peaceful assemblies.¹²¹

According to the survey results, CSOs face limitations and constraints by local authorities when notifying about protests, as well as inappropriate actions by police and the presence of instigators during the assemblies. The respondents also mentioned threats by authorities and employers creating further obstacles to CSOs’ work. Though few of the survey participants think that criticism and protests by various groups are suppressed by the state, most of them do think that protests are constrained, and indicate a number of challenges related to the implementation of the right to free peaceful assembly.

¹¹⁷ Armenia: Uneven Record on Human Rights, Human Rights Watch, 18 January 2018, <https://www.hrw.org/news/2018/01/18/armenia-uneven-record-human-rights>

¹¹⁸ Armenia: Limited Justice for Police Violence, Human Rights Watch, 30 July 2017, <https://www.hrw.org/news/2017/07/30/armenia-limited-justice-police-violence>

¹¹⁹ Report, Monitoring of Freedom of Peaceful Assemblies (July 2016 – June 2017), Helsinki Committee of Armenia, <http://armhels.com/en/publications/monitoring-of-peaceful-assemblies/>

¹²⁰ Armenia: Right to Protest and State Reprisals, 2015-2016, Levon Barseghyan, Targeted violence against journalists in Armenia, 20 September 2016, <https://www.osce.org/odihr/272211?download=true>; The authorities again rely on the violence and persecutions by the police and criminal groups: ANC, Aravot.am, 21.04.2018 <https://www.aravot.am/2018/04/21/951556/>; Annual Report 2017 on the Status of the Freedom of Speech in Armenia and the Violation of the Mass Media Rights, Committee to Protect Freedom of Expression, <http://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2>

¹²¹ RFE/RL Journalists Assaulted In Armenia, Broadcasting Board of Governors, 23.04.2018, <https://www.bbg.gov/2018/04/23/rferl-journalists-assaulted-in-armenia/>

In practice, are groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration tolerated?

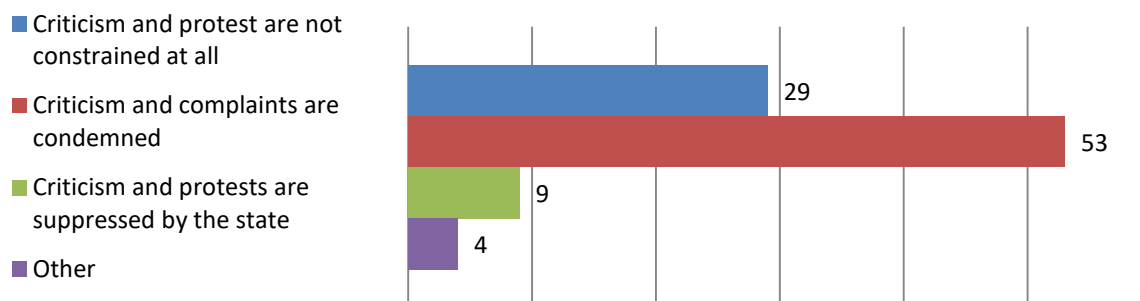


Figure 5: In practice, are groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration tolerated? Data of online survey, June 2018 (frequencies, N=95)

The participants of FGDs from regional communities noted that an atmosphere of fear has existed in their region for years and people in small communities do not participate in assemblies due to fear from local authorities and criminal groups allegedly associated with them, as well as due to the kinship relationships which embarrass participation in protest movements against officials they have close personal relationships with. Thus, the pressure on protesters is particularly visible in the regions, where persecutions and harassment are used to intimidate activists, including threats, police visits to home, pressure through family members and employers.

With the political changes in the spring of 2018, many charges against protesters were dismissed and a number of criminal proceedings of protesters of the 2016 and 2018 protests, on the grounds of mass disorder, were closed. As noted, the change of the government itself was a result of mass protests in April-May 2018. The success of the movement encouraged several local protests around the country through which people were expressing their dissatisfaction on various issues. Some of the research participants were concerned with the statement of the new prime minister of late May, calling to stop “all actions of mass disobedience” to allow the new government to gradually solve the problems.¹²² Although the rationale behind this statement was not the limitation of freedoms but assurance of appropriate actions, CSO representatives noted that when such a statement is made by the leader of the country, it might infringe on the freedom of assembly.

To sum up, the main challenges associated with the realisation of the right to peaceful assembly are related not to the legal framework but to the violent actions by police and non-state actors, the intimidation of media coverage, criminal and administrative cases initiated against protesters, and the lack of investigations and accountability of police officials and other persons that violated the rights of assembly participants and journalists.

Recommendations

¹²² Arka.am, Armenian prime minister denounces civil disobedience actions as sabotage, May 23, http://arka.am/en/news/politics/armenian_prime_minister_denounces_civil_disobedience_actions_as_sabotage/

The recommendations for an improved implementation of the freedom of assembly include the following:

- Properly investigate of all cases of violence committed against participants of assemblies as well as media representatives and journalists and ensure accountability for such actions.
- Raise awareness of CSOs and law enforcement bodies on the legal framework of the freedom of peaceful assembly and associated rights and responsibilities.
- Enforce legal requirements related to police work, such as proportionality of actions, wearing uniform or special identifying signs, carrying out protective functions.
- Take measures to reinforce the rule of law in the country and the respect toward human rights and the freedom of assembly.

Effective civil society partnerships

A number of tools and mechanisms are available to promote cooperation and communication between the government and civil society in Armenia. The Law on Normative Legal Acts states that legislative drafts should be subject to public consultation, except for the ratification of international agreements. Other legal drafts can be discussed upon the initiative of responsible body developing the draft. The period of carrying out public consultations is to be at least 15 days.¹²³ A special web platform – e-draft.am – was established by the government and has been functioning since 2017. This platform provides an opportunity to review and download draft legal acts posted by various governmental agencies, vote for or against the draft and provide comments, with further incorporation of suggestions and responses in a summary table.¹²⁴ The organisation of offline discussions around a specific draft is at the discretion of the authority.

Parliamentary hearings are not compulsory for the discussion of draft laws and are held on a discretionary basis.¹²⁵ Parliamentary committees can establish working groups around a specific draft law with involvement of civil society; however, this rarely happens in practice. One of the examples of civil society engagement was the discussion of the Electoral Code in 2017, where the working group provided equal representation of government authorities, political opposition, and civil society.¹²⁶ In 2014-2016, CSOs successfully participated in discussions around the draft Law on Public Associations. At the same time, most examples of meaningful CSO engagement happened due to the support of international organisations advocating for civil society engagement and/or providing financial and technical support to collaboration initiatives.¹²⁷

¹²³ RA Law on Normative Legal Acts, 21.03.18, articles 3, 4

¹²⁴ Unified Website for Publication of Legal Acts' Drafts, <https://www.e-draft.am/en>

¹²⁵ RA Constitutional Law on Rules of Procedures of the National Assembly, 16.12.2016, article 125

¹²⁶ 4+4+4: Opposition seeks particular format for Electoral Code debate, ArmeniaNow.com, 23.03.2016, https://www.armenianow.com/news/politics/70815/armenia_politics_opposition_government_format_electoral_code_debate

¹²⁷ 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia, USAID,

In addition to public consultations on draft laws and policies, CSO-government collaboration takes place through various working groups and public councils. Following the government order in 2016 assigning the creation of public council adjacent to ministers to ensure the participation of civil society in the functions and objectives of the ministries¹²⁸, all the ministries initiated the formation of public councils involving CSOs, and many of them (13 out of 18 ministries) currently have functioning public councils with regular meetings taking place.¹²⁹

Despite the abovementioned achievements in the area of civil society collaboration, in particular the legal provisions and set-up mechanisms, FGD participant CSOs expressed doubt on the effectiveness of these collaboration mechanisms. Many reports in the field raise a concern that the collaboration is sometimes imitative, and the real impact of participation is questionable¹³⁰. Interviewed experts noted that the government is prone to initiate participatory processes often just to comply with the requirement of international organisations, thus the collaboration is sometimes artificial and ineffective.

“There are a lot of institutional mechanisms, but how these mechanisms work, this is the problem. The responsible bodies [...] need to take more efforts: they seem to just put the checkmark to show the international [organisations] that they have done this. We need to see whether the authorities, the government understand the role of these [consultative] bodies, I think they don’t quite understand.” (Expert interview)

Engagement of civil society is problematic especially when it concerns “sensitive” topics, for example anti-corruption issues. Participants of FGD discussions note that there are specific ‘limits’ to CSO participation underlined with political and economic interests of those in power.

“In cases when there is a problematic or sensitive issue for the government, or commitments that were not met, or CSOs find that were not sufficiently implemented, the participation was restricted.” (Expert interview)

Participation in decision-making on national level

The establishment of public councils adjacent to the ministries is considered as a positive achievement; however, more efforts are needed for their efficient functioning. The participants of FGDs indicate that the selection criteria of members of public councils is not clear, and it seems that any CSO can apply and participate regardless its experience and expertise. The

https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf

¹²⁸ RA Government Decision N 337-Ն “On amendments and additions to a number of decisions by the Government of the Republic of Armenia”, 31.03.2016

¹²⁹ Report on Monitoring Collaborative Governance Model of Policy Making in Armenia, NGO Center, Araza NGO, 2017, <http://ngoc.am/wp-content/uploads/2018/07/Հայաստանում-վարչապետականության-մշակման-միասնական-կառավարման-մոդելի-մոնիթորինգի-զեկույց.pdf>

¹³⁰ Report on Mapping of Armenian Civil Society Organisations and Identification of Project Target Sectors, Commitment to Constructive Dialogue Project, May 2017; Comprehensive Market Research, Caucasus Research Resource Center-Armenia, 2015,

http://www.crrc.am/hosting/file/_static_content/projects/CSO%20DePo/CSO%20Market%20Research%20Summary_English_final.pdf; Mapping Study: CSO Engagement in Policy-Making and Monitoring of Policy Implementation: Needs and Capacities, Armenia, Yerevan, 2014, http://www.csdialogue.eu/sites/default/files/mapping_armenia.pdf ; CSO

information on these councils and minutes of their meetings are not always sufficient and/or accessible on ministries' websites.¹³¹ On the other hand, according to the experts interviewed, the meetings of these councils are organised with a short notice and the relevant documentation to be discussed is provided at the last moment or during the meeting, which makes it practically impossible to provide a meaningful input in the discussion. Thus, this provides the basis for a conclusion that the meetings are of a formalistic nature.

“This means that they don't do this for a real result, then - they need this just for symbolic [purposes], so that they go to the European Union or US government, which give this anti-corruption funding, and tell them they have carried out consultations on this law.” (Expert interview)

The e-draft web platform is appreciated by FGD participant CSOs as a tool for viewing all draft laws in one place and making suggestions. At the same time, they express concern that the platform serves as a universal participation tool and substitutes offline public consultations, thus legitimising any draft posted on the platform regardless the intensity of the discussion and the scope of incorporated comments. Besides, CSOs are not satisfied with the level of incorporation of their suggestions and their involvement in further steps.

