

Independent Reporting Mechanism (IRM) Progress Report 2014–15: Armenia

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Executive Summary: Armenia

Independent Reporting Mechanism (IRM) Progress Report 2014–15

Armenia has made progress in advancing access to information in government decision-making processes, including at the sub-national level. Further efforts are necessary to ensure a greater degree of commitment implementation through establishing a multi-stakeholder dialogue mechanism and ensuring autonomy from the current over-reliance on donor funding.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.

Armenia began its formal participation in the OGP in October 2011. In January 2012, a working group was set up by an Armenian Prime Minister decree to draft the action plan.

As a result of a change in government, the newly appointed prime minister created a new OGP working group on 15 July 2014 chaired by the new deputy chief of the Staff of the Government. The working group originally included fifteen representatives of different public bodies and seven representatives from CSOs. The implementation of OGP commitments and preparation of self-evaluation reports is supervised by the OGP working group.

OGP Process

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The second action plan preparation started in August 2013. On 23 March 2014, the Government announced the launch of the consultations on the second draft action plan. The action plan development process was briefly interrupted by the resignation of the government in April 2014, with proceedings resuming in July 2014.

The Government only organized online awareness-raising activities via www.gov.am and www.ogp.am. The government subsequently organized group and in person consultations. The draft of the second action plan was available online on www.ogp.am for the entire time of the consultations. In total seven face-to-face, invitation only meetings were organized by the government and CSOs during action plan development.

The second action plan changed substantially compared to the draft presented to OGP working group members in August 2013. Majority of commitments in the approved action plan were based on proposals received from CSOs. The second action plan was officially approved on July 31, 2014. The government did not organize any public events outside of the capital city. During the period covered by this report, the working group had one meeting related to implementation of commitments.

The Government published its midterm self-assessment report in September 2015.

At a glance

Member since: 2011
Number of commitments: 11

Level of Completion:

Completed: 3 of 11
Substantial: 1 of 11
Limited: 6 of 11
Not started: 1 of 11

Timing:

On schedule: 4 of 11

Commitment Emphasis:

Access to information: 7 of 11
Civic participation: 4 of 11
Public accountability: 1 of 11
Tech & innovation for transparency & accountability: 3 of 11

Number of Commitments that Were:

Clearly relevant to an OGP value: 10 of 11
Of transformative potential impact: 0
Substantially or completely implemented: 4 of 11
All three (☆): 0

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. The Armenia action plan contains eleven commitments. The following tables summarize for each commitment the level of completion, potential impact, whether it falls within Armenia's planned schedule and the key next steps for the commitment in future OGP action plans.

The IRM methodology includes starred commitments. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented.

Armenia's action plan **contains** no starred commitments. Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, Armenia would have received no starred commitments. See (<http://www.opengovpartnership.org/node/5919>) for more information.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
1. Digitization and publication of data collected by the "Republican Geological Fund"									Behind Schedule
2. Ensure transparency in mining									Behind Schedule
3. Public awareness of health care financing									Behind Schedule
4. Asset and income declarations of high-ranking officials									On Schedule
5. Broadcasting State Procurement Appeals Board sessions									On Schedule
6. Community micro-surveys									Behind Schedule
7. State policies and legislative reforms									On Schedule
8. Public awareness on the law-making activity of state governance bodies									Behind Schedule
9. Transparency of secondary education institutions' Governing Boards elections and annual budget planning									On Schedule
10. Freedom of information and anti-corruption training									Behind Schedule
11. Transparency of local self-government bodies									Behind Schedule

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
<p>1. Digitization and publication of data collected by the “Republican Geological Fund”</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not started 	<p>This commitment aims to digitize the data stored at the Republican Geological Fund to become a publicly accessible repository of geological information, including mining rights, geological research, mineral maps as well as financial reports from the exploration of natural resources. No measures have been taken to implement this commitment, as the ministry is still negotiating with the USAID to get financial support for this project, which is why it has been evaluated as not started. If the commitment on making information accessible about mines and mineral resources is implemented, it will constitute a positive step and would have a moderate potential impact in the respective policy area. It is recommended that the government implement this commitment and provide details concerning the nature of information to be included on the repository.</p>
<p>2. Ensure transparency in mining</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment aims to enhance transparency in the extractive industries by joining the Extractive Industries Transparency Initiative (EITI). During the first session of the Anti-Corruption Council, the government proclaimed its readiness to join EITI. The government is negotiating with the USAID to get funding necessary for organization of the process. Low specificity of the commitment language has limited the potential impact of this otherwise highly important commitment. The IRM researcher recommends ensuring that meaningful discussions concerning the extractive sector take place through establishing a platform with representatives of CSOs and private sector. This could identify the issues necessary to make the industry more transparent and compliant to EITI requirements.</p>
<p>3. Public awareness of health care financing</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	<p>The government committed to create a health financing website where the users can get information about government-guaranteed health services and healthcare financing. This commitment has a limited completion rate, as the web page on state-guaranteed services is still under construction. The utility of this website is unclear, as it is essentially a duplication of information that is already available on existing platforms, resulting in a minor potential impact. The government can improve the relevance of this commitment by making sure the non-confidential data from the reports is properly registered in its databases and made publicly available. Furthermore, it is important that this data be available for use by the public, including research professionals and academics. Usability of the website can be improved by increasing public awareness on the functional capabilities and by including the relevant data, such as information on types of disease and mortality, treatments and surgeries by region, by sex, by age, and so forth.</p>

<p>4. Asset and income declarations of high-ranking officials</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	<p>The improvement of the system of declaring assets of high-ranking public officials has been designated a high priority by the government. The government committed to improve the asset declaration system within the framework of Good Governance and the Fight Against Corruption Project and within the framework of the EU Eastern Partnership initiative. On 19 February 2015, the government approved the regulation eliminating the threshold for certain transactions to be reported by high-level government officials. The potential impact is minor, as the commitment fails to address the major concerns related to the powers of the Ethics Commission to verify the declarations or sanction non-compliance. The IRM researcher recommends providing the Ethics Commission with the mandate and the capacities to verify asset declarations and apply sanctions for noncompliance.</p>
<p>5. Broadcasting State Procurement Appeals Board sessions</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	<p>This commitment aims to make the Procurement Appeals Board decisions publicly accessible. Procurement Appeals Board sessions are being broadcast online via www.e-gov.am, beginning June 2015. Earlier sessions of the Board are also available on the website, resulting in this commitment being evaluated as complete. This commitment is a positive step in bringing integrity in public procurement but will only have minor potential impact. For the impact of this commitment to be significant, the government could study the consequences that online broadcasting has on the number of appeals and their outcomes. It will also be necessary for the government to take action to make public procurement more competitive and efficient.</p>
<p>6. Community micro-surveys</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	<p>This commitment aims to improve communication between local communities and local self-governance bodies to ensure that locally made decisions are transparent. The first pilot project on community micro-surveys was carried out in five communities in different provinces where participation by means of SMS messages in local community decision-making was tested. Within the framework of the second action plan, micro-surveys had been carried out in an additional 4 communities in 2014. The MTAES website did not contain information concerning those surveys, resulting in limited completion. Civil society organizations suggest removing this commitment from the action plan, with a criticism levelled at the OGP relevance and likely potential impact of this commitment. The potential impact of the commitment is minor, given that it is not sufficiently ambitious and that the goals of the pilot project are not clear. The IRM researcher recommends assessing the sustainability and impact of such pilot projects on community management, as well as public service delivery on local level.</p>
<p>7. State policies and legislative reforms</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	<p>This commitment aims to promote public participation in policy developments by inclusion of CSOs in the consultative bodies of governmental agencies. The commitment is substantially completed. On 30 July 2015 the Ministry of Justice (MoJ) presented the draft sample regulation of the public council. The potential impact of this commitment as minor as similar efforts in the past did not result in major involvement of CSO community in policy formulation. If implemented, this commitment could demonstrate the government's willingness to facilitate meaningful public participation, which could motivate CSOs to improve cooperation with the government. The IRM researcher recommends that the government adopt the proposed regulation that aims to ensure participatory policy-making, and that the government implement it meaningfully.</p>

<p>8.Public awareness on the law-making activity of state governance bodies</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	<p>The commitment aims to create an online forum for the publication of draft normative legal acts developed by the government agencies. The new website will allow multiple users to access the database of draft legislation and leave their comments and recommendations related to the draft legislation. The online forum for the publication of draft normative legal acts was not available by 1 July 2015, resulting in limited completion. The Ministry of Justice is negotiating with the World Bank to get support to create an online forum. The potential impact of this commitment is minor as a result of similar regulation not currently implemented. There is no guarantee that the online platform will solve the problem of enforcement of legislation, and the IRM researcher believes that the government can put more effort to create the online forum for draft normative acts envisaged by this commitment by setting clearly measurable milestones against an implementation timeline.</p>
<p>9. Transparency of secondary education institutions' Governing Boards elections and annual budget planning</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	<p>This commitment aims to increase transparency in the election of school boards as well as in the annual school budget planning process. The Ministry of Education and Science (MES) established a working group to guide the process implementing the commitment. As a result of discussions and consultation, the MES approved two regulations: the first regulation made an amendment to the formation of school councils, and the second regulation approved the procedure of planning the annual budget of schools and the presentation of the annual budget execution report. This commitment will have a minor potential impact as a result of the government past efforts to promote transparency of financial management of schools and improving the efficiency of school boards did not result in major improvement. The IRM researcher recommends that the government enforce timely and consistent implementation of existing transparency related legislation and that it also engages with sector specific CSOs working in education.</p>
<p>10.Freedom of information and anti-corruption training</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Minor • Completion: Limited 	<p>The commitment intends to provide training to civil servants on topics of freedom of information and the fight against corruption. The Ministry of Territorial Administration and Emergency Situations (MTAES) has trained 780 community servants, 510 community managers and members of community councils, and 75 staff members of regional administration. The impact of this commitment is likely to be minor. In the past, the government has implemented numerous training and capacity-building activities in different areas but has not assessed the impact of these activities on the quality of services delivered by public bodies. This commitment could have been more meaningful if accompanied by actions of strengthening freedom of information legislation or the fight against corruption. It is important that government monitor and evaluate the efficacy and impact of civil servants training, and that it adjust the training needs of its employees accordingly.</p>

<p>11. Transparency of local self-government bodies</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment aims to provide greater access to information on public discussions and hearings of community councils by creating and updating of websites and online broadcasting of sessions in communities with populations larger than 20,000 citizens. At the time of writing of this report, most communities had not acquired the equipment necessary for online broadcasting and its implementation has suffered from the lack of financial resources. Out of seventeen communities, only four broadcast sessions of elders' councils and out of the four, one community doesn't broadcast the sessions regularly. Currently, the government is negotiating with the Asian Development Bank to get the necessary assistance. Most Armenians are not aware of discussions, hearings, or sessions of the Community Elders' Council. It is recommended that the government speed up the implementation of this commitment by allocating the necessary resources.</p>
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Recommendations

Armenia has included a raft of innovative commitments that seek to advance transparency in government decision making. This is evident in access to information commitments in the mining sector, public services financing in healthcare and education, as well as in commitments that seek to develop the necessary legal and policy frameworks to ensure civic participation and public accountability at the national and local government levels. There however remains a need to improve commitment implementation, specifically addressing challenges in accessing the necessary funding for implementation. Efforts should also be directed to monitor and evaluate commitment implementation, specifically concerning legislative and regulatory related commitments. Furthermore, there remains significant scope to improve the quality and degree of civic participation and public accountability in commitments. Based on the challenges and findings identified in this report, this section presents the principal recommendations.