“There is a dangerous trend when, for example, draft laws are posted on e-draft, we comment on them, and then they are considered as discussed [...] They post a draft, we make our comments on it and then they bring another draft to public hearings or to the parliament as if it has passed public consultation.” (Yerevan FGD)

Involvement of CSOs established or supported by the government or officials (GONGOs) is another challenge in this area, mentioned by FGD participants and interviewed experts. In order to demonstrate collaboration with CSOs and at the same time to get the desired results, government agencies sometimes limit participation to specific organisations which, as CSOs claim, do not actively work in the given area, or are not known at all.

“There are many GONGOs in the sector, which are especially visible during elections, where some NGOs present 2000 people as observers, as well as in environmental programs, during discussions on mining issues, and they [the government] do everything to force out real CSOs from the process.” (Yerevan FGD).

However, there is also evidence of collaboration with active and independent CSOs, especially when this collaboration is initiated in the framework of international agreements and/or programs. Some of research participant CSOs state that they achieved recognition of their input by the government due to incremental actions and consistent and professional work.

“There are ministries that we collaborate with, and this collaboration is the result of long-term work. Whenever we present any legislative initiative, which, for example, a state body should have done, we do the whole work for them, and over a number of years they realized that they benefit from our collaboration, that we do their work for free.” (Vanadzor FGD)

¹³¹ Report on Monitoring Collaborative Governance Model of Policy Making in Armenia, NGO Center, Araza NGO, 2017, <http://ngoc.am/wp-content/uploads/2018/07/Հայաստանում-քաղաքականության-մշակման-միասնական-կառավարման-մոդելի-մոնիթորինգի-զեկույց.pdf>

Lack of capacities on both sides is another barrier to effective partnership, according to the research results. Government officials often do not understand the potential input of CSOs or are not skilful enough to lead a dialogue. At the same time, few CSOs have relevant professional expertise in a specific area to provide suggestions based on well-grounded evidence. CSOs also note that consistency is needed in follow-up of actions undertaken due to the collaborative efforts, as a lack of monitoring and evaluation by civil society can undermine the effectiveness of the results achieved. Although monitoring and evaluation activities by civil society are expanding, experts find that CSOs still need to build their capacities and develop more effective tools for professional monitoring and evaluation.

Collaboration with local authorities

The collaboration at the local level generally represents the trends available at the national level; however, there are also some specifics due to closer personal links in communities and the more decisive factor of the authority's personality. CSOs mention that often a directive from the central government is needed for local authorities to develop collaboration with CSOs, and sometimes just for the sake of collaboration they are eager to find any relevant CSO to demonstrate their openness and participation. While at the same time, in cases when the local authorities are not interested in transparency, for example during budget discussions, they try to minimize participation giving short notice announcements or involving GONGOs.

“Within a grant project they were stipulated to livestream the public discussion. We were watching the record and knew everyone there, all of them were municipality employees, there was no CSO representative, but they considered this as a CSO consultation [...]. They presented [the topic], no opinion was expressed and the discussion was over.”
(Yerevan FGD).

Another phenomenon at the community level, identified by FGD discussion participants, is the willingness of local authorities to engage CSOs around issues that are in line with the municipality's priorities and at the same time their defensive reaction towards problematic issues. In any case, the personality of the community head matters, and the collaborative attitude might change toward better or worse with the replacement of officials.

Survey respondents assessed communication with local and national authorities almost in the same manner, with some more of them rating communication with national authorities as limited and often ineffective.

How would you describe the communication of CSOs with local and national authorities?

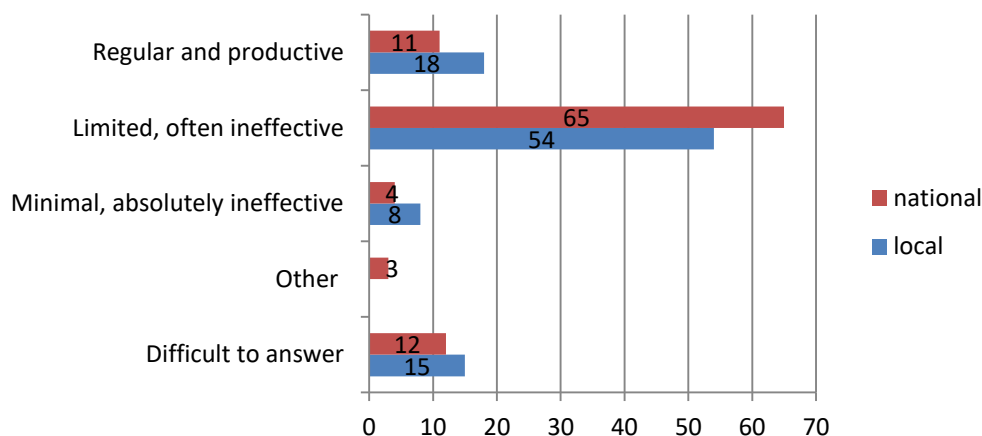


Figure 6: How would you describe the communication of CSOs with local and national authorities? Data of online survey, June 2018 (frequencies, N=95)

One of the FGD participant CSOs, based in a regional community, pointed out that it is easier to collaborate with community authorities as outsiders while as local citizens they face more pressure. Other CSOs mentioned that community authorities demonstrate readiness for collaboration when they are approached by national or international organisations and are more willing to provide necessary information to these organisations as compared to the community-based CSOs.

The independence of a CSO is highlighted as an important factor in dealing with local and national governments. Funding and technical support from international organisations allows CSOs to engage professionals in their activities, provides more independence in terms of raising problematic issues, and more chances to be heard.

Present trends

With the change of the political situation in the country, it is expected that the CSO-government collaboration will improve. Many civil society representatives entered the government thus it could be expected that the dialogue will improve due to shared experience and understanding of current issues, as well as, most importantly, political will to make effective reforms in all areas.

“The civil society has a number of important problems to solve, including recommendations, protection, and oversight. If we accused them as making imitations, with no possibility for content-wise changes, now we can’t do that, which means, that you are obliged to solve a lot of problems, and your involvement in policy development and implementation should be much more, so you can’t only make demands.” (Expert interview)

Progress in CSO participation is reflected in the survey results, where most respondents said that in present CSO opinions are more often taken into account as compared to the last years.

To what extent are/were the opinions of CSOs taken into account in present and 2015-2017?

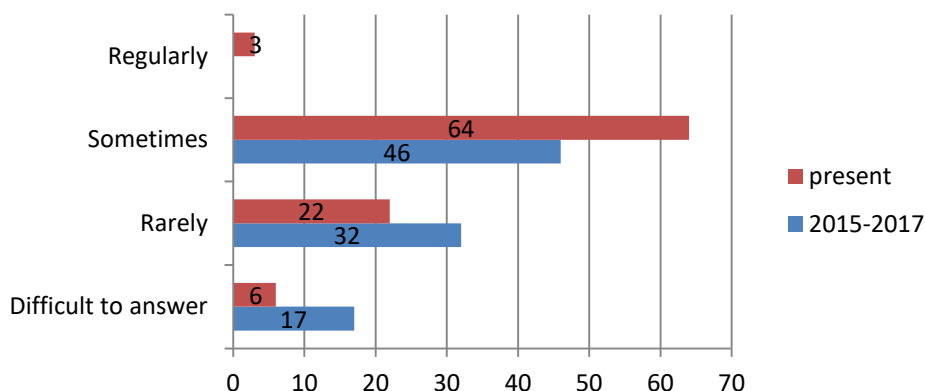


Figure 7: To what extent are/were the opinions of CSOs taken into account in present and 2015-2017? Data of online survey, June 2018 (frequencies, N=95)

However, survey respondents mention a number of problems related to the collaboration with the government and participation in decision-making. Imitation of collaboration, lack of taking CSO views and opinions into account, lack of tangible impact of CSO participation are highlighted with regards to not only the past, but also for the present relationships with national and local authorities.

“They invite us, listen to us, and do as they want, but then they claim that consultations were organised.” (Online survey)

“Communication and participation is gradually improving, but the final processes of decision making are subjective.” (Online survey)

One of the first examples of collaboration within the new government is the set-up of a committee on Electoral Code reforms adjunct to the Prime Minister, which includes representatives of CSOs working in the area of election monitoring.¹³² Snap parliamentary elections are among the new government’s priorities and the changes in Electoral Code are claimed as a precondition for free and fair elections.

It is expected that the new Public Council with the Prime Minister will represent active CSOs and serve as an effective platform for government-CSO collaboration. The main functions of this Council include: representation of various layers of society in policy development and implementation; contributing to civic participation in state government processes, including presenting proposals on priorities for civil society development; promoting mutual trust, dialogue, and collaboration between the government, state administration bodies, and civil society institutions.¹³³

Another platform for government-civil society partnership is provided within the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) signed in November 2017, which envisions the set-up of an independent Civil Society Platform composed of Armenian

¹³² Prime Minister’s Decisions, 20.06.2018, <https://www.e-gov.am/decrees/item/18791/>

¹³³ RA Law on Public Council, 07.03.2018, article 2

and EU organisations to monitor the implementation of the agreement and make recommendations to the Armenian authorities and to the EU.¹³⁴

Participation in SDG processes

A number of CSOs that participated in the FGD discussions were familiar with the SDG initiative and had been invited to take part in the discussions of SDG national plan. Most of the survey respondents mentioned that they did not have any involvement in SDG processes in Armenia. Those who had – 18 CSOs – either received information on SDGs from the UN or government officials, and/or took part in relevant discussions. In general, according to the research participants, the awareness-raising on SDG was not sufficient, and the participation process was mainly limited to a number of discussions within the thematic working groups. Some CSOs noted that the effectiveness of joint work in SDG thematic working groups depended on the group coordinator, their motivation and approach. On the other hand, as the government representative noted, despite 300 applications, only up to 10 CSOs were participating in working group meetings. In any case, experts and CSOs value CSO engagement component and find it important to continue the process with meaningful CSO participation.

In November 2017, the SDG Innovation Lab was set up jointly by the government and UN to support the UN SDGs implementation at the country level. The first six months of the lab activities were planned as a start-up phase; thus, it is expected that with the full activities of the lab, along with the final formation of the new government, the work on SDG nationalisation will continue in full pace, and enabling conditions will be created for the effective participation of CSOs in the process. Experts note that CSOs have significant expertise and experience in all SDG areas and this potential should be maximally utilised to create and implement ambitious national strategy.

Recommendations

The recommendations to improve effective civil society partnership are as follows:

- Ensure that the established collaboration platforms involve CSOs in a transparent and open manner and provide true and meaningful participation.
- Bring the participation of CSOs on a higher level, beyond informing and consulting via fragmented meetings and discussions, but through systematic partnership in implementation of policies and strategies.
- Elaborate unified transparency and accountability mechanisms for public councils adjacent to the ministries.
- Enlarge CSO collaboration with the parliament through more intensive joint work and public hearings.