Top Five SMART Recommendations
1. The government can promote OGP through a well-designed national public awareness campaign, including the use of print media, radio and television, and targeted at a wide range of civil society stakeholders and citizens.
2. To reach out to a broader base of regional CSOs, government could organize meetings and have an equal distribution of consultative sessions of the OGP working group across the country.
3. To ensure meaningful participation in the development and implementation of the action plan, the government should prepare and present a timetable of OGP events necessary to ensure the transparent and participatory development and implementation of the action plan.
4. The government may adopt more holistic approach by including commitments that are addressing more comprehensive reforms in areas such as public procurement and elections.
5. Ensure that commitments from each iteration of action plan are implemented within a specific time-frame to avoid excessive carry-over, or in certain cases, the loss of commitments as a result of non-implementation. In this regard the government should re-commit to fully implement the program budgeting commitment from the first action plan by 2018.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit: <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. National participation in OGP

History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. As stated in Section IX of this report (Eligibility Requirements), indicators produced by organizations other than OGP are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

The government of Armenia began its formal participation in OGP in October 2011. In January 2012, a working group was set up by an Armenian Prime Minister decree to draft the action plan.¹The OGP working group supervises the implementation of OGP commitments and preparation of the government self-assessment report.²Armenia developed and implemented the first action plan from April 2012 until December 2013. This action plan included ambitious commitments that were considered important by the CSO community (e.g., commitments on public procurement, declarations of assets and income of high-level public officials, fight against corruption, standardization of official websites). The CSO community was not satisfied with implementation of those commitments. Many members of the Armenian CSO community are interested in OGP and think that in order to make the OGP process more credible and sustainable, it is necessary to carry out an impact assessment of the previous action plan.

The second action plan preparation started in August 2013 and continued until July 2014, briefly interrupted by the resignation of the government in April 2014. The OGP Armenia second action plan was officially approved³ by a protocol decree⁴ on the 31 July 2014. Later, the government of Armenia made changes to the second action plan. Changes to the second action plan were the result of either government restructuring or a change in subordination of certain entities in charge of specific commitments. The changes were not discussed in the OGP working group.

The government published its midterm self-assessment report in September 2015, which reports on the progress in developing and implementing national action plan commitments thus far. This Independent Reporting Mechanism (IRM) report is intended to assess the development and implementation of Armenia's second OGP action plan and the country's progress in fulfilling open government principles.

Following OGP requirements, the IRM carried out an evaluation of the development and implementation of the second Armenian action plan. This report covers the period from the adoption of the action plan on 31 July 2014 until 30 June 2015.

Basic institutional context

Armenia is a unitary country, with the president as the head of state.⁵ On 8 October 2015, the president of Armenia set a referendum⁶ on 6 December 2015 to make amendments to the Constitution that will convert Armenia into a parliamentary republic. The executive branch represented by the Staff of the Government of Armenia is in charge of OGP, with no other departments or branches of government involved in OGP.

In early April 2014, the government of Armenia resigned.⁷ The newly appointed prime minister⁸ created a new OGP working group on 15 July 2014⁹ chaired by the First Deputy Minister-Chief of Government Staff. The working group originally included 15 representatives of different public bodies and 7 representatives from CSOs. The government included in OGP working group representatives of those CSOs that were relatively active during the development of the second action plan or who were interested in joining the working group. The Working Group is generally open for CSO participation with no limitation towards type or specialization of the organization. The Government does not apply any threshold on the number of engaged CSOs. As of now, any CSO which applied for the WG participation, was engaged in the process.

Secretarial support is provided to the OGP working group by the Staff of the Government. According to the OGP schedule, officials and civil society members were to revise the first plan or develop a new plan by April 2014 with consultations beginning January 2014. In early June 2014, the government asked OGP support unit for extension of the deadline to submit Armenia's second action plan.

When the Journalists for Future (JFF) applied with a request to include its representative in OGP working group, the Staff of the Government replied¹⁰ that the OGP working group had already been formed but the government would be ready to cooperate with JFF within the framework of OGP. In May 2015, the prime minister made changes to the OGP working group^{11,12} replacing some government officials, and appointing new members of the working group that included one JFF representative. As a result of those changes, the OGP working group is now comprised of 16 government representatives and 8 CSO representatives.

CSOs represented in the OGP working group include Freedom of Information Center of Armenia (FOICA, www.foi.am), Transparency International Anti-Corruption Center (TIACC, www.transparency.am), Asparez Journalists' Club (www.asparez.am), Arazaa charity organization (www.arazango.jimdo.com), World Vision Armenia (WV Armenia, www.wvarmenia.am), Protection of Rights without Borders (PRWB, www.prwb.am), Armenian Young Lawyers Association (AYLA, www.ayla.am), and Journalists for Future (JFF, www.jnews.am). They are well respected and well known in CSO community for their fight against corruption, freedom of information, benevolent activities in remote communities, and so forth.

The government did not dedicate budget for OGP other than the USD 25,000 for OGP membership.¹³ Some commitments either are implemented with financial support from the donor community (USAID, World Bank, Asian Development Bank) or the government of Armenia is in the process of negotiating for funding with donors.

Methodological Note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Armenia, IRM partnered with Artak Kyurumyan, an independent researcher with expertise in governance. The IRM researcher reviewed two key documents provided by the national government: the second OGP Armenian action plan and the government's self-assessment report of the second action plan. The IRM researcher notes that the government has substantially improved the quality of self-assessment report.

The IRM researcher had face-to-face meetings with number of government officials, CSO representatives and other stakeholders. The list of stakeholders interviewed as well as locations and dates of group meetings is presented in part VIII (Methodology and Sources) of this report.

The IRM researcher also relied on CSO publications such as “OGP Armenia: Civil Society Report,”¹⁴ “Open Government Partnership—Armenia program developments in 2012–2013 and the 2014–2016 Action plan”¹⁵, and “The 2014 CSO sustainability index for Central and Eastern Europe and Eurasia: Armenia.”¹⁶

The IRM researcher also discussed the action plan and its individual commitments during two face-to-face meetings with civil society organizations, referred to as IRM researcher meetings organized in October 2015. These meetings were held in Yerevan on 12 October and in Vanadzor on 19 October 2015. In most cases, CSOs interviewed chose to remain anonymous in this research process. The IRM researcher expresses gratitude to the Civic Development and Partnership Foundation, Lori Development Center, and NGO Center in Vanadzor for the help in the organizing of those meetings.

¹ “Decree №50-A about creation of a working group,” Office of the Prime Minister of Armenia, 27 January 2012, <http://bit.ly/1XwvFp6>

² “Decree №931-A about creation of a working group,” Office of the Prime Minister of Armenia, 29 September 2012, <http://bit.ly/1OffNQM>

³ “Protocol №32,” Government of Armenia Session, 31 July 2014, <http://bit.ly/1Q0k8wX>

⁴ For background on protocol decrees in Armenian legislation see the IRM’s First Armenia Progress Report at <http://bit.ly/2bpYrta>

⁵ “Article 49.” The Constitution of the Republic of Armenia with amendments, 5 July, 1995, <http://bit.ly/1U6j1Zt> (unofficial translation)

⁶ “Decree NH-754-N,” President of the Republic of Armenia, 8 October 2015, <http://bit.ly/1U6j07R>

⁷ “Order NH-48-A,” The President of the Republic of Armenia, 3 April 2014, <http://bit.ly/1VluA25>

⁸ “Order NH-49-A,” The President of the Republic of Armenia, 13 April 2014, <http://bit.ly/1U6j5bG>

⁹ “Decree #656-A,” Office of the Prime Minister of Armenia, 15 July 2014, <http://bit.ly/1VluFTy>

¹⁰ “№02/12.11/13772-14,” Official Government Communication, 21 August 2014

¹¹ “Decree №395-A.” Office of the Prime Minister of Armenia, 18 May 2015, <http://bit.ly/1XwwbU7>

¹² “Decree №656-A,” Office of the Prime Minister of Armenia, 15 July 2014, <http://bit.ly/20CHvOw>

¹³ “Decree №495-N,” Official Government Communication, 14 May, 2015, <http://bit.ly/1LsypNi>

¹⁴ “OGP Armenia: Civil Society Report,” Freedom of Information Center of Armenia, 30 September 2015, <http://bit.ly/1KVig8r>

¹⁵ “Open government Partnership-Armenia program developments in 2012-2013 and 2014-2016 Action plan,” Asparez Journalists Club, 2014

¹⁶ “The 2014 CSO sustainability index for Central and Eastern Europe and Eurasia: Armenia,” Civic Development and Partnership Foundation, 2014. <http://bit.ly/1PPBDMM>

II. Process: Action plan development

The action plan consultation process in Armenia partly met the requirements of OGP Articles of Governance. The government made the draft of the second OGP Armenia Action plan available on OGP Armenia website (www.ogp.am) and carried out consultations with a group of CSOs that were involved in OGP in the past.

Countries participating in OGP follow a set process for consultation during development of their OGP action plans. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness-raising activities to enhance public participation in the consultation;
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation is set out in the OGP Articles of Governance. This requirement is dealt with in Section III: Consultation during Implementation:

Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one. Consultation is dealt with in the next section, but evidence for consultation both before and during implementation is included here.

Table 1. Action plan Consultation Process

Phase of Action plan	OGP Process Requirement (Articles of Governance Section)	
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No

	Links to the timeline.	No
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	7
	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	No
	Links to awareness-raising activities.	No
	Were consultations held online?	Yes
	links to online consultations.	www.ogp.am/hy/plan/
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	links to summary of comments.	www.ogp.am/hy/plan
	Were consultations open or invitation only?	Invitation only
	Place the consultations on the IAP2 spectrum. ¹	Consult
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation only?	Invitation only
	Place the consultations on the IAP2 spectrum.	Inform

Advance Notice and Awareness Raising

The government started the development of the second OGP Armenian action plan in early August 2013.² The draft action plan was developed based on proposals received from state bodies and was discussed during the OGP working group meetings on 9 September and 26 November 2013. Two of the CSOs represented in the working group openly expressed their dissatisfaction with the draft of the second OGP Armenian Action plan and announced this during a press conference on 15 October 2013.

On 23 March 2014, the government announced the launch of discussions and consultations on the draft of the Armenia OGP second action plan³ and asked for support from international organizations to organize the relevant meetings. Since originally the government was planning submitting the second OGP Action plan in mid-May, the government started the final stage of preparation of the action plan two months before the deadline. The announcement specified that the action plan had been compiled based on suggestions of the OGP working group members. The announcement stated that observations and recommendations from the CSOs were welcome but did not specify time or location of upcoming events. The announcement suggested that CSOs provide their opinions and recommendations via www.ogp.am, a website created by Freedom of Information Centre CSO (FOICA). However, the government did not receive proposals via the website.

The government only organized online awareness-raising activities. The government provided official information about OGP via www.gov.am and www.ogp.am and two Facebook pages.⁴ The government did not have a schedule of upcoming meetings or a timetable of events. The draft of the second OGP national action plan was posted on the OGP Armenia website for more than two weeks. However, the government did not receive any proposals via the OGP Armenia website or via e-mail.

No awareness raising activities were carried out on TV, radio, or in print media.

The action plan did not specify an answerable person responsible for the commitments.

Depth and Breadth of Consultation

The CSOs participating in drafting the action plan described the process as participatory and meaningful. Based on discussions and consultations with CSOs the second OGP Armenian action plan changed substantially compared to the draft presented to OGP working group members in August 2013 and discussed during OGP working group sessions on 9 September and 26 November 2013. Majority of commitments in the approved action plan were based on proposals from CSOs. The government, invited the CSOs involved in OGP working group and invited the CSOs that expressed interest in OGP activities after they heard about OGP from different sources.

Most CSOs mentioned that the final draft approved is much better than the original document prepared by the government in August 2013 and circulated until April 2014. The OGP working group discussed the draft of the second Armenian OGP Action plan on 5 June and 15 July 2014 at the government premises. The draft document changed substantially, to reflect views and opinions of many CSOs. Some CSOs mentioned that this is the first time that the government thoroughly discussed with them many important issues and either accepted proposals from CSOs or provided written answers in rejecting proposals. Consultations organized by the government were by invitation only. The summary of proposals and the draft of the second action plan were available on www.ogp.am.

However, many CSOs are disappointed because the document does not adequately reflect the experience that the government and the CSOs accumulated during the last two-and-a-half years of cooperation within the OGP framework. In that sense they consider the action plan as not sufficiently ambitious. According to some CSOs, most of the commitments address some specific issues but do not represent a holistic approach to major problems (e.g., freedom of information, public procurement, functionality of school boards, transparency of local self-governing bodies). The CSOs hold the view that the government is attempting to solve one problem at a time, while it has sufficient resources and capacity to tackle a number of challenging issues simultaneously. In addition, CSOs believe that there is a need to set more ambitious targets.

The government and CSOs organized seven group and face-to-face consultations during action plan development. Government officials participated in all events organized by the government (alone or in cooperation with FOICA). Only those CSOs that received an invitation participated in government-organized events. CSOs represented diverse areas, but there were no CSOs from important sectors such as environmental protection or health, even though the government took on commitments in those areas. Despite this lack, the IRM researcher believes the diversity of views was sufficiently broad.

A two-day workshop was organized on 5 and 6 April 2014 in a mountain resort in Aghveran by the government and FOICA, with financial support from USAID and UNDP.^{5,6} Representatives of public bodies and a select group of CSOs were invited to the event. However, before the start of the workshop in Aghveran, the government resigned on 3 April 2014. The new government took office in the second half of April 2014.

In parallel the Asparez Journalists Club initiated public awareness and consultation process financed by USAID, with Counterpart International in charge of implementation. Asparez organized meetings in

Gyumri (March 31 2014), Vanadzor (April 1 2014), and Yerevan (8 April 2014). Asparez sent invitations to 800 CSOs and concerned citizens via a pre-existing CSO mailing list⁷ and also advertised the event via social media. The Asparez club organized meetings in the second- and third-biggest cities in Armenia, in terms of population (Gyumri and Vanadzor), in the capital city, and published information about its activities on its website. The government did not organize any public events outside of the capital city and did not participate in meetings organized by Asparez to have face-to-face interaction with CSOs outside of the capital city. The government commented that it would have participated in these meetings, if it were informed about them in advance and relevant officials had been invited by the organizers. Information about the meetings is available on OGP Armenia website (www.ogp.am).

FOICA invited CSOs that were either active in OGP or related areas of interest, or expressed interest in OGP activities. With financial support from the Organization of Security and Cooperation in Europe (OSCE), FOICA and the government organized a public discussion on the draft of the Armenian second action plan in the capital city of Yerevan⁸ on 18 July 2014. The government approved the second Action plan on 31 July 2014.⁹ In 2015, the government made amendments¹⁰ to the second action plan, which were the consequence of changes in administrative structure of the government. Specifically,

- instead of the Ministry of Finance, the Staff of the Government became the body responsible for implementation of commitment on procurement (commitment 5);
- the Staff of the Government was substituted by the Ministry of Justice (commitments 7 and 8); and
- the Ministry of Territorial Administration was substituted by the Ministry of Territorial Administration and Emergency SituationsThe (commitments 6, 10, and 11).

Summary of comments received by the government and justifications for rejecting proposals is available on www.ogp.am. Most CSOs involved in the process were not happy with a justification applied to the rejection of several of their proposals. According to the government, the proposals were rejected because they assumed changes to a number of laws. The government representatives argued that, despite the fact that the ruling party has a majority in National Assembly, it is the role of National Assembly as an independent body to formulate and amend laws. The government representative accordingly stated that it was not comfortable including legislative commitments.

The CSO community, however, pointed to action plans of several other countries that included commitments proposing amendments in laws. The CSOs also suggest considering submission of drafts laws to National Assembly by the government as a fulfilment of a commitment. The government of Armenia has experience submitting draft laws to the National Assembly within the framework of its agreements with other international partners (e.g., the International Monetary Fund).

The table below presents information about the meetings the government and the CSOs had when drafting the OGP Armenia second action plan and the participants of those meetings.

Table 2. List of face-to-face meetings organized by the government and CSOs

	Date	Organizer	Location	Participants		
				government	CSOs +	Other
1	March 31	Asparez	Gyumri	0	21	0
2	April 1	Asparez	Vanadzor	0	20	0
3	April 5-6	government& FOICA	Aghveran	11	14	4
4	April 8	Asparez	Yerevan	2	27	9
5	June 5	Government	Yerevan	8	6	n/a
6	July 15	Government	Yerevan	9	7	1
7	July 18	government&	Yerevan	n/a	n/a	n/a

		FOICA				
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CSO+ = CSOs, foundations, media, individuals, etc

Other = embassies, international organizations, donor organizations that provide grants to CSOs in Armenia, and so forth

n/a = not available

¹ "IAP2 Spectrum of Political Participation," International Association for Public Participation, <http://bit.ly/1kMmlYC>

² "Armenia Progress Report 2012-13," OGP Independent Reporting Mechanism, 2013, <http://bit.ly/2bpYrta>

³ "Announcement of development of Armenia's second OGP Action Plan," Official Government Communication, 23 March 2014, <http://bit.ly/1TnHDko>

⁴ Facebook pages available at <http://on.fb.me/1LtA31r> and <http://on.fb.me/1XxlCPN>

⁵ "Second OGP Action plan of the Republic of Armenia (2014-2016)," Government of Armenia, 2014, <http://bit.ly/2bfTqCZ>

⁶ "Summary of Consultation Workshop," OGP Armenia, 15 April 2014, <http://bit.ly/1KWt71D>

⁷ Asparez used a mailing list where they have more than 800 contacts of CSOs, foundations, active citizens, etc. "Public Participation in OGP," Asparez Journalist Club, <http://bit.ly/1oJOZ6A>

⁸ "OGP Armenia second Action Plan draft" OGP Armenia, 18 July 2014, <http://bit.ly/1op6zMP>

⁹ "Protocol №32," Armenian Government Session, 31 July 2014, <http://bit.ly/1Q0k8wX> and <http://bit.ly/1U7T40v>

¹⁰ "Protocol №19," Armenian Government Session, 30 April 2015

III. Process: Action plan implementation

The Government organized OGP related events only in the capital city and did not utilize the opportunity created by CSOs to have meetings with regional CSOs. Participation by the government in events organized by CSOs was poor.

Regular multi-stakeholder consultation

The Staff of the Government of Armenia acts as the administrative office for executing decisions and assignments issued by the Republic of Armenia government and the prime minister. The Staff of the Government is also the leading organization that provides secretarial support to OGP working group. The OGP working group, established by the prime minister's decree, performs the role of a consulting body. It does not have a charter, there is no document regulating its operations, and it does not have formal procedures for participation. The members of the OGP working group participate in sessions upon invitation from the Staff of the Government. So far, all the sessions of the OGP working group have been held exclusively in the capital city. Out of 8 representatives from the CSOs, 3 are female, and out of 16 representatives from public bodies, 5 are female.

The process of consultation during implementation was either within the framework of OGP working group or at agency level when CSOs involved in the working group discussed the implementation of commitments with representatives of implementing agencies.

Event organized jointly by the government and FOICA

During the period covered by this report, the OGP working group had one meeting related to implementation of Armenia's second action plan commitments. On 3 March 2015, an enlarged session of OGP working group discussed issues related to trilateral cooperation between the government, CSOs and the donor community.¹ The event was organized by the government and the Freedom of Information Center of Armenia (hereafter FOICA) with assistance from the UK Embassy.² The government did not prepare minutes of the March 3 session of the OGP working group, and the government representatives consider the press release about the session of the OGP working group to be enough. In general, CSO representatives highlighted that different government bodies do not prepare minutes of their meetings with CSOs (related to OGP or to any other initiative). According to CSOs, the government can improve upon this aspect concerning its relations with the CSO community, as the press releases mostly provide information about the event but do not represent the diversity of opinions expressed during meetings.

Some CSOs are of the opinion that the government did not initiate the OGP working group meeting but that FOICA did so. The representatives of different government bodies in the working group reported about implementation of different commitments of the action plan.³ There was also a request from the government representative to finish implementation of the second action plan by June 2016 to avoid overlap with Armenia's third action plan.⁴

Government organized event

The working group was invited on 7 April 2015 to select a program for participation in OGP award entitled "Improving public services through Open government."⁵ The government asked government bodies and CSOs to present their proposals, and several government bodies did so.⁶ On 15 April 2015, the OGP working group had a session to discuss the proposals.⁷ The discussion resulted in a short list of programs, from which a "Development of community management information system and implementation in the Republic of Armenia communities" program was selected and submitted as an Armenian bid. In October 2015, (after the period covered by this report) the Armenian bid received the first award in the Asia-Pacific region⁸ during the OGP Global summit in Mexico.

Armenian CSOs involved in the OGP working group believe that the working group should meet more frequently, and many also think that their activities in the working group is limited to listening to reports from the government representatives (“Inform” in Spectrum of Public Participation of the second action plan). The CSOs felt they had bigger role to play in the process in general and in the working group in particular.