¹³⁴ New agreement signed between the European Union and Armenia set to bring tangible benefits to citizens, European External Action Service, 24.11.2017, https://eeas.europa.eu/headquarters/headquarters-homepage/36141/new-agreement-signed-between-european-union-and-armenia-set-bring-tangible-benefits-citizens_en

- Set up effective monitoring mechanisms for SDG implementation with the involvement of CSOs.
- Establish mechanisms for engaging CSOs in the monitoring of all national strategies, making use of SDG monitoring tools for other strategies as well.
- Continue raising awareness and capacity building initiatives both for authorities and CSOs directed toward improving collaboration, as well as develop CSO monitoring and evaluation skills.
- Improve the recognition of CSO potential by state and local authorities through more intensive communication on CSO experience and activities, for example via organising site visits and meetings with CSOs working in specific area and/or territory.
- Consult with CSOs working in relevant field and take into account their recommendations when defining policy priorities.
- Apply sanctions toward officials who do not carry out public consultations as defined by law.
- Organise regular meetings where public authorities report on the work done, answer questions and listen to CSO recommendations.

Conclusion

The National Consultation held on 10 July 2018, brought together around 100 participants from different sectors of the society, i.e. government representatives, community authorities, CSOs, international organisations, experts, etc. The participants generally agreed with report findings briefly presented at the event, and provided additional notes and recommendations on the report and specific dimensions, further incorporated in the report. Some of the recommendations were elaborated by the participants into advocacy plan which might serve further for CSOs and other interested stakeholders to further promote and implement these recommendations.

The Assessment Matrix in the Annex 1 presents a summary of the main findings of the research, with distinguishing achievements and challenges related to the five dimensions through green (enabling), yellow (partially enabling) or red (impeding) flag “ranking”. No red flags have been identified for the enabling environment in Armenia; however, main challenges described in the report are included under yellow flag as areas, where improvements are needed.

The main recommendations for the fulfilment of SDG 16.10 and 17.17 are presented below in respect to each of the dimensions covered in the report. Recommendations for the government, CSOs and international organizations/donors are presented separately.

Recommendations for the government

Associations:

The legal environment of associations is comparatively enabling for CSO registration and operation in Armenia. The gaps in legal regulations found throughout the research include the need for more transparent regulations on CSO oversight and provision of mechanisms

contributing to CSO financial sustainability. In particular, the following recommendations are made with regards to the legal environment of CSOs:

- ✓ **Specify the scope of functions and authorities of SRC** in regard to CSO oversight; provide transparency of oversight procedures,
- ✓ **Provide guidelines for taxation and reporting** of CSO economic activities,
- ✓ **Provide tax exemptions** for companies giving for charity and consider other tools for philanthropy promotion,
- ✓ **Ensure enabling legal provisions on volunteering**, and remove restrictive provisions from the draft law on volunteering,
- ✓ **Allow CSOs to present public interests** in the court in the area of their expertise,
- ✓ **Revise the reporting form** for organisations that have received funding from public sources to exclude additional information not required by law, and **clearly define the types of contracts** considered under the “funding from public sources”.

In practice, the challenges related to the registration and reporting processes were identified, thus further recommendations are as follows:

- ✓ **Raise awareness on the registration** options through regional offices of the State Register; provide **online registration** possibility and **prepare guidelines** on CSO registration procedure.
- ✓ Collaborate with CSOs to find out and address issues related to the **recognition of CSOs’ specific role and features as different from those of business entities**, in order to train the relevant officials accordingly and exclude any misunderstanding during the registration process, monitoring of CSO activities, and following-up tax reports.
- ✓ **Ensure the protection of trade union members** and set up relevant grievance mechanisms to ensure implementation of the right of employees to establish and operate trade unions without any fear of pressure by the employer.

Freedom of expression:

The major challenge in the legal framework in this area lies in the Law on TV and Radio, which has been criticized by media and CSOs as restrictive for a free and diverse broadcast media. In general, a lack of freedom of expression is generally due to the limitations of and control over the broadcast media. Thus, urgent steps are needed to:

- ✓ **Reform broadcast media legislation**, providing more liberal and up-to-date regulations in broadcasting sphere and establishing free and competitive environment for broadcast media.

Other practice-related recommendations are related to the following:

- ✓ **Improve CSO participation** in the decision-making in the field of broadcast media regulation and control,
- ✓ Set up effective **protection and grievance mechanisms for violations** of freedom of expression,
- ✓ **Promote extrajudicial dispute solution** for defamation cases, as well as moderate administrative fines by courts when necessary,

- ✓ **Apply effective sanctions** towards organisations and individuals which infringed the rights of media and CSOs, particularly for reported cases of attacks and physical violence.

Access to information:

Despite the enabling legislation on access to information, the implementation of the law remains weak. Thus, main recommendations in this area are related to practice.

- ✓ **Establish an independent extrajudicial body**, such as a Commissioner on Freedom of Information, which would effectively and timely set the disputes related to access to information, and carry out consultative and awareness-raising functions.
- ✓ **Raise awareness of officials** at various levels of government on the main requirements provided by the Law on Freedom of Information, and ensure the implementation of main principles and procedures of providing information.
- ✓ **Set up a mechanism for periodical reporting** through online and face-to-face meetings with stakeholders, to ensure transparency and accountability of state agencies and officials.
- ✓ **Ensure pro-active publication of information** as required by law in official sources, particularly websites.
- ✓ **Apply administrative sanctions** towards state agencies which violate the provisions on the access of information to ensure better responsiveness and implementation of legal provisions.
- ✓ **Adopt a unified communication policy** for government agencies, based on law.

Freedom of assembly:

With a number of challenges recorded in recent years, the freedom of assembly has been practically restored after the “velvet revolution” and no cases of violence or unlawful arrests of protesters have been identified since then at the time of writing. However, the government is highly recommended to:

- ✓ Provide **effective investigation of all cases of violence and other violations** against participants of assemblies as well as media representatives and ensure accountability for violations,
- ✓ **Raise awareness of law enforcement bodies** on the legal framework of freedom of assembly and associated rights and responsibilities,
- ✓ Reinforce **legal requirements towards the activities of the police**: ensure the proportionality of actions, wearing uniform or special identifying signs, carry out protective functions.

Civil society partnerships:

Progress has been recorded in setting up relevant platforms and mechanisms for CSO participation in recent years; however, the quality and impact of participation remains doubtful by CSOs. To **ensure meaningful participation and effective civil society partnerships** set by the SDG goals, the government needs to demonstrate political will and implement a number of practical steps in the area, so that the level of participation upgrades from informing to

empowering as defined by IAP2 Spectrum of participation.¹³⁵ Specific recommendations on this dimension include the following:

- ✓ **Elaborate standard tools** to ensure transparency and accountability for the formation and activities of **public councils** adjacent to the ministries, as well as the Public Council adjacent to the Prime Minister yet to be formed,
- ✓ Enlarge the **CSO collaboration with the parliament** through setting up mechanisms for dissemination of information among CSOs, establishing joint working group and carrying out public hearings,
- ✓ Provide continuous opportunities for CSO participation, **follow up consultations of legal drafts** up to the adoption, and ensure the participation of CSOs not only in design, but also in **monitoring and implementation** of state policies and strategies through the set-up of relevant tools and mechanisms,
- ✓ **Start initiatives to learn about CSOs** working in relevant area and/or territory through site visits and communication tools,
- ✓ **Consult with CSOs** working in relevant field when **defining policy priorities**, and consider their recommendations,
- ✓ **Apply sanctions** toward officials who do not carry out public consultations as defined by law,
- ✓ **Organise regular meetings** to present the work done and collect CSO recommendations,
- ✓ **Set up effective monitoring mechanisms** for SDG implementation with the involvement of CSOs.

Recommendations for CSOs

Associations:

Though main recommendations of the report are addressed to the government, CSOs can have an important role in advocating necessary legislative changes and implementing awareness raising and capacity building of CSOs and relevant state bodies. In particular, the following steps can be done by CSOs to bring to life the above-mentioned recommendations addressed to the government:

- ✓ **Initiate advocacy** for better transparency of CSO oversight procedures, clarification of taxation and reporting mechanisms for CSO economic activities, tax exemptions for charity, enabling provisions on volunteering, and possibility to present public interests in court in the area of their expertise,
- ✓ **Raise awareness** among regional stakeholders about the possibility of registration through local (regional) registration bodies; prepare guidelines on CSO registration.
- ✓ Collaborate with the government to provide **capacity building for and/or exchange meetings** with relevant officials in the State Register and SRC Department of Non-Profits' Oversight to ensure better recognition of CSOs' specific role and features as

¹³⁵ Public Participation Spectrum, International Association for Public Participation, [https://iap2canada.ca/Resources/Documents/0702-Foundations-Spectrum-MW-rev2%20\(1\).pdf](https://iap2canada.ca/Resources/Documents/0702-Foundations-Spectrum-MW-rev2%20(1).pdf)

different from those of business entities, and exclude any misunderstanding during the registration process, monitoring of CSO activities, and following-up tax reports.

Freedom of expression:

As the revised legislation on media has been highlighted as an important step necessary for sustaining freedom of expression, CSOs can implement the following:

- ✓ **Actively advocate for and participate in** developing a revised or new **law on broadcast media,**

CSOs can also have their contribution in better protection of freedom of expression in practice, namely:

- ✓ **Implement awareness raising campaigns** among the public and CSOs to ensure awareness on their rights in expressing opinions and possible limitations.
- ✓ **Promote tolerance** among the public toward alternative views expressed online and offline.
- ✓ **Improve media literacy through trainings** for media and CSOs: presently, there are a number of such trainings provided by media organisations, which need to be expanded to cover larger audience and particularly regional stakeholders.

Access to information:

CSOs need to continue and expand their activities in improving access to information in practice, including through appeals to the government and through improving public awareness and creating tools for facilitating this access. Specific recommendations in this area are:

- ✓ Provide **monitoring of responses to queries and pro-active publication of information,** which needs to be continuous and followed-up by appeals to relevant government agencies.
- ✓ Collaborate with the government **to train and inform officials** on the basic provisions of freedom of information and relevant procedures to promote implementation of the law in place.
- ✓ **Conduct training and awareness raising of CSOs and the public** on the procedures of receiving information, types and sources of information accessible online, and possible limitations.
- ✓ Create **registries with data on various information sources** in one place to facilitate access to information by CSOs and the public.

Freedom of assembly:

To promote freedom of assembly, CSOs are recommended to:

- ✓ Initiate and continue activities in **raising awareness on the legal framework** of freedom of assembly and associated rights and responsibilities, not only for CSOs and public, but also for representatives of law enforcement bodies through collaboration and trainings.