Neither the government or the OGP working group carried out public awareness-raising activities about OGP or individual commitments.

Events organized by CSOs

On 6 November 2014, Journalists for the Future(JFF) sent letters⁹ to eight government bodies in charge of different commitments of the action plan, requesting information about implementation of OGP commitments. The JFF received a reply¹⁰ from the Staff of the Government on 12 November 2014 indicating that the next session of the OGP working group will take place in coming days, which did not happen. The next OGP working group meeting (the enlarged session) took place on 3 March 2015. Responses of other Ministries¹¹ and agencies are available on the JFF website www.jnews.am.

Freedom of Information Center (FOICA) also sent letters to different government bodies requesting information about implementation of Armenian OGP commitments. The scanned copies of FOICA letters and answers from government bodies are available on www.givemeinfo.am.¹²

During implementation, the IRM researcher participated in FOICA-sponsored OGP events. These events were organized under the titles of “OGP Armenia: Civil Society Cooperation” on 21 November 2014 and “Tools for Civil Society for Monitoring and Evaluation of Open Governance Partnership—Armenia Process”¹³ on 29 June 2015 (with assistance from Organization of Security and Cooperation in Europe). FOICA representatives presented the draft monitoring methodology developed based on international experience. FOICA also initiated publication of OGP Armenia electronic newsletters. The first four issues of the newsletter were published in December 2014 and in March, May, and July 2015.¹⁴ The first two issues were published with support from the British Embassy in Yerevan while the last two issues were published with support from Organization of Security and Cooperation in Europe.

In August 2014 Asparez journalists' club (Aspareza) carried out public awareness raising activities¹⁵ and informed CSO communities in Gyumri, Vanadzor and Yerevan about the approved action plan. Asparez also issued a publication,¹⁶ “Open Government Partnership—Armenia Program Developments in 2012–13 and 2014–16 Action Plan.”

The government has participated in one event organized by JFF outside capital city. The OGP contact point has commented that they were not informed or invited to participate in the event organized by Asparez journalists club.

With support from the Embassy of the United States, JFF carried out OGP public awareness campaign outside of the capital city. JFF sent an advance invitation letter to regional CSOs with an offer to participate in seminars dedicated to OGP and Armenian participation. JFF organized seminars in Goris,¹⁷ Alaverdi,¹⁸ Gyumri¹⁹, Armavir, and others. Meetings and discussions brought JFF to the conclusion that regional CSOs are not aware of OGP. According to some CSOs, commitments on transparency of declarations of assets and incomes of high ranking officials were not that important, because those declarations do not present reliable information, while the government needs to do more to fight corruption in the provision of basic services such as education, health, and so forth.

Table 3. List of public awareness events organized by CSO community and government participation

	Date	Organizer	Location	Government Participation
1	4 August 2014	Asparez	Vanadzor	No
2	5 August 2014	Asparez	Gyumri	No
3	28 August 2014	Asparez	Yerevan	Yes

4	24 October 2014	JFF	Goris	No
5	7 November 2014	JFF	Alaverdi	Yes
6	14 November 2014	JFF	Gyumri	No
7	15 November 2014	JFF	Armavir	No
8	21 November 2014	FOICA	Yerevan	No
9	22 January 2015	JFF	Gavar	No
10	22 January 2015	JFF	Hrazdan	No
11	3 February 2015	JFF	Yerevan	No
12	29 June 2015	FOICA	Yerevan	No

¹ “Expanded Session Overview,” OGP Armenia, 6 March 2015, <http://bit.ly/20Zw49g>

² “Expanded Session Press Release,” OGP Armenia, 3 March 2015, <http://bit.ly/1Tr12T2>

³ “Expanded Session Commitment Update,” OGP Armenia, 4 March 2015, <http://bit.ly/1PR2ecj>

⁴ “Expanded Session Future Plans,” OGP Armenia, 5 March 2015, <http://bit.ly/10gvyam>

⁵ “OGP Award Proposal Release.” OGP Armenia, 7 April 2015, <http://bit.ly/1WrYjXy>

⁶ “Action Plan Proposals Presented to Government,” Armenian Government Bodies, 8 April 2015, <http://bit.ly/1KqICJE>

⁷ “OGP Award Working Group.” OGP Armenia, April 15 2015, <http://bit.ly/20ZxvV4>

⁸ “OGP Award Press Release.” E-gov Ministry, 29 October 2015, <http://bit.ly/1QmgAAY>

⁹ “OGP Letters from Journalists to Government Agencies,” Jnews.am, 3 December 2014, <http://bit.ly/218ZK07>

¹⁰ “Letter №02/12.11/18830-14,” Office of the Deputy Chief of Staff of Government, 12 November 2014

¹¹ Agency Responses to Journalist Inquiry: “Letter №10/8913.14,” Chief of staff of the Ministry of Justice, 18 November 2014 & “Letter №03/16/6217-14,” First Deputy Minister of Territorial Administration, 14 November 2014 & “Letter E-446,” Chairwoman of the Commission on Ethics of High-Ranking Officials, 7 November 2014 & “Letter №AK/08/11947-14,” Chief of the Staff of the Ministry of Health, 13 November 2014 & “Letter №04//07-2/14177-14,” Chief of the Staff of the Ministry of Education and Science, 17 November 2014.

¹² “FOIC letters and official replies,” Freedom of Information Center, 23 October 2015, <http://bit.ly/1KWOAHK>

¹³ “Press Release OGP Monitoring Event,” OGP Armenia, 30 June 2015, <http://bit.ly/20ZyXa0>

¹⁴ “OGP Armenia Newsletters,” Freedom of Information Center, <http://bit.ly/1KqoKfp> and <http://bit.ly/1oqLxy1>

¹⁵ “Public Participation in OGP,” Asparez Journalist Club, <http://bit.ly/1oJOZ6A>

¹⁶ “Open government Partnership-Armenia program developments in 2012-2013 and 2014-2016 Action plan,” Asparez Journalists Club, 2014

¹⁷ “Goris Civil Society was introduced OGP Initiative and Opportunities of its Monitoring,” Jnews.am, 28 October 2014, <http://bit.ly/1oKnx8L>

¹⁸ “Alaverdi NGO Representatives Discussed Obligations Undertaken by Armenia in OGP Initiative.” Jnews.am, 11 November 2014, <http://bit.ly/20ZzKb6>

¹⁹ “OGP Initiative Awareness Campaign Continued in Gyumri and Armavir,” JNews.am, 18 November 2014, <http://bit.ly/1QJlW9R>

IV. Analysis of action plan contents

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

Access to information

Commitments around access to information:

Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;

Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;

- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information;
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "inform," "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (<http://bit.ly/1kMm1YC>).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;
- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws;
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.
- Commitments that may be marked of “unclear relevance” also include those mechanisms where participation is limited to government-selected organizations.

Public accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of “Open Government,” to be counted as “clearly relevant,” such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of “clear relevance” due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms;
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See <http://bit.ly/1oWPXdl> for further information.

Technology and innovation for openness and accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions.
- Working to reduce costs of using these technologies.
- Additionally, commitments that will be marked as technology and innovation:
- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability;
- May support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key variables

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and analyses them for their first year of implementation.

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment”. Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a "moderate" or "transformative" potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, Armenia’s action plan contained no starred commitments.

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, Armenia’s action plan would have received no additional starred commitments.

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For Armenia's full dataset, see the OGP Explorer at www.opengovpartnership.org/explorer.

General overview of the commitments

The action plan addressed issues in several areas: transparency of mining industry (commitment 2), availability of financial information about health (commitment 3), and education (commitment 9). Some commitments were a continuation of commitments from the first action plan, for example, declaration of assets and income of high-level officials (commitment 4), and training civil servants on freedom of information legislation (commitment 10). There were also new initiatives related to online broadcasting of sessions of procurement complaints boards (commitment 5) and broadcasting sessions of elders' councils (commitment 11).

Some commitments proposed by the government did not specify any CSO as a stakeholder, which made the analysis of those commitments more difficult, for example, the commitments on health financing portal (commitment 3) and community micro-surveys (commitment 6). The OGP IRM researcher was not able to obtain alternative opinions from relevant CSO's about the implementation of these commitments.

According to certain CSOs, the action plan is not ambitious. Some CSOs interviewed for this report were of the opinion that the government rejected the inclusion of more ambitious commitments addressing major issues in key policy areas, such as public procurement and elections. For example, according to the summary of proposals received by the government and available at [http://www.ogp.am/u_files/file/Chyndunman%20ampopatert\(1\).pdf](http://www.ogp.am/u_files/file/Chyndunman%20ampopatert(1).pdf) the package submitted by Asparez club included a commitment to limit single source procurement. However, the Government rejected this proposal on the grounds that this commitment would require amendments to the law. Transparency International-Anti-Corruption Center of Armenia published recommendations on commitments related to the improvement of procurement processes. However, the Government chose to include commitments with "lower hanging fruit", such as community micro-surveys – which are not priority issues for the CSO community.

1. Digitization and publication of data collected by the “Republican Geological Fund”

Commitment Text:

The geological exploration studies of subsurface collected in the "Republican Geological Fund" SNCO, as well as the geological and other information gathered during the exploitation of minerals in the form of relevant documents (certificates, reports, drawing materials, etc.) is stored in hard copies, which restricts the availability of geological information to the public.

It is planned to fully digitize the information of the fund, at the same time ensuring the digitization of new materials (maps, financial and non-financial reports and other documents).

The program is expected to digitize over 12,000 geological reports on approximately 750 mines and 600 mineral occurrences and 8,000 mapping and drawing packages, to create a website where all the materials will be posted (in PDF, JPG, EXEL and other formats), using the information search principle. Besides, site interactive map will be created to facilitate the exploration of materials posted on the website and the materials will be pinned to the respective RA areas.

The following information will also be posted on the above-mentioned website: on the issued mining rights of subsurface for the purpose of extracting minerals, mining rights to extract minerals from the geological study of subsurface rights, on mining rights for the extraction of underground mineral waters and metal minerals map, which is now published on the website of the RA Ministry of Energy and Natural Resources (<http://www.minenergy.am>). Thus the access to information for the public will be improved.

Milestones:

- 1. To digitize at least 15-20% of the fund, create internet page and post already the digitized information on that page.*
- 2. Studies with the relevant 2-4 employees of the fund (in parallel with the digitization).*
- 3. To digitize 100% of the fund.*
- 4. Public awareness campaign on the project will be organized, including printing and distributing brochures, presentation of the webpage with relevant stakeholders and other events.*
- 5. Digitization of newly received geological and other information.*

Lead institution:

Ministry of Energy and Natural Resources of the Republic of Armenia

Support institution: None

Start date: December 2014 **End date:** December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion						
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete			
OVERALL			✓		✓			✓			✓		✓						
1. Digitize information, making it available via web page of the Fund			✓		✓			✓			✓		✓						
2. Training staff			✓		Unclear					✓			✓						
3. To digitize 100% of the fund.			✓											✓		✓			
4. Awareness campaign		✓											✓			✓			
5. Digitize geological and other information		✓											✓			✓			

What happened?

This commitment aims to digitize the data stored at the Republican Geological Fund (the Fund) to become a publicly accessible repository of geological information, including mining rights, geological research, mineral maps, and financial reports from the exploration of natural resources.

At the time of writing of this report, the government had not started implementation of this commitment. The head of the Mining Department in the Ministry of Energy and Natural Resource confirmed that no measures have been taken and that the ministry is still negotiating with the USAID to get financial support for this project.

Did it matter?

The IRM researcher believes that the overall potential impact of this commitment will be moderate. Making information about mines and mineral resources accessible to the Armenian public constitutes a positive step towards transparency in the respective policy area.

The collection of geological data started already in 1930s and the Republican Geological Fund SNCO was created in 2002,¹The Fund was reporting to the Ministry of Environmental Protection, and in 2008, the government changed it to the Ministry of Energy and Natural Resources (MENR).²In 2012, the government adopted a decree that regulated protection of geological information.³ It was, however, not possible to find information about the Fund. There is a page on Facebook with the name of the Fund but no further information.⁴

CSOs have mixed feelings about this commitment, as some CSOs consider it ambitious, while others think that it is only specific, being more technical than conceptual. Environmental CSOs stated that the most valuable information available at the Fund are the maps of estimated reserves of mineral resources, which the Fund sells. The more precise the map is, the more expensive it is.

The CSOs expect that the promised website will have the following:

- interactive maps (with borders of researched areas)
- information about the estimated reserves of different natural resources at different locations (including information about main adjacent minerals)
- information on resources that are already accounted on the balance sheet of the state, the results of geological surveys and studies (estimated reserves of minerals in every mine).

The CSOs think that PDF and JPGfiles are not informative, as the database must contain machine-readable numerical data.

Civil society has already made efforts to create resources with similar information. Transparency International Anti-Corruption Center developed an interactive map⁵ that pinpoints the location of mines in Armenia (Marz and the community), the type of the mine (metallic or non-metallic), the status of the mine (operating or non-operating), the area in hectares, and the name of the mine operator.

Moving forward

The IRM researcher recommends the following:

- Authorities can put more effort to implement this commitment and actively cooperate with CSOs working in this area, such as Transparency International.
- The Armenian action plan will benefit if the government specifies what information it will make available via the website. Placing pictures in non-machine readable format is less useful for users.

¹ "Decree №1758-N," Government of Armenia, 31 October 2002

² "Decree №653-N," Government of Armenia, 15 May 2008

³ "Decree №1414-N," Government of Armenia, 8 November 2012

⁴ Facebook page accessible at <http://on.fb.me/1Z3FYAv>

⁵ "Mines of Armenia" Transparency International Anti-Corruption Center, <http://bit.ly/1oqoRND>

2. Ensure transparency in mining

Commitment Text:

The current situation in the mining sector does not meet the contemporary requirements presented by the state and the society, particularly, the level of accountability of mining companies and the state on expenses and revenues needs improvement.

Joining the initiative will increase the transparency in the sector, will ensure high level of accountability, as well as improve the investment environment.

Milestone:

Launch of the process of joining Exporting Industry Transparency Initiative (EITI), particularly, holding discussions, negotiations and other necessary preparatory works.

Lead institution:

Ministry of Energy and Natural Resources of the Republic of Armenia

Support institutions: Ministry of Foreign Affairs, Ministry of Justice, Ministry of Economy, and the Ministry of Finance

Start date: July 2015 **End date:** December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓	✓					✓			✓		

What happened?

The commitment aims to enhance transparency in the extractive industries by starting the process and negotiating the accession for the Extractive Industries Transparency Initiative (EITI), a global standard to promote open and accountable management of natural resources.

In February 2015, the government created the Anti-Corruption Council.¹ During the first session of the Anti-Corruption Council² the government proclaimed its readiness to join EITI. The prime minister declared that he would personally oversee the successful completion of the accession procedure and instructed the Minister-Chief of the Staff of Government to coordinate the process. The government is negotiating with the USAID to get necessary funding to organize the process

A country intending to join the Extractive Industries Transparency Initiative is required to undertake the following four steps before applying to become an EITI Candidate:³

1. The government is required to issue an unequivocal public statement of its intention to implement the EITI.
2. The government is required to appoint a senior individual to lead on the implementation of the EITI.

3. The government is required to commit to work with civil society and companies and establish a multi-stakeholder group to oversee the implementation of the EITI.
4. The multi-stakeholder group is required to maintain a current work plan, fully aligned with the reporting and validation deadlines established by the EITI Board.

After completion of these four steps the country's government should submit an EITI Candidature Application to the EITI Board.

The commitment has had limited completion because out of the 4 required steps mentioned above, the government of Armenia has completed the first two. The Armenian mining sector has not yet started opening up and no discussions were held with Armenian CSO community.

Did it matter?

This commitment language does not contain clearly measurable milestones and timelines. The current formulation of the commitment is an edited version of the text of the commitment suggested by Transparency International Anti-Corruption Center of Armenia that envisaged EITI membership for Armenia. While the title of the commitment says that the government is going to ensure transparency in mining, the text of the commitment does not provide details of how this would be achieved. Thus government goals and intentions with regard to ensuring transparency in mining are not clear.

The government has yet to create a multi-stakeholder working group and draft the work plan, in addition to submitting the application to become an EITI-eligible country.

According to CSOs involved in OGP and interested in this commitment, the government did not hold public discussions with CSO community. According to government representatives, there was no need to have discussions with the CSO community at this stage, as they are planning more consultations once a multi-stakeholder group has been established to oversee the implementation of the EITI—the process of consultations lacks transparency, however. Although the government representatives report meetings with representatives of the World Bank and EITI, no public information is available concerning these meetings.

Transparency in the extractive sector in Armenia has been a long standing issue for CSOs. According to CSO representatives interviewed for this report, this commitment could have been ambitious if the final outcome of implementation of the commitment had been clear. If the government were to implement all steps to join EITI, it would have a transformative impact.

In 2014 payments for environmental protection and use of natural resources amounted AMD 2,969.8 million⁴(about USD 7,3 million or 0.25 percent of total revenues of the consolidated budget) while payments for the utilization of natural resources and environment protection amounted AMD 35177.5 million⁵ (about USD 87 million or 3 percent of total revenues of consolidated budget).

In terms of revenue generated from natural resources exports, ferrous metals account for 9.3 percent (USD 110 million), copper 6.3 percent (USD 75.4 million),while aluminium accounts for 7.8 percent (USD 93.3 million)of Armenian exports.

Mining has direct impact on the health of the population. In an article published in Aravot,⁶ daily researchers from American University of Armenia mention that their research shows that Plumbum (lead) exceeds the norms in blood tests of 80 percent of children from Akhtala and 72 percent of children from Alaverdi. According to another publication, only 85 out of 550 women screened in Alaverdi were healthy.

Moving forward

The IRM researcher recommends the following:

- To have meaningful discussions concerning the extractive sector, the governments should establish a real platform with representatives of CSOs and private sector that could identify the issues necessary to make the industry more transparent, accountable, and compliant to EITI

requirements. The work of the platform should be transparent and the discussions documented with publicly available minutes.

- The government should also undertake a public awareness campaign about the process of becoming an EITI member, its impact on Armenian society in general, and its impact on specific communities.
- Implementation of this commitment requires strong input from the CSO community. CSOs must commit to create a group of stakeholders to work with the government and industry representatives that has the professional and other capabilities necessary to successfully implement this commitment. The CSO community must organize and streamline its efforts to develop a work plan by April 2016. Only by joining EITI the government of Armenia will constitute full implementation of its commitment to ensure transparency in mining.

¹ "Decree №165-N," Government of Armenia, 19 February 2015

² "Meeting Notes from Anti-Corruption Council," Government of the Republic of Armenia, 28 July 2015 <http://bit.ly/1SUEIBs>

³ "The EITI standard 2016," EITI International Secretariat, February 2016

⁴ "Statistical yearbook of Armenia," National Statistical Service of the Republic of Armenia, 2015, <http://bit.ly/1Wu57nl>

⁵ Ibid

⁶ "Mining in Armenia leads to environmental and health problems," Media Center, 23 June 2015, <http://bit.ly/21bk4Or>

3. Public awareness of health care financing

Commitment Text:

There is a huge gap amongst the existing developments in the health care financing system; the citizens do not know their rights and are not able to manage their rights in a variety of health care system sectors, inter alia receiving hospital care and primary health care services. Within some standards of organizing and financing the treatment those processes are described, but there are dynamic and transparent systems revealing the developments of those relations.

To create healthcare system financial portal where people, professionals and the public may obtain information on the state-guaranteed funding, on the basic package of services, when the payment for services is due for the patient, and when not, how they can get recipes subject to state-guaranteed payment, on financial and non-financial reports and other information.

Milestones:

Creation of financial portal of health care system

- *Over 25 reports for public*
- *Professional areas over 1500 users*
- *For the public all the internet users*

Lead institution:

Ministry of Health of the Republic of Armenia

Support institution: None

Start date: September 2014 **End date:** September 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓			✓		✓				✓		

What happened?

The government committed to create a health financing website where users can get information about government-guaranteed health services and healthcare financing.

The web page on state guaranteed services is still under construction. Even so, www.sha.am has a substantial volume of information (e.g., referrals to get government-guaranteed services, types of services, free and reduced-price services, State Health Agency [SHA] annual report for 2013, classification of medical institutions by their services). It is also possible to get the work plan of inspections of health facilities for 2014.¹

The web page contains articles on implementation of program/performance-based budgeting in the Armenian public health sector. However, the website contains very little information about health indicators in Armenia (i.e., type of disease, mortality by region, by sex, or by age) that can help specialists and CSO community monitor the effectiveness of policies implemented by the government.

The government did not organize public awareness-raising activities related to this website and did not train potential stakeholders/beneficiaries on the functionalities of this new tool available to them, resulting in a limited completion.

Did it matter?

This commitment language does not make it clear what specific health information will be housed on the website. The utility of this website is unclear, as it is essentially a duplication of information that is already available on existing platforms, resulting in a minor potential impact. Part of information available on this website (e.g., legislation² or government strategic programs³) is also available on the website of the Ministry of Health.

According to the comment received from the government, this platform unifies information which is now publicly accessible on different existing websites. It also creates one window accessibility for the users to access all public-health related information. The platform is more user-friendly than the fragmented web resources and more importantly, the unified interface creates opportunities for data analysts to use the whole bulk of information. According to the government, the website allows data segregation by region, age, period and for generating customized reports. However, the search of the website by the researcher did not yield any results per region according to a selected age group of citizens.