Civil society partnerships:

The recommendations for the government aimed to improve civil society partnership need to be supported by CSOs advocating for transparent participation mechanisms, ensuring meaningful participation and promoting effective partnership between the government and CSOs beyond participation in decision making. The specific recommendations, thus, are as follows:

- ✓ **Build capacities** in dialogue with state bodies and **develop sectorial expertise** in relevant fields so that the government values CSO contribution and recognise the necessity to consult with CSOs as experts in the given field,
- ✓ **Promote CSOs as partners** in implementation of state policies and strategies, including through organization of joint meetings and other events,
- ✓ **Enlarge CSO collaboration with the parliament** through more intensive work with the parliament staff and members and advocacy of relevant tools and mechanisms,
- ✓ **Establish mechanisms and initiate systematic activities to monitor** national strategies, including SDG implementation, develop monitoring and evaluation skills,
- ✓ **Make use of SDG monitoring tools** not only for SDGs, but other strategy monitoring by civil society.
- ✓ **Cultivate relations with state and local authorities** encouraging them to learn more about CSO potential and activities through site visits and meetings with CSOs working in specific area and/or territory.

Recommendations for international organisations and donors

Though the recommendations of the report are mainly addressed to the government authorities and CSOs, international organisations and donors can have a key role in supporting relevant initiatives by the state and civil society and providing financial and technical support as well as expertise in relevant areas. In particular, international organisations can support in the implementation of the following activities:

- ✓ **Awareness raising and capacity building initiatives** for CSOs and state agencies on CSO registration and oversight processes, freedom of expression, promotion of tolerance, media literacy, access to information, policy monitoring,
- ✓ **Monitoring initiatives by CSO** in access to information, freedom of expression, state policies and strategies, SDG implementation
- ✓ **Policy-making** in relevant areas such as legislation on broadcast media, communication policy, CSO participation and partnership.

Annexes

Annex 1: EENA Assessment Matrix – Armenia

Enabling Environment National Assessment (EENA) Draft Report, Armenia

Annex: Assessment Matrix

This table serves as a guidance tool for EENA partners to conduct an assessment of their findings and evaluate the situation in terms of a green (enabling), yellow (partially enabling) or red (impeding) flag “ranking”. The rankings will necessarily be subjective and hard to compare across different contexts; the purpose of the ranking is to provide a basis for discussion at the National Consultations and for the Advocacy Plan.

CIVICUS and ICNL welcome any comments and suggestions to improve the usefulness of the Assessment Matrix.

EENA Assessment Matrix			
<i>General questions</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What indicators for SDGs 16.10 and 17.17, beyond those officially adopted by the International Expert and Advisory Group (IAEG) has the government included in its national indicator framework?		Not available yet at the time of writing.	
2. What processes or structures has the government put in place to facilitate civil society’s involvement in and monitoring of SDG implementation?		SDG Working Groups were established by the government SDG task force	

3. Are there any government and civil society reviews or reports that have already been produced assessing the progress on SDGs 16.10 and 17.17 at the national level?		The government plans to submit VNR in July 2018	
4. Voluntary National Reviews (VNR): has the government submitted or is planning to submit a VNR? If submitted, does the VNR report on SDG 16.10 and 17.17?		The government plans to submit VNR in July 2018	
<i>Dimension #1: Association</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What legal instruments (laws, regulations, decrees, etc.) currently govern(s) the formation and operation of Civil Society Organizations (CSOs) ¹³⁶ ?	Few enabling legal instruments, including Civil Code and laws covering various types of CSOs		
2. Who is legally permitted to serve as a CSO founder? Who is excluded from serving as a founder?	Minimal eligibility requirements for physical and legal persons, exclusion of specific legal types (e.g. parties, trade unions, religious organizations)		

¹³⁶ The EEA Civil Society Organization (CSO) is defined, for the purposes of this assessment, as a formalized group of individuals that are independent of government and do not function as for-profit businesses. Owing to the fact that different legal frameworks govern their formation, CSOs in this assessment do not include trade unions, political parties, or communities of worship.

3. What minimum number of individuals is required to form a CSO? What are the requirements of membership?	3 or fewer minimum members; minimal eligibility requirements		
4. What procedures are required to register/incorporate a CSO? (A comparison can be made with registering business entities.)		Not extensive registration procedures, include preparation and submission of a number of documents. Different with business entities, which can register electronically; however, newly introduced procedures allow CSOs to register distantly through regional offices.	
5. Is there a minimum capitalization requirement to register a CSO?	No minimum capitalization requirement		
6. What are the specific grounds for rejecting a CSO's application for registration/incorporation? Are such grounds sufficiently detailed?	Minimal, clearly defined grounds for rejecting a CSO's application; however, in practice, rejections might be discretionary, and several round of revisions required	Minimal, clearly defined grounds for rejecting a CSO's application; however, in practice, rejections might be discretionary, and several round of revisions required	
7. Must CSOs adhere to certain categories of purpose before being allowed to form; or are some CSOs with certain agendas (human rights protection or democracy-promotion, for example) forbidden from forming?	No restrictions on CSO's purpose, except for political and religious purposes, which require another legal form		
8. Can registration decisions be appealed? If so, how frequently are registration decisions appealed? What are the results?	The decisions can be appealed in the court		

9. What documentation is required for a CSO's incorporation/registration?	A number of documentary requirements (such as organization's charter and protocol of the founding assembly or decision about founding organization with founders names and passport information)		
10. Are CSOs required to regularly renew their registration?	No renewal required		
11. What registration fees are required?		Nominal registration fees of 10000AMD; comparable with private sector registration fees	
12. What is the approximate cost to register a CSO, and how long does the process typically take?	Nominal registration costs; clear deadlines in the law: 30 days or less		
13. How many CSOs are currently registered?	As of 01 April 2018, 3,814 public organizations, 1,045 foundations, 640 trade unions, and 248 legal entity unions were registered, which makes almost 2 CSOs per 1000 citizens.		
14. Are CSOs required to notify the government of any meetings? If so, of each meeting or only key meetings? Are they required to notify the government of the list of candidates for the board of directors? Of the results of elections?	No required notification (only in case of changes in the executive management)		
15. Are CSOs required to submit periodic reports to the government? What kind of reports – e.g. activity or financial reports –, and how often?	Annual reporting for some type/ categories of CSOs, mostly including financial information		
16. Are CSOs required to periodically report to the government for any	No other reporting		

other reasons? What reasons and how often?			
17. Are CSOs subject to government audits or inspections? How often, and what types?	Government inspections are rare, with prior notification		
18. What types of information are CSOs required to publicly disclose?	Disclosure of basic information required (name, registration date, and tax code of CSOs is published in electronic register website)		
19. What administrative requirements affect the operation of CSOs?	Minimal administrative requirements, such as basic documentation of the CSO, protocol of general assembly and board meetings depending on the type of CSO		
20. Are CSOs mandated to align their activities with governmental priorities as defined in national development plans?	No alignment required		
21. On what grounds is the government legally permitted to terminate or dissolve a CSO? Is there an opportunity to appeal this decision?	Involuntary termination or dissolution can take part only by the court's decision. The authorized body can apply to court to terminate or dissolve a CSO in case it found a significant or flagrant violation of law.		
22. On what grounds can a CSO be voluntarily dissolved?	No limitation on voluntary dissolution		
23. Are there draft laws or regulations that, if adopted, would restrict or, alternatively, ease the formation and operation of CSOs? If so,	Draft law on volunteering is in process of discussion, and contains both positive (e.g. regulation of	Draft law on volunteering is in process of discussion, and contains both positive (e.g. regulation of	

<p>please summarize the content of the key provisions and in what stage of the legislative process it currently stands.</p>	<p>volunteers' rights and responsibilities, possibilities for reimbursement) and restrictive provisions (e.g. additional documentation and reporting requirements)</p>	<p>volunteers' rights and responsibilities, possibilities for reimbursement) and restrictive provisions (e.g. additional documentation and reporting requirements)</p>	
<p>24. What legal barriers hinder access to each of the different potential sources of funding (state funds, earned income, donations, foreign donor funding)?</p>	<p>Basically, no legal barriers to funding; informal CSOs cannot receive funding in their name because of lack of legal status</p>		
<p>25. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSOs access to resources? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.</p>	<p>No</p>		
<p>26. What taxes are imposed on the income of CSOs? Do they affect their earned income, grants, investments, or purchased goods and services?</p>	<p>Few tax laws that provide exemptions on non-economic income of CSOs (e.g., grants, donations, membership fees are not taxed)</p>		
<p>27. Are CSOs subject to VAT and customs taxes?</p>		<p>VAT is paid in case the overall income for year exceeds 58.35mln AMD. Customs taxes are paid for imported goods in the same way as for other organizations.</p>	
<p>28. Are CSOs subject to local taxes, fees or charges, in addition to federal taxes? Are any other level of taxes imposed (regional or state</p>	<p>No local taxes</p>		

taxes, for example)?			
29. What are the tax and regulatory requirements on CSOs that engage in economic activities?		Still unclear tax laws/regulations on CSO economic activities; economic activities are taxed by profit tax in the same way as for business entities	
30. Are tax exemptions granted to all CSOs? Are only certain categories of CSOs granted tax exemptions?		Exemptions are available on a select basis to CSOs (e.g. for charity projects); criteria and procedures for receiving exemptions are not transparent	
31. Are there draft laws or regulations that, if adopted, would affect the taxation of CSOs? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	No		
32. Does a law or policy on the protection of human rights defenders exist?	No		
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Is the entity responsible for registering CSOs sufficiently funded and staffed?	State Register is responsible for CSO registration and has sufficient resources.		
2. Is registration easily accessible? E.g., are there sufficient locations/centers around the state for registering CSOs, or is the process all done electronically?		Registration is not accessible electronically; since March-April 2018 there is a possibility to register a CSO in regional centers; however, at the moment few CSOs know about this possibility and	

		often visit capital for registration	
3. What non-legal and/or non-governmental barriers, such as slow or ineffective bureaucracies, inability to access funds, or difficulty buying/leasing property, affect the formation of CSOs?	The process of registration improved in recent years, however, there are some bureaucratic barriers created occasionally, such as rejections of registration because of minor deficiencies in presented papers.	The process of registration improved in recent years, however, there are some bureaucratic barriers created occasionally, such as rejections of registration because of minor deficiencies in presented papers.	
4. To what extent is there a perception of excessive discretion, favoritism (political, ethnic, religious, etc.), and/or corruption in the registration process?		There is some perceived unfairness as discretion can be applied for assessing the lawfulness or correct formulation of the charter provisions presented by the CSO	
5. What level of oversight does the government have over CSOs? Extensive, moderate, or light?	There are annual reporting procedures for certain categories of CSOs with rare, justifiable additional oversight		
6. In practice, do the legal and administrative requirements referred to above act as impediments to the productive operation of CSOs? Are they helpful to the daily operation of CSOs?	The administrative requirements are not burdening; however, the requirements related to the reporting on economic activities are not quite clear yet, which hinders economic activities in some organisations	The administrative requirements are not burdening; however, the requirements related to the reporting on economic activities are not quite clear yet, which hinders economic activities in some organisations	
7. Are there non-legal grounds that, in practice, the government uses or cites to terminate or dissolve a CSO? In practice, how have such terminations been conducted: according to the law or otherwise?	There are no non-legal grounds for termination or dissolution of CSOs. However, a law was adopted in December 2016 stating that organizations failed to provide tax reports will be dissolved, which contradicted the legal provision that	There are no non-legal grounds for termination or dissolution of CSOs. However, a law was adopted in December 2016 stating that organizations failed to provide tax reports will be dissolved, which contradicted the legal provision that	