A civil society report⁴ prepared by the Freedom of Information Center Armenia (FOICA) recorded that there was a limited number of reports available on the website as of 10 September 2015. FOICA also experienced technical problems when trying to download reports.

The IRM researcher attempted to open the links about the “Results of inspections and studies of inspections” and the “Monitoring results summary.” However, both led to a page dedicated to history of establishment of State Health Agency (<https://www.sha.am/>).

CSOs highlighted the fact that the website is not easily searchable as it does not contain health related words in its name (like “medical” or “health”) and is simply the abbreviation of the English name of the agency (SHA).

Moving forward

The government can improve the relevance and potential impact of this commitment by making sure the non-confidential data (e.g., information on the health of individuals is confidential) from the reports it receives is registered in its databases and is made available via the website in an accessible format. Further, it is important that this data be for use by the public, research professionals, and academia.

The government may improve the utility of the website by increasing public awareness on the functional capabilities, training CSOs, media representatives, researchers and students how to retrieve the relevant data⁵ (i.e., types of disease and mortality, treatments and surgeries by region, by sex, and by age) and use it during policy discussions to help the government base its policies on existing evidence.

The government will further benefit if it regulates the process of developing new websites by different state bodies, assessing the relevance and value added of proposed new websites, and preventing duplication of information across government websites.

¹ “Order №318-A,” Ministry of Health, 24 February, <http://bit.ly/1LvUCtU>

² “Legislation Available on National Website,” Ministry of Health of Armenia, <http://bit.ly/1XAk7K>

³ “National Disease-Prevention Programs,” Ministry of Health of Armenia, <http://bit.ly/1PUfZHh>

⁴ “OGP Armenia: Civil Society Report,” Freedom of Information Center of Armenia, 2015, <http://bit.ly/1KVig8r>

⁵ “Definition of Open Data,” opendatahandbook.org, <http://bit.ly/10xXdp4>

4. Asset and income declarations of high-ranking officials

Commitment Text:

The list of data of declarations on property and income of high-ranking officials subject to publicity established by the government Decision N 1835-N of December 15, 2011 does not provide a fully transparent list of all operations of property of high-ranking officials and their affiliated persons included in the declarations. In particular, those are restricted by the price thresholds of operations.

The Commission plans to reduce such restrictions and want to expand the list of available data to public and thus increase the accessibility of declarations to the public. Ensuring transparency of declarations of property and income of the RA High-ranking officials.

Milestones:

1. Development and discussion by the civil society representatives of RA Government of the draft decision on «On making amendments to the RA Government Decision N 1835-N of December 25, 2011”
2. Conformity of the Plan with stakeholder agencies and the adoption of the RA Government decision.

Lead institution:

The Commission on Ethics of High-Ranking Officials (upon consent)

Supporting institutions: Ministry of Justice, Ministry of Finances

Start date: November 2014 **End date:** June 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓					✓						✓

What happened?

This commitment aims to enhance transparency of the asset disclosure of high-ranking public officials in Armenia. The government recognized the improvement of the system of asset declarations as one of the priorities and committed to improve it within the framework of Good Governance and the Fight Against Corruption project, a program existing in the Eastern Partnership and European Council program.

The international community continues supporting the Armenian government and CSO community in enhancing their monitoring of asset declaration of high-ranking officials. The report prepared by the European Union and the Organization for Economic Cooperation and Development (OECD) also included a proposal related to improvement of the system of declarations. The government and the Commission on Ethics for High-Ranking Officials cooperated with the Freedom of Information Center (FOICA) and Transparency International Anti-Corruption Center (TIACC) and posted the draft decree for public comments.¹

The commitment is complete. On 19 February 2015, the government approved decree 2 on “Making amendments to Government of Armenia Decrees N1835-N from December 15 2011 and N1819-N from December 15 2011”. The amendments withdrew thresholds subject to disclosure set in the GOA Decree

#1835-N from December 15, 2011. E.g., the AMD 50million threshold has been removed for transactions with real estate, AMD 7 million for transactions with movable property, AMD5 million for investment transactions and AMD 3 million for credit transactions. Certain thresholds remain for transactions with property (AMD 50 million), transactions with equities (AMD 8 million), financial transactions (loans with amounts exceeding AMD 8 million), etc., by members of the family of high level officials (parents and adult not married children living with the high level official).

Although not part of this commitment, on the same day the Government passed the second regulation №145-N, giving the Commission of Ethics access to databases of different government bodies. This regulation partly addressed some of the concerns raised by Armenian CSOs during the IRM review of the OGP Armenia first action plan related to powers of the Commission to hold officials accountable for submitting incorrect information. The regulation №145³ allows the Ethics Commission to get data from databases of public bodies, such as the Ministry of Justice, the police, and the State Cadastre.

Despite the fact that the government did not accept the proposals from FOICA and TIACC related to Government of Armenia decree №150, justifying that most of the proposals required revisions to the Law on Public Service, the CSOs considered the proposed amendments contained in this commitment to the sub-legislation a positive step. The IRM researcher notes that, compared to the situation recorded in the first IRM progress report from 2013, the Commission on Ethics in charge of this commitment has improved and is more consistent in publishing declarations of high-level officials. However, the CSOs are questioning the reliability and validity of information contained in the declarations. 2014 European Commission report⁴ stated that Armenia “took some action against high-level corruption, but the Commission on Ethics was still not effective.” According to a 2015 EC report,⁵it is still necessary to strengthen the mandate and functions of the Commission on Ethics for High-Ranking Officials.

Did it matter?

The IRM researcher believes that, although this is an important commitment, it will have a minor impact. This commitment alone will not lead to a major impact in public accountability of officials, if this measure is not accompanied by verification of declarations and sanctioning public officials for non-compliance with the rules.

Asset declarations of high-level Armenian officials have drawn significant attention and criticism from the CSO community and the media.⁶ Over the years, the international community and the Armenian media have highlighted the issue of engagement of senior state officials in business activities. The 2014 EC report noted that “[i]n general, political power and economic interests tend to be closely intertwined in Armenian society, which leads to a high degree of opacity in decision making.” Media claims have stated that since its establishment in 2012, the Ethics commission has not announced the name of any high-level official in violation of the norms of ethics nor who acquired undue wealth by using his or her official position⁷.

The third report of the Istanbul Anti-Corruption Action Plan⁸ of the Anti-Corruption Network for Eastern Europe and Central Asia, which was established by OECD, stated that “the new system of asset declarations for high ranking officials is now in place, but the declarations are narrow in scope. The Commission on Ethics has no mandate or resources to verify the declarations or to sanction noncompliance.”

According to the report, “there seems to be a general confusion regarding conflict of interest rules as opposed to asset declarations; as well as some ambiguities in the roles of the CEC [IRM: Central Election Commission] and the Ethics Commission.” The report also recognized that “while the Commission has the right to analyse the declarations, it cannot verify the declared information, and cannot identify false or incomplete information. There are no sanctions for non-compliance with rules on asset declarations.”

The government and the Commission on Ethics are taking steps to improve the situation by giving the Ethics Commission access to different government databases and electronic registries⁹ that supposedly will allow verification of data presented by high-level government officials, which will assure that the data published by Commission is authentic and trustworthy.

The Committee to Protect Freedom of Expression monitored the publication of declarations by high-level government officials and noted¹⁰ that “the content of declarations often casts doubts on the honesty of the people who submitted them and on the accuracy of information provided. Some individuals, who, according to the media and the widespread public opinion, seem to be the richest people in the country, declared extremely modest assets and monetary resources.”

On one hand, the government is taking positive steps that can help make information about assets and declarations of high level official more transparent. On the other hand, according to Azatutyun radio station, the government is taking steps to classify expenses of top government officials.¹¹

The transparency of asset declarations is an important step in the right direction. However, this step alone will not be sufficient in increasing government transparency overall. According to Azatutyun and publications in other media¹², some high-level officials and members of their families received “gifts” for tens or even hundreds of thousands of dollars without disclosing information on sources. In the interview to Azatutyun one of the advocates mentioned that in Armenia the laws are to “throw dust into [the] eyes of [the] civilized world.” A TIACC expert mentioned that the savings of some judges increased by the amount as their salaries, and it is not clear how they cover their daily expenses.

The results of the actions taken by the government and the Commission on Ethics have yet to be seen.

Moving forward

The IRM researcher recommends taking steps that will address concerns of CSOs by providing the Commission on Ethics for High-Ranking Officials with the mandate and the capacities to verify asset declarations and apply sanctions for failure to submit or for submitting fraudulent or incomplete information. This is especially relevant since according to government comments these recommendations are already reflected in the government’s anti-corruption strategy and plan of actions.

¹ “Draft Action Plan for Public Comments,” Freedom of Information Center and Transparency International Anti-Corruption Center, November 17, 2014, <http://ogp.am/hy/news/item/2014/11/17/ethics/>

² “Decree №150-N,” Government of Armenia, 19 February 2015,

³ “Decree №145-N,” Ethics Commission of the Government of Armenia, February 19, 2015

⁴ “Implementation of the European Neighbourhood Policy in Armenia Progress in 2013 and recommendations for action,” European Commission Report SWD (2014) 69

⁵ “Implementation of the European Neighbourhood Policy in Armenia Progress in 2014 and recommendations for action,” European Commission Report SWD(2015) 63, 25 March 2015,

⁶ Ali Tunyan, “National Assembly, the millionaires’ club – 2,” 168 Finance, 23 October 2014, <http://bit.ly/20HsVWc>

⁷ “The Ethics commission for High Level Officials is not Brave Enough,” Irahos.com, 9 September 2015,

<http://bit.ly/1mKV8Om>; “What the High Level Officials are Hiding,” Lragir.am, 11 April, 2014, <http://bit.ly/1PUJtot>; “The Wife of the Judge Received Presents in Form of Dollars and Rubles,” armtimes.com, 1 February, 2016, <http://bit.ly/1QnjWoQ>;

“7 members of the Armenian National Assembly did not submit revenue declarations: ethics committee (of the National Assembly) is waiting for applications,” hetq.am, 28 October 2015, <http://bit.ly/1TtjSbZ>

⁸ “Monitoring Report of the Istanbul Anti-Corruption Action plan,” Anti-Corruption Network (ACN) for Eastern Europe and Central Asia, 8 October 2014

⁹ “Memorandum of Cooperation Agreement” Commission on Ethics of High-Ranking Officials, 25 May 2015, <http://bit.ly/1TpgGws>

¹⁰ “Report on Armenia’s Implementation of Freedom of information Commitments Under the Open Government Partnership,” Committee to Protect Freedom of Expression, 17 March 2014 <http://bit.ly/10iHA2U>

¹¹ Hovhannes Movsisyan, “The Government Suggests Classifying Expenses of High Level Officials,” Radio Free Liberty Armenia, 15 May 2014, <http://bit.ly/10iHCaS>

¹² Irina Hovannisyanyan, “Declarations of Judges Raise Several Questions,” Radio Free Liberty Armenia, 15 September 2015. <http://bit.ly/2bwGLsP>

5. Broadcasting State Procurement Appeals Board sessions

Commitment Text:

The monitoring results of the organization certify that the decisions of the Procurement Appeals in many occasions give way to concerns, to address which only making them public is not enough, and it is also necessary to indicate how they were adopted during the board sessions.