	involuntary dissolution of CSOs can be done only through the court.	involuntary dissolution of CSOs can be done only through the court.	
8. Is there a history of state harassment of CSOs for allegedly not adhering to administrative and/or legal requirements? Is there a history of state harassment of CSOs for other reasons or in general?	No history of harassment in recent years		
9. Have taxes been used by the state as a form of repression of CSOs practices? If yes, how so?	No		
10. Is CSOs financial sustainability affected by taxes, duties and/or fees? Does tax legislation facilitate or impede CSOs in achieving sustainability in their finances?		Tax legislation is beneficial for receiving grants and donations; however, there are no tax exemptions for income from economic activities.	
Impact on SDG Implementation	Green Flag	Yellow Flag	Red Flag
1. What steps (laws, policies and other steps) has the Government taken since the adoption of Agenda 2030 in September 2015 to guarantee – in law and practice - the fundamental freedom of association, and especially related to the formation and operation of CSOs?	New law on public organisations was adopted in December 2016.		
2. What steps (laws, policies and other action) has the Government taken since the adoption of Agenda 2030 in September 2015	No steps were taken		

that have resulted in burdens on the formation and operation of CSOs?			
3. Number of verified cases of killings, kidnapping, enforced disappearance arbitrary detention and torture of trade unionists and human rights advocates since the adoption of Agenda 2030, if any. (Official indicator) ¹³⁷	No verified cases		
4. Since the adoption of Agenda 2030, has fear within the CSO sector of the above (killings, kidnappings, etc.) increased, decreased, or stayed the same?	N/A		
5. How has the Government involved CSOs in SDG implementation and monitoring?		The SDG nationalisation process is not finalised yet; no specific mechanisms of involvement in implementation and monitoring yet.	
6. How have specific challenges in this dimension (e.g. funding restrictions, excessive oversight etc.) affected CSO' ability to positively influence and/or monitor SDG implementation in the country? (this can be illustrated through specific case studies).	N/A		
<i>Dimension #2: Expression</i>			

¹³⁷ Are there reliable sources available in the country to measure this indicator? If not, are there proxy indicators that can be used to inform the official indicator?

Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What laws affect a CSO's ability to freely express their opinions? What rights are guaranteed under the existing legal framework, including the constitution, with respect to expression, including access to the Internet?	There are minimal restrictions on CSOs' expression, in conformity with international norms		
2. Which international treaties have been ratified that affect the ability to publicly express oneself? What treaties have been ratified that affect the right to access the Internet?	All relevant treaties have been ratified (UDHR, ICCPR, regional HR treaties)		
3. What laws and/or regulations regulate the content of expression? What restrictions are placed on this content (i.e., restrictions for national security, "fighting words", commercial speech, obscenity)?	Few, clear laws place minimally regulate expression in conformity with international norms		
4. Are there time, place and manner restrictions placed on expression?	Minimal time, place and manner restrictions		
5. What legal barriers, if any, hinder a CSO's ability to openly express its opinions, particularly on matters critical of government policies?		The law on TV and Radio undermines the independency of media thus hindering CSOs' opportunities to express their views through the broadcast media	
6. Are there any laws that criminalize defamation, slander and libel – online and offline?	No		
7. Are there draft laws or regulations that, if adopted,	No		

would restrict – or, alternatively, ease – CSOs’ freedom of expression, including on online platforms? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.			
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. What non-legal barriers hinder a CSO’s ability to openly express its opinions?		There are non-legal barriers to expression, such as limited number of independent broadcast media outlets that will give space to CSO voices	
2. Is open criticism of government policies and practices tolerated? What, historically, has been the reaction of the government to such open criticism?		Public criticism is generally tolerated; however, the reaction of the government can be ignorance or attempts of pressure	
3. Are individuals and CSOs aware of their rights with respect to expression? Does the political culture openly support these rights? Or are they actively suppressed regardless of legal protections?		Many individuals and CSOs are aware of their rights; political culture frowns on free expression	
4. In practice, what level of Internet freedom is tolerated in the country?	High level of internet freedom is tolerated		
Impact on SDG Implementation	Green Flag	Yellow Flag	Red Flag
1. What steps (laws, policies and other steps) has the Government		No specific practical steps; reconfirming the freedom of	

taken since the adoption of Agenda 2030 to the fulfilment of the fundamental civic freedom of expression, online and offline?		expression	
2. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 in September 2015 that have resulted the fundamental civic freedom of expression, online and offline?		No specific steps yet	
3. Number of verified cases of killings, kidnapping, enforced disappearance arbitrary detention and torture of journalists and associated media personnel since the adoption of Agenda 2030, if any. (Official indicator) ¹³⁸	None		
4. Do journalists and media staff feel enabled to report on a range of issues, including controversial issues such as governance, corruption, and human rights violations, without fear of reprisals? Do journalists and media staff fear for their life, kidnappings, enforced disappearance and/or arbitrary detention?		Journalists and media staff speaking up about violations and corruption may face harassment and attacks which often have not been properly investigated; in addition, there have been many defamation cases initiated by officials	
5. Do CSOs feel comfortable speaking out on controversial		More developed and independent CSOs do not have any fear, but	

¹³⁸ Are there reliable sources available in the country to measure this indicator? If not, are there proxy indicators that can be used to inform the official indicator?

issues, such as governance, corruption, human rights abuses, without fear of reprisals?		regional CSOs are often reluctant to speak up not to enter into conflict with local authorities	
6. How have specific challenges in this dimension (e.g. criminal defamation, restrictions on internet access etc.) affected CSOs' ability to positively influence and/or monitor SDG implementation in the country? (this can be illustrated through specific case studies).	N/A		
7. How many confirmed cases of journalists killed in previous calendar year? ¹³⁹	None		
8. What is the country's Freedom of the Press index score? (supplementary indicator proposed by SDG 16 Data Initiative) ¹⁴⁰		Freedom of the Press 2017 Index by Freedom House ranked Armenia as 63th out of 100 countries and qualified the freedom of the press in Armenia as "Not Free"	
<i>Dimension #3: Access to Information</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag

¹³⁹ This indicator collects the number of confirmed cases of journalists killed in a given year, including those who are murdered, killed in combat/crossfire, or while on dangerous assignment (for instance while covering a riot or clashes between rival groups). The Committee to Protect Journalists Motive investigates and confirms the death of each journalist to determine whether it is work-related. Their database does not include incidents of journalists killed in accidents such as car or plane crashes. Source: Committee to Protect Journalists

¹⁴⁰ This index uses expert analysis to assess press freedom in 199 countries and territories. The assessment is based on a combination of on-the-ground research, consultations with locals, and information from media, NGOs, governments, and other sources. The Freedom of the Press annual report provides scores and narratives for each country, which evaluate the legal and political environment for media, including pressures that influence reporting, and economic factors that can affect access to news and information. Source: Freedom House

<p>1. What laws and/or regulations govern or affect a CSO's access to information? Do they vary based on the type of information being sought?</p>	<p>Few, clear enabling laws govern CSO's access to information</p>		
<p>2. Is there an appeal process for information? Has it been denied?</p>		<p>Appeals to superior bodies are being used, but are not much effective; judicial appeals are often successful but expensive and time consuming</p>	
<p>3. To what extent are government officials themselves accessible to the public? What opportunities exist for the public, including CSOs, to meet with government officials about their personal or organizational interests and needs?</p>		<p>Some opportunities exist for public to access government officials</p>	
<p>4. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSOs' access to information? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.</p>		<p>Legislation was drafted in 2017 that may restrict access to information; however, the draft legislation is suspended at the present</p>	
<p>5. What laws, if any, protect internet freedom? What legal restrictions are placed on the ability to access the World Wide Web?</p>	<p>There are no specific laws on internet freedom; no restrictions on the ability to access the internet</p>		
<p>6. Does the state place limits on internet content by blocking access to information on the World Wide Web concerning</p>	<p>No content is blocked by the state</p>		

social and political issues?			
7. In times of political crisis, has there been a shutdown of the internet or mobile phone access?	Internet and mobile phone access have not been shut down by the state in recent years		
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Is the process of obtaining government information transparent, smooth, sufficiently easy to navigate, and based on the rule of law, or is it difficult, seemingly arbitrary, slow, and mired in bureaucratic red tape?		Process for obtaining information is unclear; includes some governmental discretion or multiple burdensome steps	
Impact on SDG Implementation	Green Flag	Yellow Flag	Red Flag
1. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 to guarantee the access to information?	Several e-government platforms have been created to facilitate receiving information		
2. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 that restrict the access to information?		<p>According to the revised Law on Procurement adopted in December 2016, the expenses related to the activities of president, prime-minister and parliament chairman were classified as secret information. Amendments to the Law on Protection of Personal Data were adopted in December 2016, deleting the provision allowing media to gather and publish personal information.</p> <p>According to the Law on Government Structure and Activities, entered into</p>	

		force in April 2018, government sessions take place behind closed doors, and government members are not allowed to give interviews and provide information on any issue discussed in the government without prime minister's permission. However, the latter provision was cancelled by the new prime minister and the government sessions are open in present.	
3. How have specific challenges in this dimension affected SDG implementation in the country? (this can be illustrated through specific case studies).	N/A		
<i>Dimension #4: Peaceful Assembly</i>			
Factual Questions	Green Flag	Yellow Flag	Red Flag
1. What laws address the rights to peaceful assembly, including domestic legislation/regulations and international treaties to which the country is a signatory?	Few, clear enabling laws governing assemblies; all relevant treaties have been signed and ratified		
2. Are there limits placed on who can assemble? Are groups with certain agendas or orientations forbidden from assembling?	Minimal limits on who can assemble; limitations in conformity with international norms		
3. Are individuals or CSOs planning a strike/protest required to seek permission or notify the government in advance of the strike/protest?	Advance notice to local authorities is required, spontaneous assemblies allowed		

4. Are there limits on the time, place and manner that individuals or groups can assemble, strike, protest or otherwise publicly (and peacefully) express their views?		Regional CSOs report about limitations set by the local government	
5. How are aggressive/violent demonstrators dealt with in the law and in practice?		Violence is not well contained; security response is not strictly proportionate	
6. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – individuals and/or CSOs right to peacefully assemble? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	None		
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. Is there a history of government-led violence or aggression against peaceful demonstrators, activists and/or strikers?		Reported history of violence or aggression by police against peaceful demonstrators and activists	
2. In practice, are groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration tolerated?		Criticism and protest are generally tolerated but can be condemned in regional communities. Criticism of the new government can face intolerance on online platforms.	
Impact on SDG Implementation	Green Flag	Yellow Flag	Red Flag
1. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 to	The draft amendments to the Labour Code include less strict requirements to the organisation of		

<p>guarantee freedom of assembly – in law and practice?</p>	<p>strikes by trade unions.</p>		
<p>2. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 that restrict freedom of assembly – in law and practice?</p>	<p>None</p>		
<p>3. How confident are CSOs and other actors to organise a protest without fear of unnecessary interference or disruption?</p>	<p>In present, CSOs and other groups are more confident and organise protests without fear, which was not the same before the change of political situation in the country.</p>		
<p>4. How have specific challenges (e.g. police brutality, prevention of protests etc.) in this dimension affected CSOs’ ability to positively influence and/or monitor SDG implementation in the country? (this can be illustrated through specific case studies).</p>	<p>N/A</p>		
<p><i>Dimension #5: Effective civil society partnerships</i></p>			
<p>Factual Questions</p>	<p>Green Flag</p>	<p>Yellow Flag</p>	<p>Red Flag</p>
<p>1. To what extent are CSOs allowed to participate in public policy activities? Are they allowed to advocate (campaign) and lobby for legislation? If so, under which conditions?</p>	<p>CSOs are allowed to participate in public policy activities; advocacy and lobbying are permitted with no restrictions</p>		
<p>2. To what extent are CSOs involved in the planning and implementation of the SDG</p>	<p>Open call for CSO participation in planning SDG framework was</p>		

framework?	released in 2017, and 300 CSOs were involved in working groups		
3. What are legal / institutionalized opportunities for CSOs to participate in the decision-making process? E.g., are there open hearings, consultations, multi-stakeholder working groups?	Multiple legal and institutional opportunities for CSOs to participate in decision-making processes on a regular basis, such as public councils, online platforms, joint working groups, etc.		
4. To what extent are there compacts, liaison officers, committees, or other similar mechanisms to promote cooperation and communication between government and civil society?	Public councils available to promote cooperation and communication between government and civil society		
5. Are there draft laws or regulations that, if adopted, would inhibit – or, alternatively, ease – government-CSO relations? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.	A number of processes related to legal amendments, setting regulations, etc. are going on within the government with collaboration of civil society		
Perception Questions	Green Flag	Yellow Flag	Red Flag
1. In general, what is the nature of the relationship between the Government and CSOs? Contentious? Harmonious? Somewhere in the middle?		The relationships between the government and CSOs vary depending on the area of activities and attitude of officials. In general, there is a large space for dialogue; however, CSOs expressing acute criticism were considered as a threat by the	

		government before the political changes, and some challenges persist particularly at the local level.	
2. Is there regular communication between CSOs and the Government? How can the quality of the dialogue between the Government and CSOs be characterized?		There is regular communication between CSOs and the government, but it is not always effective and the impact is often not visible.	
3. Are the opinions of CSOs taken into account when drafting legislation, or more generally, anywhere in the legislative process?		Views of CSOs are sometimes taken into account; many cases of hastily decisions without proper consultations have been reported	
4. Are there timely consultations with CSOs in order for them to impact government decisions?		Some consultations are timely, some are not	
5. Is there full transparency and accountability for development priorities, strategies, plans and actions by government?		There is some level of transparency and accountability (e.g., certain agencies publish data)	
6. Do CSOs have a mechanism to dispute or appeal certain government decisions at the central or local level? Is this mechanism a reliable, genuine and effective way for CSOs to voice their dissent to particular government decisions? In practice, has this mechanism been successfully utilized by CSOs to produce a fairer result?		CSOs have limited mechanisms for appeal; usually, it is to appeal to higher levels of government and/or the court, including the Constitutional Court. However, judicial mechanisms are not easy and/or reliable and few CSOs initiate court cases	
7. Does the Government view CSOs as partners and allies in their own work, or as potential		CSOs are sometimes viewed by the government as partners and sometimes	

threats to their agenda?		as a threat, but largely ignored	
8. Are CSOs capable of participating in a broad range of public policy initiatives and activities, or are they restricted by non-legal barriers to a narrow range of circumscribed activities?		Some non-legal barriers to CSO public policy participation depending on the type of activity or policy issue involved (e.g., participation mechanisms are effective only in a few “less sensitive” areas)	
9. What conditions do you feel need to be in place to allow for a good and effective relationship between state and civil society?	Political will, capacity building, transparency and enforcement of meaningful participation		
Impact on SDG Implementation	Green Flag	Yellow Flag	Red Flag
1. What steps has the Government taken since the adoption of Agenda 2030 to improve the opportunities for civil society to participate in decision-making processes, including regarding the implementation of Agenda 2030?	Creation of additional tools and mechanisms for CSO participation		
2. What steps has the Government taken since the adoption of Agenda 2030 that have limited the opportunities for civil society to participate in decision-making processes, including regarding the implementation of Agenda 2030?	N/A		
3. Does civil society feel they are meaningfully involved as a partner in the SDG implementation process?		Few CSOs are aware of SDG processes in the country, and the mechanisms of implementation are not clear yet since SDG nationalisation	

		process is not over.	
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Annex 2: Key Research Questions

The questions were provided by EENA methodology, and have been used as a source for expert interview questions, which covered the specific area of expertise of the given expert

General

- What indicators for SDGs 16.10 and 17.17, beyond those officially adopted by the International Expert and Advisory Group (IAEG) has the government included in its national indicator framework?
- What processes or structures has the government put in place to facilitate civil society's involvement in and monitoring of SDG implementation?
- Are there any government and civil society reviews or reports that have already been produced assessing the progress on SDGs 16.10 and 17.17 at the national level?
- Voluntary National Reviews (VNR): has the government submitted or is planning to submit a VNR? If submitted, does the VNR report on SDG 16.10 and 17.17?

Dimension 1: Association

Official SDG indicator:

SDG 16.10.1: Number of verified cases of killings, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

a. Factual questions

1. What law(s) currently govern(s) the formation and operation of Civil Society Organizations (CSOs)?
2. Who is legally permitted to serve as a CSO founder? Who is excluded from serving as a founder?
3. What minimum number of individuals is required to form a CSO? What are the requirements of membership?
4. What procedures are required to register/incorporate a CSO?
5. Is there a minimum capitalization requirement to register a CSO?
6. What are the specific grounds for rejecting a CSO's application for registration/incorporation? Are such grounds sufficiently detailed?
7. Must CSOs adhere to certain categories of purpose before being allowed to form; or are some CSOs with certain agendas (human rights protection or democracy-promotion, for example) forbidden from forming?
8. Can registration decisions be appealed? If so, how frequently are registration decisions appealed? What are the results?
9. What documentation is required for a CSO's incorporation/registration?
10. Are CSOs required to regularly renew their registration?
11. What registration fees are required?
12. How long does the registration process typically take?
13. How many CSOs are currently registered?
14. Are CSOs required to notify the government of any meetings? If so, of each meeting or only key meetings? Are they required to notify the government of the list of candidates for the board of directors? Of the results of elections?
15. Are CSOs required to submit periodic reports to the government? What kind of reports – e.g. activity or financial reports –and how often?
16. Are CSOs required to periodically report to the government for any other reasons? What reasons and how often?
17. Are CSOs subject to government audits or inspections? How often, and what types?
18. What types of information are CSOs required to publicly disclose?
19. What administrative requirements affect the operation of CSOs?
20. Are CSOs mandated to align their activities with governmental priorities as defined in national development plans?
21. On what grounds is the government legally permitted to terminate or dissolve a CSO? Is there an opportunity to appeal this decision?
22. On what grounds can a CSO be voluntarily dissolved?

<ol style="list-style-type: none"> 23. Are there draft laws or regulations that, if adopted, would restrict or, alternatively, ease the formation and operation of CSOs? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands. 24. What legal barriers hinder access to each of the different potential sources of funding (state funds, earned income, donations, foreign donor funding)? 25. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – CSOs access to resources? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands. 26. What taxes are imposed on the income of CSOs? Do they affect their earned income, grants, investments, or purchased goods and services? 27. Are CSOs subject to VAT and customs taxes? 28. Are CSOs subject to local taxes, fees or charges, in addition to federal taxes? Are any other level of taxes imposed (regional or state taxes, for example)? 29. What are the tax and regulatory requirements on CSOs that engage in economic activities? 30. Are CSOs granted any special tax exemptions? Are only certain categories of CSOs granted tax exemptions? 31. Are there draft laws or regulations that, if adopted, would affect the taxation of CSOs? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands. 32. Does a law or policy on the protection of human rights activists exist?
<p>b. Perception questions</p> <ol style="list-style-type: none"> 1. Is the entity responsible for registering CSOs sufficiently funded and staffed? 2. Is registration easily accessible? E.g., are there sufficient locations/centers around the state for registering CSOs, or is the process all done electronically? 3. What non-legal and non-governmental barriers, such as slow or ineffective bureaucracies, inability to access funds, or difficulty buying/leasing property, affect the formation of CSOs? 4. To what extent is there a perception of excessive discretion, favoritism (political, ethnic, religious, etc.), and/or corruption in the registration process? 5. What level of oversight does the government have over CSOs? Extensive, moderate, or light? 6. In practice, do the legal and administrative requirements referred to above act as impediments to the productive operation of CSOs? Are they helpful to the daily operation of CSOs? 7. Are there non-legal grounds that, in practice, the government uses or cites to terminate or dissolve a CSO? In practice, how have such terminations been conducted: according to the law or otherwise? 8. Is there a history of state harassment of CSOs for allegedly not adhering to administrative and/or legal requirements? Is there a history of state harassment of CSOs for other reasons or in general? 9. Have taxes been used by the state as a form of repression of CSOs practices? If yes, how so? 10. Is CSOs financial sustainability affected by taxes, duties and/or fees? Do taxes, duties and/or fees facilitate or impede CSOs in achieving sustainability in their finances?
<p>c. Impact on SDG implementation</p> <ol style="list-style-type: none"> 1. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 in September 2015 to guarantee and improve – in law and practice - the fundamental freedom of association, and especially related to the formation and operation of CSOs? <i>(It may be helpful to revisit the questions above to consider the different areas in which CSOs may be affected by government action.)</i> 2. What steps (laws, policies and other action) has the Government taken since the adoption of Agenda 2030 in September 2015 that have resulted in burdens on the formation and operation of CSOs? <i>(It may be helpful to revisit the questions above to consider the different areas in which CSOs may be affected by government action.)</i> 3. Number of verified cases of killings, kidnapping, enforced disappearance, arbitrary detention and torture of trade unionists and human rights advocates since the adoption of Agenda 2030, if any. <i>(Official indicator)</i> 4. Since the adoption of Agenda 2030, has fear within the CSO sector of the above (killings, kidnappings, etc.) increased, decreased, or stayed the same?