Milestones:

1. Negotiate with private companies, clarify the scope of relevant works
2. Develop technical task and launch procurement process
3. Procurement Appeals Board sessions' are broadcasted online via www.gnumner.am webpage.

Lead institution:

The Staff of the Government of the Republic of Armenia

Supporting institution: None

Start date: May 2015

End date: June 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓			✓		✓						✓

What happened?

The goal of this commitment is to make the Procurement Appeals Board decisions transparent and publicly accessible.

The Procurement Support Center started the implementation of this commitment upon receiving assignment from the Prime Minister.¹ Procurement Appeals Board sessions are being broadcasted online via www.e-gov.am beginning June 2015. Earlier sessions of the Board are also available on the website.

The staff of the Center did not have consultations nor discussions with the CSO community, as this was a specified commitment with a clear mandate and intended goal.

Over the course of implementation of the action plan, the Center changed its reporting structure² and now reports to the Staff of the Government. That partly explains the reason of having the link on e-gov.am instead of gnumner.am. The government is planning to introduce a link on the front page of www.gnumner.am that will make information about the sessions of these appeal boards more visible.

Did it matter?

This commitment is a positive step in bringing integrity in public procurement, but it will only have minor potential impact. To improve this commitment's impact, it will require that the government study the consequences that online broadcasting will have on the number of appeals and the outcomes. It will also be necessary for the government to take action to make Armenian public procurement more competitive and efficient. According to CSOs, most of the participants of public procurement are not aware of the new tool available to them and do not monitor sessions of the Appeals Board.

At present, information about online broadcasting of sessions of appeals board is available at the very bottom of the section of appeals of www.gnumner.am/am/home.html. However, the monitoring revealed that the online broadcasting of sessions of Appeals Board are very short and in some cases are limited to reading the decision of the board and not providing relevant details informing the decisions made.³ In addition, the sound quality of the uploaded videos is poor quality and should be improved.

The procurement law changed frequently over the last 15 years and new laws on procurement have been adopted in 2000⁴, 2004,⁵ and 2010.⁶ The strategy for implementing the electronic procurement system was approved in 2006,⁷ and some part of procurements is carried out electronically.

However, the state procurement system has suffered from endemic corruption and inefficient, non-transparent, discriminatory bidding procedures.⁸ These instances of preferential treatment have undermined the government's assurance of equal treatment and transparency⁹. According to the local chapter of Transparency International, public procurement is becoming more centralized—about 200 companies win 80 percent of procurements—and non-competitive with the number of participants in tenders reduced significantly. There has also been a widespread practice (65 percent) of using a single source for procurement. Further, large-scale tenders are won by companies that have prevailing position in the market.¹⁰

Moving forward

The IRM researcher recommends the following:

- Including more holistic, comprehensive, transformative commitments on procurement in the third OGP action plan.
- There are several important activities, highlighted in Transparency International anti-corruption Center (TIACC) reports,¹¹ that need to be implemented to make government procurement more transparent and government bodies more accountable. For example, TIACC records¹² that “the principles of accountability fixed in legislation and/or practice haven't been implemented.” Data on frameworks agreements is not published regularly.
- Introducing a link on the home page of www.gnumner.am will make information about the sessions of these appeal boards more visible.
- Public awareness-raising activities will attract attention of businesses and the CSO community and will help make Armenian public procurements more competitive and transparent.
- Carrying out impact assessment of its procurement-related decisions (e.g., what impact did the online broadcasting of sessions of procurement appeal boards had on competition in public procurements? Did it result in any increase in number of participants; did it improve trust towards public bodies).

¹ “Assignment 02/23.13/7501-15,” Prime Minister of the Republic of Armenia, 5 May 2015.

² “Decree №64-N,” Government of Armenia, 30 January, 2015

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- ³ "Video Appeals Board Session," 22 October 2015 <http://bit.ly/1RSmEXj>; "Video Appeals Board Session," 21 October 2015, <http://bit.ly/1Ubl96Z>; "Video Appeals Board Session," 20 October 2015, <http://bit.ly/24dr000>; "Video Appeals Board Session," October 19 2015, <http://bit.ly/1Q4tnfz>
- ⁴ "Law HO-62-N," National Assembly of Armenia, 5 June 2000
- ⁵ "Law HO-160-N," National Assembly of Armenia, 6 December 2004
- ⁶ "Law HO-206-N," National Assembly of Armenia, 22 December 2010
- ⁷ "Decree №137-N," Government of Armenia, 26 January 2006
- ⁸ "Country Overview - Armenia," Freedom House, 2013, <http://bit.ly/211THOt>
- ⁹ "2013 Investment Climate Statement - Armenia," US Department of State, February 2013, <http://1.usa.gov/211VTWd>
- ¹⁰ "Presentation of the Report on Monitoring of Public Procurement System in 2014-2015," Transparency International Armenia, 22 October 2015, <http://bit.ly/1XAQBLV>
- ¹¹ "Monitoring of Public Procurement System in the Republic of Armenia," Transparency International Anti-Corruption Center, 2014, <http://bit.ly/1Lwib61>
- ¹² "Monitoring Report on Public Procurement 2014-2015," Transparency International Anti-Corruption Center, 2015, <http://bit.ly/1SVkyXZ>

6. Community micro-surveys

Commitment Text:

Through short messages community residents get involved in local government decision-making process. Via short messages (SMS) community residents receive one or several questions about the community problems with variants of possible answers. Within 24hours, residents are responding to inquiry by sending an SMS stating their preferred option.

Community micro-surveys are an affordable and unique tool that will strengthen communication between the community and local self-governance bodies and will ensure the transparency in the decision-making process.

Milestones:

1. "Community micro survey" program has been introduced in 10 communities.
2. In all 10 communities SMS surveys have been conducted and the results have been published.

Lead institution:

Ministry of Territorial Administration and Emergency Situations of the Republic of Armenia

Support institution: Marz (Regional) Administrations, Communities (upon agreement)

Start date: February 2015

End date: December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓			✓				✓				✓		

What happened?

This commitment aims to improve communication between local communities and local self-governance bodies and help ensure that locally made decisions are transparent.

In 2008, the Committee of Ministers of the Council of Europe adopted the Strategy for Innovation and Good Governance at Local Level.¹ In 2013, the National Assembly of Armenia adopted the Law on Local Self Governance² that incorporated requirements of participation of community residents. The amendments were based on the requirements of Additional Protocol to the European Charter of Local Self-Government, on the right to participate in the affairs of a local authority.³

The Law on Local Self-Governance (LSG) regulates all major issues related to community affairs. According to the law, the community council has power to appoint a local referendum after the mayor submits the draft of the decision. In 2013, the government initiated amendments to LSG⁴ that placed the participation of community residents as one of the principles of local self-governance. A new article was added to the law (10.1) that defines the participation as a process by which residents get

information about activities of local self-governing bodies and directly or indirectly impact the decisions taken by those bodies.

Before development and adoption of this action plan, the Ministry of Territorial Administration and Emergency Situations (MTAES) and the Armenian office of the United Nations Development Program (UNDP) started joint implementation of a “community micro-survey” program, beginning September 2013. Within the framework of the program, a pilot project was carried out in five communities in different *marzes* (administrative divisions) where participation by means of SMS messages in local community decision-making was tested. The survey was anonymous and referred to community development issues. Participation was voluntary and the residents could participate by providing the local self-governing body with their mobile phone number, information about gender and age. The MTAES website states that micro-surveys were carried out in Areni, Goris, Tumanyan, Nor Yerznka, and Janfida in December 2013. A total of 2,656 residents registered for micro-surveys in five communities in 2013 to provide their opinion about priority issues facing their own communities (e.g., transportation fare, expansion of community enlightenment systems, construction of playgrounds, renovation of roads). A total of 612 residents participated in the surveys. In some cases, 28 percent of community population participated in the surveys. The results of the 2013 surveys are available on MTA website.

MTAES and the United Nations Development Program (UNDP) plan to continue the program and expand its geographical reach.

The government decided to include the next stage of the pilot project into the second action plan. According to the government self-assessment report, within the framework of second action plan, as of 30 June 2015 micro-surveys had been carried out in four communities⁵ in 2014–15 (out of ten planned). At the time of writing this report, the MTAES website did not contain information about those surveys. The IRM researcher received the list of these four communities from the MTAES.

The government is negotiating with Asian Development Bank to get financial support to organize community micro-surveys in the remaining four communities.

Did it matter?

The potential impact of this commitment is minor. During 18 July 2014, the discussion of the draft action plan, some CSOs suggested taking this commitment out of the action plan, criticizing the OGP relevance and potential impact. The CSOs are not aware of government goals and intentions in this area upon completing the pilot project. It is also not clear how the micro-surveys will ensure transparency of decision-making, as the surveys are only a mechanism of collecting opinions. The commitment language does not specify how the surveys will transform the decision-making process. CSOs state that, while the results of the community referendums are not mandatory for implementation, the purpose of introduction of community micro-survey program is questionable, because it is not part of the general government policy—the government did not commit to continue micro-surveys once the pilot project with UNDP is over.

Including such a commitment without assessing the impact of past micro-surveys reduces the value of this commitment and its intended purpose. It is also not clear how the residents will react if the local self-governing bodies do not incorporate survey results in the decision-making process. The government did not publish the questions of the surveys, information about when the surveys were carried out, the results of surveys, or their consequences. It was not verified whether the surveys affected the behaviour of respective local self-government bodies and how.

Moving forward

This commitment and similar commitments will help enhance civic participation across the country if they are expanded from the pilot stage to full-scale implementation, and if the government uses the

results of impact assessments from those programs to improve respective legislation and management structures. The IRM researcher recommends the following:

- Involving CSOs in the implementation of this commitment;
- Publishing the results of the surveys;
- Detail how the surveys were used and what the outcomes for citizens have been; and
- Assessing the sustainability and impact of such pilot projects on community management, on improving public services, and on increasing public integrity at the local level.

¹ “Strategy for Innovation and Good Governance at Local Level,” Committee of Ministers of the Council of Europe, 2008, <http://bit.ly/2b2HH6E>

² “Law HO-72-N,” Republic of Armenia, June 19 2013, <http://bit.ly/1TttKCF>

³ “Protocol to the European Charter of Local Self-government on the Right to Participate in the Affairs of a Local Authority,” Council of Europe, 1 June 2012, <http://bit.ly/1OiQJIS>

⁴ “Law HO-72 Amendments,” National Assembly of Armenia, 19 June 2013

⁵ “OGP Implementation Self-Assessment,” Government of Armenia, September 2015

7. State policies and legislative reforms

Commitment Text:

Independent research results show that the managing process of the RA public agencies sometimes has an informal nature because of the perception of the fundamental values of open governance and legal problems. This gives rise to public mistrust and civic apathy towards the country's governance and oversight. Therefore, the issue of the formation of the efficient, transparent and accountable civil society is necessary in the process of policy and legislative amendments.