<p>5. <i>How has the Government involved CSOs in SDG implementation and monitoring?</i> How have specific challenges in this dimension (e.g. funding restrictions, excessive oversight etc.) affected CSOs’ ability to positively influence and/or monitor SDG implementation in the country? (this can be illustrated through specific case studies).</p>
<p>Dimension 2: Expression Official SDG indicator: SDG 16.10.1: Number of verified cases of killings, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.</p>
<p>Supplementary indicators suggested by SDG 16 Initiative: 1) Confirmed cases of journalists killed in previous calendar year 2) Freedom of the Press Index score</p>
<p>a. Factual questions</p> <ol style="list-style-type: none"> 1. What laws affect the ability of citizens to freely express its opinions? What rights are guaranteed under the existing legal framework, including the constitution, with respect to expression, including access to the internet? 2. Which international treaties have been ratified that affect the ability to publicly express oneself? What treaties have been ratified that affect the right to access the Internet? 3. What laws and/or regulations regulate the content of expression? What restrictions are placed on this content (i.e., restrictions for national security, “fighting words”, commercial speech, obscenity)? 4. Are there time, place and manner restrictions placed on expression? 5. What legal barriers, if any, hinder the ability of citizens to openly express its opinions, particularly on matters critical of government policies? 6. Are there any laws and regulations that criminalise defamation, libel and slander – online and offline? 7. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – the freedom of expression, including on online platforms? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.
<p>b. Perception questions</p> <ol style="list-style-type: none"> 1. What non-legal barriers hinder a CSO’s ability to openly express its opinions? 2. Is open criticism of government policies and practices tolerated? What type of criticism is not tolerated? What, historically, has been the reaction of the government to such open criticism? 3. Are individuals and CSOs aware of their rights with respect to expression? Does the political culture openly support these rights? Or are they actively suppressed regardless of legal protections? 4. In practice, what level of internet freedom is tolerated in the country?
<p>c. Impact on SDG Implementation</p> <ol style="list-style-type: none"> 1. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 to the fulfilment of the fundamental civic freedom of expression, online and offline? 2. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 in September 2015 that have resulted the fundamental civic freedom of expression, online and offline? 3. Number of verified cases of killings, kidnapping, enforced disappearance arbitrary detention and torture of journalists and associated media personnel since the adoption of Agenda 2030, if any. (<i>Official indicator</i>) 4. Do journalists and media staff feel enabled to report on a range of issues, including controversial issues such as governance, corruption, and human rights violations, without fear of reprisals? Do journalists and media staff fear for their life, kidnappings, enforced disappearance and/or arbitrary detention? 5. Do CSOs feel comfortable speaking out on controversial issues, such as governance, corruption, human rights abuses, without fear of reprisals? 6. How have specific challenges in this dimension (e.g. criminal defamation, restrictions on internet

<p>access etc.) affected civil society organisations' ability to positively influence and/or monitor SDG implementation in the country? (this can be illustrated through specific case studies).</p> <p>7. How many confirmed cases of journalists killed in previous calendar year? (supplementary indicator proposed by SDG 16 Data Initiative)</p> <p>8. What is the country's Freedom of the Press index score? (supplementary indicator proposed by SDG 16 Data Initiative)</p>
<p><u>Dimension 3: Access to Information</u></p> <p>Official SDG indicator:</p> <p>16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.</p>
<p>a. Factual questions</p> <ol style="list-style-type: none"> 1. What laws and/or regulations govern or affect a CSO's access to information? Do they vary based on the type of information being sought? 2. Is there an appeal process for information? Has it been denied? 3. To what extent are government officials themselves accessible to the public? What opportunities exist for the public, including CSOs, to meet with government officials about their personal or organizational interests and needs? 4. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – citizens' access to information? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands. 5. What laws, if any, protect internet freedom? What legal restrictions are placed on the ability to access the World Wide Web? 6. Does the state place limits on internet content by blocking access to information on the World Wide Web concerning social and political issues? 7. In times of political crisis, has there been a shutdown of the internet or mobile phone access?
<p>b. Perception questions:</p> <ol style="list-style-type: none"> 1. Is the process of obtaining government information transparent, smooth, sufficiently easy to navigate, and based on the rule of law, or is it difficult, seemingly arbitrary, slow, and mired in bureaucratic red tape?
<p>c. Impact on SDG implementation</p> <ol style="list-style-type: none"> 1. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 to guarantee the access to information? 2. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 that restrict the access to information? 3. How have specific challenges in this dimension affected SDG implementation in the country? (this can be illustrated through specific case studies).
<p><u>Dimension 4: Peaceful Assembly</u></p>
<p>a. Factual questions:</p> <ol style="list-style-type: none"> 1. What laws address the rights to peaceful assembly, including domestic legislation/regulations and international treaties to which the country is a signatory? 2. Are there limits placed on who can assemble? Are groups with certain agendas or orientations forbidden from assembling? 3. Are individuals or CSOs planning a strike/protest required to seek permission or notify the government in advance of the strike/protest? 4. Are there limits on the time, place and manner that individuals or groups can assemble, strike, protest or otherwise publicly (and peacefully) express their views? 5. How are aggressive/violent demonstrators dealt with in the law and in practice? 6. Are there draft laws or regulations that, if adopted, would restrict – or, alternatively, ease – individuals and/or CSOs right to peacefully assemble? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.
<p>b. Perception questions:</p> <ol style="list-style-type: none"> 1. Is there a history of government-led violence or aggression against peaceful demonstrators, activists and/or strikers? 2. In practice, are groups who gather to openly criticize the government through protest, strike

<p>or other form of peaceful demonstration tolerated?</p>
<p>c. Impact on SDG implementation</p> <ol style="list-style-type: none"> 1. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 to guarantee freedom of assembly – in law and practice? 2. What steps (laws, policies and other actions) has the Government taken since the adoption of Agenda 2030 that restrict freedom of assembly – in law and practice? 3. How confident are CSOs and other actors to organise a protest without fear of unnecessary interference or disruption? 4. How have specific challenges (e.g. police brutality, prevention of protests etc.) in this dimension affected civil society organisations’ ability to positively influence and/or monitor SDG implementation in the country? (this can be illustrated through specific case studies).
<p>Dimension 5: Effective civil society partnerships</p> <p>Official SDG indicator:</p> <p>17.17.1: Amount of USD committed to public-private and civil society partnerships.</p>
<p>a. Factual questions:</p> <ol style="list-style-type: none"> 1. To what extent are CSOs allowed to participate in public policy activities? Are they allowed to advocate (campaign) and lobby for legislation? If so, under which conditions? 2. To what extent are CSOs involved in the planning and implementation of the SDG framework? 3. What are legal / institutionalized opportunities for CSOs to participate in the decision-making process? E.g., are there open hearings, consultations, multi-stakeholder working groups? 4. To what extent are there compacts, liaison officers, committees, or other similar mechanisms to promote cooperation and communication between government and civil society? 5. Are there draft laws or regulations that, if adopted, would inhibit – or, alternatively, ease government-CSO relations? If so, please summarize the content of the key provisions and in what stage of the legislative process it currently stands.
<p>b. Perception questions:</p> <ol style="list-style-type: none"> 1. In general, what is the nature of the relationship between the Government and CSOs? Contentious? Harmonious? Somewhere in the middle? 2. Is there regular communication between CSOs and the Government? How can the quality of the dialogue between the Government and CSOs be characterized? 3. Are the opinions of CSOs taken into account when drafting legislation, or more generally, anywhere in the legislative process? 4. Are there timely consultations with CSOs in order for them to impact government decisions? 5. Is there full transparency and accountability for development priorities, strategies, plans and actions by government? 6. Do CSOs have a mechanism to dispute or appeal certain government decisions at the central or local level? Is this mechanism a reliable, genuine and effective way for CSOs to voice their dissent to particular government decisions? In practice, has this mechanism been successfully utilized by CSOs to produce a fairer result? 7. Does the Government view CSOs as partners and allies in their own work, or as potential threats to their agenda? 8. Are CSOs capable of participating in a broad range of public policy initiatives and activities, or are they restricted to a narrow range of circumscribed activities? 9. What conditions need to be in place to allow for a good and effective relationship between state and civil society?
<p>c. Impact on SDG implementation</p> <ol style="list-style-type: none"> 1. What steps has the Government taken since the adoption of Agenda 2030 to improve the opportunities for civil society to participate in decision-making processes, including regarding the implementation of Agenda 2030? 2. What steps has the Government taken since the adoption of Agenda 2030 that have limited the opportunities for civil society to participate in decision-making processes, including regarding the implementation of Agenda 2030? 3. Does civil society feel they are meaningfully involved as a partner in the SDG implementation process?

Annex 3: List of Interviewed Experts

1. Artur Sakunts, Chairman, Helsinki Citizens' Assembly Vanadzor Office
2. Ashot Melikyan, Chairman, Committee to Protect Freedom of Expression
3. Avetik Ishkhanyan, President, Helsinki Committee of Armenia
4. Boris Kharatyan, Deputy Chairman, Confederation of Trade Unions of Armenia
5. David Amiryan, Deputy Director for Programs, Open Society Foundations Armenia
6. Haykuhi Harutyunyan, President, Protection of Rights Without Borders NGO
7. Heriknaz Tigranyan, Legal Adviser, Transparency International Anticorruption Center
8. Karen Zadoyan, President, Armenian Lawyers' Association
9. Lilia Afrikyan, Secretary of SDG-Armenia Working group
10. Marina Malkhasyan, Project Coordinator, United Nations Development Programme
11. Shushan Doydoyan, Founder, Freedom of Information Center Armenia

Annex 4: Questions for Focus Group Discussions

Dimension 1: Association

1. Is CSO registration easily accessible? Have you or any of CSOs you know passed through registration process in recent two years? What problems did you encounter (such as slow or ineffective bureaucracies, corruption deals, favoritism, etc.)? What steps did you take?
2. Have CSOs passed through state audit or oversight in recent years? How often, what type of oversight?
3. Do you know any cases of terminating or dissolving a CSO? What were the legal and non-legal grounds for termination?
4. Do the legal and administrative requirements act as impediments to the productive operation of CSOs? Are they helpful to the daily operation of CSOs?
5. What level of oversight does the government have over CSOs, in your opinion?
6. Is there a history of state harassment of CSOs for allegedly not adhering to administrative and/or legal requirements? Is there a history of state harassment of CSOs for other reasons or in general?
7. Is CSOs financial sustainability affected by taxes, duties and/or fees? Do taxes, duties and/or fees facilitate or impede CSOs in achieving sustainability in their finances?

Dimension 2: Expression

1. What are the barriers hindering a CSO's ability to openly express its opinions?
2. Is open criticism of government policies and practices tolerated? What type of criticism is not tolerated? What, historically, has been the reaction of the government to such open criticism?
3. Are individuals and CSOs aware of their rights with respect to expression? Does the political culture openly support or suppress these rights?
4. Do journalists and media staff feel enabled to report on a range of issues, including controversial issues such as governance, corruption, and human rights violations, without fear of reprisals?
5. Do CSOs feel comfortable speaking out on controversial issues, such as governance, corruption, human rights abuses, without fear of reprisals?

Dimension 3: Access to Information

1. Is the process of obtaining government information transparent, smooth, sufficiently easy to navigate, and based on the rule of law, or is it difficult, seemingly arbitrary, slow, and mired in bureaucratic red tape?
2. Have you ever appealed denial of information?
3. To what extent are government officials themselves accessible to the public? What opportunities exist for the public, including CSOs, to meet with government officials about their personal or organizational interests and needs?
4. In times of political crisis, has there been a shutdown of the internet or mobile phone access?

Dimension 4: Peaceful Assembly

1. In practice, are groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration tolerated?
2. Is there a history of government-led violence or aggression against peaceful demonstrators, activists and/or strikers?
3. Have you ever faced limits on the time, place and manner that individuals or groups can assemble, strike, protest or otherwise publicly (and peacefully) express their views?
4. How were aggressive/violent demonstrators dealt with?
5. How confident are CSOs and other actors to organise a protest without fear of unnecessary interference or disruption?

Dimension 5: Effective civil society partnerships

1. In general, what is the nature of the relationship between the Government and CSOs? Contentious? Harmonious? Somewhere in the middle?
2. Is there regular communication between CSOs and the government? How can the quality of the dialogue between the government and CSOs be characterized?
3. Are the opinions of CSOs taken into account when drafting legislation, or more generally, anywhere in the legislative process?
4. Are there timely consultations with CSOs in order for them to impact government decisions?
5. Is there full transparency and accountability for development priorities, strategies, plans and actions by government?
6. Do CSOs have a mechanism to dispute or appeal certain government decisions at the central or local level? Is this mechanism a reliable, genuine and effective way for CSOs to voice their dissent to particular government decisions?
7. Does the government view CSOs as partners and allies in their own work, or as potential threats to their agenda?
8. Are CSOs capable of participating in a broad range of public policy initiatives and activities, or are they restricted to a narrow range of circumscribed activities?
9. What conditions need to be in place to allow for a good and effective relationship between state and civil society?

Impact on SDG implementation

1. Does civil society feel they are meaningfully involved as a partner in the SDG implementation process?
2. What steps has the government taken to involve CSOs in SDG implementation and monitoring?

Annex 5: Online Survey Questionnaire

Introduction

Dear Colleagues,

This research aims at assessing how conducive national conditions are for civil society organisations (CSOs) to exist, function and act, in particular, how laws and regulations relating to fundamental civic freedoms are implemented in practice, and how they impact on civil society. A large definition of CSOs, which includes associations, NGOs, community-based organisations, formal and non-formal groups, trade unions, foundations, non-profit think-tanks.

The research is based on a methodology developed by CIVICUS World Alliance for Citizen Participation and International Center for Not-for-Profit Law (ICNL). It is particularly focused on monitoring of Sustainable Development Goals (SDGs): SDG 16.10 on fundamental freedoms and access to information and SDG 17.17 on effective civil society partnerships.

Please, allocate several minutes to respond to our survey questions. In the questions provided below, please select the option that best fits your opinion, or write your answer in the allocated space. The survey is anonymous; the consolidated results will be used for the report.

Thank you for collaboration.

Questionnaire

1. The period of establishing the organization:
 - 1) before 1999
 - 2) 2000-2009
 - 3) 2010-2014
 - 4) 2015-2018

2. The legal status of the organization:
 - 1) Public association
 - 2) Foundation
 - 3) Trade union
 - 4) Other (please specify)

3. The location of organization's head office:
 - 1) Aragatsotn
 - 2) Ararat
 - 3) Armavir
 - 4) Gegharkunik
 - 5) Yerevan
 - 6) Lori
 - 7) Kotayk
 - 8) Shirak
 - 9) Syunik
 - 10) Vayots Dzor
 - 11) Tavush

4. The territory of the organization's activities
 - 1) Community
 - 2) Regional
 - 3) National
 - 4) International

5. The main are of activities (*please select up to three PRIORITY area(s)*)
 - 1) Healthcare

- 2) Social problems
 - 3) Education
 - 4) Art, culture and literature
 - 5) Public policy
 - 6) Civil society development
 - 7) Scientific and applied research
 - 8) Economic development
 - 9) Environment
 - 10) Humanitarian aid
 - 11) Sport
 - 12) Human rights
 - 13) Youth
 - 14) Women
 - 15) Community development
 - 16) Other (please specify)
6. The main financial sources of organization in the last three years (*please indicate all the sources which provided at least five per cent of the organization's budget at least in one year from the last three years*)
- 1) State budget
 - 2) Community budget
 - 3) International organizations and grants
 - 4) Individual and business donations
 - 5) Fee-for services
 - 6) Membership
 - 7) Other (please specify)
7. Position of the respondent
- 1) Head of the organization (director, chairperson)
 - 2) Deputy head of the organization (deputy director, vice president)
 - 3) Project or unit manager;
 - 4) Other (please specify)
8. In your opinion, to what extent is the Armenian legislation enabling for CSO establishment and operation?
- 1) Very enabling
 - 2) Rather enabling
 - 3) Rather not enabling
 - 4) Not enabling
 - 5) Difficult to answer
9. To what extent is the registration of CSOs accessible?
- 1) Fully accessible
 - 2) Rather accessible
 - 3) Rather not accessible
 - 4) Not at all accessible
 - 5) Difficult to answer
10. In your opinion, does the regulation of CSOs in practice (including oversight) contribute to or hinder CSO activities?
- 1) mainly contributes
 - 2) to some extent contributes
 - 3) neither contributes nor impedes
 - 4) to some extent impedes
 - 5) mainly impedes

- 6) difficult to answer
11. What problems and challenges have you faced in legal environment or in practice, related to the CSO registration or operation?
- _____
12. What are your suggestions on improving regulations in CSO registration or operation?
- _____
13. How would you evaluate the level of freedom of speech and expression of CSOs in Armenia at present?
- 1) Very good
 - 2) Good
 - 3) Satisfactory
 - 4) Bad
 - 5) Very bad
 - 6) Difficult to answer
14. How would you evaluate the level of freedom of speech and expression of CSOs in Armenia in 2015-2017?
- 1) Very good
 - 2) Good
 - 3) Satisfactory
 - 4) Bad
 - 5) Very bad
 - 6) Difficult to answer
15. Are the public authorities tolerant to the open criticism of government policies and practices?
- 1) Yes, open criticism is always perceived adequately
 - 2) Criticism is condemned by the government and/or occasionally retaliated
 - 3) Criticism is prohibited and if it happens, it is promptly retaliated
 - 4) Other (please specify)
16. What problems have you faced that restricted open expression by CSOs?
- _____
17. What are your suggestions on improving protection of CSOs' freedom of speech?
- _____
18. How would you assess the process of obtaining information from **national authorities** in Armenia?
- 1) Process of obtaining information is easy, transparent, based on the rule law
 - 2) Process for obtaining information includes some governmental discretion and multiple burdensome steps
 - 3) Process of obtaining information is mainly difficult, slow, and mired in red tape
 - 4) Difficult to answer
 - 5) Other (please specify)
19. And how would you assess the process of obtaining information from **local authorities** in Armenia?
- 1) Process of obtaining information is easy, transparent, based on the rule law

- 2) Process for obtaining information includes some governmental discretion and multiple burdensome steps
- 3) Process of obtaining information is mainly difficult, slow, and mired in red tape
- 4) Difficult to answer
- 5) Other (please specify)

20. What problems have you faced that restricted access to information by CSOs?

21. To what extent are government officials presently accessible for public and CSOs to meet or discussing issues of concern?

- 1) Fully accessible
- 2) Rather accessible
- 3) Rather not accessible
- 4) Not at all accessible
- 5) Difficult to answer

22. To what extent were government officials accessible for public and CSOs to meet or discussing issues of concern in 2015-2017?

- 1) Fully accessible
- 2) Rather accessible
- 3) Rather not accessible
- 4) Not at all accessible
- 5) Difficult to answer

23. What are your suggestions on improving access to information for CSOs?

24. In practice, are groups who gather to openly criticize the government through protest, strike or other form of peaceful demonstration tolerated?

- 1) Criticism and protest are not constrained at all
- 2) Criticism and complaints are condemned
- 3) Criticism and protests are suppressed by the state
- 4) Other (please specify)

25. What problems have you faced that restricted organization and implementation of protest, strikes or other form of peaceful demonstration by CSOs?

26. What are your suggestions on improving protection of peaceful assemblies?

27. How would you assess the nature of relationship between national/local authorities and CSOs in Armenia?

- 1) There is harmonious relationship
- 2) Some cooperation takes place, but the relationship is often non-constructive
- 3) There is an antagonistic relationship
- 4) Other (please specify)

28. How would you describe the communication between national authorities and CSOs?

- 1) Regular and productive

- 2) Limited, often ineffective
 - 3) Minimal, absolutely ineffective
 - 4) Difficult to answer
 - 5) Other (please specify)
29. And how would you describe the communication of CSOs with local authorities?
- 1) Regular and productive
 - 2) Limited, often ineffective
 - 3) Minimal, absolutely ineffective
 - 4) Difficult to answer
 - 5) Other (please specify)
30. In your opinion, to what extent are the opinions of CSOs taken into account when drafting legislation and in decision-making process?
- 1) Regularly
 - 2) Sometimes
 - 3) Rarely
 - 4) Difficult to answer
31. To what extent were the opinions of CSOs taken into account in 2015-2017?
- 1) Regularly
 - 2) Sometimes
 - 3) Rarely
 - 4) Difficult to answer
32. What problems have you faced in communication with national and local authorities and participation in decision making processes?
- _____
33. What are your suggestions on improving collaboration of CSOs with national and local government?
- _____
34. Have your organization had any involvement in the UN Sustainable Development Goals Initiative for 2015-2030?
- 1) Yes
 - 2) No
 - 3) I don't know
35. If yes, please provide details (*multiple answers possible*)
- 1) We received information from the UN or government officials
 - 2) We took part in the discussions on the SDG
 - 3) We have submitted written proposals
 - 4) We had personal meetings with responsible entities
 - 5) Other (please specify)

THANK YOU