Making amendments in the agenda of the boards/councils of Ministries of the RA established by the protocol decision N 47 of November 20, 2008 of the RA government decision, that will:

- *Separate and clarify the functions of boards and councils, will further specify the list of participants, their rights and responsibilities,*
- *Define open and transparent formation procedures and activities of councils, as well as the standards of CSO representation and professional qualification,*
- *Determine the introduction of electronic accountability system on the official websites of the RA government and Ministries for making transparent and available the public proposals and official comments thereon, the annual reports of participatory and consultative bodies.*

Milestones:

1. *Implement studies of working procedures and international practice,*
2. *Develop the proposals of changes to legal acts/ agenda,*
3. *Organize public discussions, collect new proposals, amend the package of proposals and submit to the approval of the Government,*
4. *Adoption of legal acts/ agenda changes.*

Lead institution: Ministry of Justice of the Republic of Armenia

Supporting institution: None

Start date: August 2014

End date: August 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓			✓				✓					✓	

What happened?

This commitment aims to promote public participation in policy developments by inclusion of CSOs in the consultative bodies of governmental agencies.

In 2014, Public Network democracy development center union of legal entities investigated websites of 18 ministries and revealed that 16 of them have consultation bodies.¹ The websites of most ministries have sections dedicated to consultative councils. Those consultative councils are created as a platform to promote dialogue between the government and CSO community and have a consulting role for respective ministers.

In addition to councils in 2013–14 some ministries started creating other consultative bodies. They do not place much information about these bodies (and other issues), with the justification that the website is under construction. Some ministries do not have CSO representatives in their councils.

The commitment is substantially completed. On July 30, 2015 the Ministry of Justice (MoJ) presented the draft sample regulation of the public council adjacent to a Minister² that suggests changes to the existing government protocol decree regulating council functions³. The MoJ requested the public to send opinions and proposals to ogparmenia@gmail.com or to submit to MoJ.

The deputy minister of Justice discussed the draft of the government protocol decree with CSOs on 21 August 2015⁴—Araza and FOICA were especially active. According to the deputy minister, the new draft envisages involvement of only CSOs in the works of public councils. According to the draft, the public council will have at least 15 members representing CSOs and one-third of them will be replaced every second year. The deputy minister asked the CSO representatives to present their proposals to the MoJ by 24 August 2015. Some CSOs complimented the work of the MoJ and were positive about their cooperation; however, they mentioned that government bodies always need to feel pressure from the CSO community to promote this type of activity.

Did it matter?

The IRM researcher has coded the potential impact of this commitment as minor. As research by Professionals for Civil Society (PFCS) reveals, similar efforts in the past did not result in major involvement of the CSO community in policy formulation. Some well-known and respected CSOs (e.g., Transparency International Anti-Corruption Center) do not engage in these consultative bodies created by the government, because they think that these bodies are imitative by nature, in addition to the fact that the ministries do not want to engage in real discussions with civil society.⁵

If implemented, this commitment could demonstrate the government's willingness to facilitate meaningful public participation. In 2011, the PFCS evaluated the public participation⁶ by investigating the 18 Armenian ministries (e.g., availability of council, activities, capacity building needs). One of the members of the councils representing a CSO and interviewed by PFCS mentioned that participation in policy development is very formal. According to the PFCS report, the frequency of council meetings depends on availability of ministers and pending issues. The PFCS made number of recommendations to improve the works of ministry councils.

According to some CSOs, the government does not have an attitude that encourages civil society to actively cooperate with government bodies. The regulation governing the CSO participation does not spell out the share of CSO representatives in councils, the terms of the councils, or the mandate of CSOs. The effectiveness of councils largely depends on ministers. The CSOs involved hope that the revised document will address the shortcomings, although, they think that it will largely depend on how it is implemented.

Moving forward

The IRM researcher recommends that the government adopt the proposed, necessary regulations that facilitate and ensure participatory policy-making. The IRM researcher suggests the Government of Armenia to carry out research of CSO engagement in public policymaking and publish the results of the research by the time of completion of the second action plan.

¹ “The Culture of Participatory Governance in Public Consultation Bodies. Study of Local and International Experience,” Public Network Democracy Development Center, 2014

² “Public discussion of the working draft submitted by the Minister,” OGP Armenia, 30 July 2015, <http://bit.ly/1KZSobe>

³ “Decree №47,” Government of Armenia, 20 November 2008

⁴ “NGOs discussed the creation of the Public Council,” OGP Armenia, 23 August 2015, <http://bit.ly/1QpEMbR> and <http://bit.ly/1Vt4nPn>

⁵ Naira Nalbandyan, “Lawyer advises not to trust Ministry councils (translated from Armenian),” Galatv.am, 10 August 2015, <http://bit.ly/1PLRTRa>

⁶ Nune Pepanyan, “Evaluation of Public Participation,” Professionals for Civil Society CSO, 2011

8. Public awareness on the law-making activity of state governance bodies

Commitment Text:

The draft legal acts are being developed by the RA agencies about which the public is sometimes not sufficiently informed. As a result, the public does not have the opportunity to get acquainted with the draft versions until their adoption, as well as to propose recommendations to responsible agencies, and thus to contribute to the amendment process.

General online forum for the publication of draft normative legal acts developed by the government agencies to inform the public about the normative legal acts being developed by the agencies (including, by a subscription principle). The civil society will be given the opportunity to propose recommendations on the draft versions, as well as be informed about their status (i.e. whether it has been adopted or not, how it is edited, as well as the justification for non-adoption).

Milestones:

1. Organizing discussions on technical solutions, setting tasks
2. Creation of legal basis for the published draft normative legal acts
3. Ensuring training for the responsible specialists of agencies
4. Publication of draft legal normative acts being developed by the agencies on the created forum

Lead institution: Ministry of Justice of the Republic of Armenia

Support institution: None

Start date: August 2014

End date: December 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓					✓				✓		

What happened?

The commitment aims to create an online forum for the publication of draft normative acts that are developed by the government. The new website will allow multiple users to access the database of draft legislation and leave their comments and recommendations.

The current legislation, namely the Law on Legal Acts and the government decree, requires having public consultations, but the legislation is not enforced properly. A government decree¹ regulates the process of organizing public consultations of normative legal acts. According to the government decree, the minimum term for public consultations is 15 days, if the body that prepared the draft does not set a longer period. The decree also requires publication of the summary of discussions and the revised draft law on the website of the relevant agency. In addition to being available on Ministry of Justice (MoJ) website for at least 15 days, the draft legislation will also be available on the new platform.

The online forum for the publication of draft normative acts was not available by 1 July 2015, resulting in limited completion. According to the deputy minister of Justice, the ministry is negotiating with the World Bank to get support to create an online forum.

Did it matter?

The IRM researcher has coded the impact of this commitment as minor. CSOs interviewed for this report have questioned whether the new platform will address existing public participation concerns and serve as a mechanism for public input into draft legislation. CSOs state that government bodies do not often comply with the requirements of legislation regulating public participation issues. It is not clear which government body is in charge for monitoring and supervising the implementation of relevant procedures. One major problem mentioned by several CSOs is that governing bodies do not keep minutes of meetings with CSOs. The press releases published by government bodies are not adequate, because they do not reflect the diversity of opinions and positions of CSOs and only give process-related information, such as the dates of meetings and the issues discussed.

The government does not appear to take seriously the importance of public consultation in drafting legislation. This was demonstrated in the recent example of developing a new Environmental Impact Assessment and Expertise Law (EIAL). The adoption of EIAL was a precondition for the provision of Armenia's budget support loan by the World Bank. No National Assembly hearing was organized until the National Assembly (NA) adopted the on 21 June 2014, by holding three readings in one day.

Professional recommendations and agreements of the working group were neglected. A number of public organizations petitioned the president to not sign the law, which was full of contradictions and flaws. The bill was put to discussion in the special session on 21 June 2014 but drastically differed from the version that was submitted by the government to the National Assembly, which was also discussed and approved by the NA's Standing Committee on Agriculture and Environment. The new version of the document was not publicized in advance and was not made subject to public discussion as prescribed by the Law on Legal Acts. The CSO called for the reconsideration of the World Bank's loan and issued an open letter urging interested international convention secretariats to consider the negligent attitude of government towards the CSO organizations in the passing of this law.²

CSOs have yet to see how the government portal on legislative initiatives will address existing public participation concerns. It is highly questionable whether the new mechanism will work, if the government does not appoint a body in charge of enforcing legislation that regulates public participation issues.

One must take into account that the government of Armenia is very efficient and quick when it is necessary to implement legislation that is intended to inform the public about legislation. For example, in 2007 the National Assembly adopted the Law on Public Notifications by Internet.³ In 2012, the National Assembly changed the title of the Law to Public and Private Notifications by Internet.⁴ The government is very effective in enforcing this legislation and created a special website—www.azdarar.am— to do so. This example shows that the government is very effective in implementation of policies when it prioritizes an issue.

Moving forward

The IRM researcher recommends that it would be useful if the Government of Armenia could carry out research and publish the results about how different government bodies comply with transparency, accountability and public participation regulations and requirements.

The IRM researchers also recommends having fully functional online forum by the end of implementation of the second action plan.

¹ “Decree №296-N,” Government of Armenia, 25 March, 2010

² “Civil Society Representatives' Open Letter to the World Bank,” Transparency International Armenia, 26 July 2014, <http://transparency.am/en/news/view/814>

³ “Law HO-172: Public Notifications by Internet,” Legislature of the Republic of Armenia, 9 April 2007

⁴ “Law HO-129: Public Notifications by Internet Amendment,” Legislature of the Republic of Armenia, 19 March 2012

9. Transparency of secondary education institutions' Governing Boards elections and annual budget planning

Commitment Text:

The representation nature of the governing boards of the RA General education institutions (SNCOs) is sometimes violated, because there are cases when in the Governing Board a parent, who is meanwhile a pedagogue of the institution, is being elected. In that case the parent cannot be impartial, because, he/she also being a pedagogue, also works under the management of the institutions' director. In this case, the governing board is not able to operate efficiently because of the vertical and the horizontal ties existing between the members.

For the purpose of ensuring proportionality among the Governing Boards of the RA general education institutions, an amendment will be done to the procedure of the election to the Governing Board, according to which persons who are involved in the given school's pedagogical staff will not be nominated.

Quite often the information on the annual budget planning and execution of the RA general education institutions is not available to the people receiving educational services of the general secondary education sector, which has a negative impact on the confidence-building environment and parent-school effective cooperation.

Making amendments to the election procedure of the Governing Board of the RA general secondary education institutions,

Ensuring transparency and accountability of the budget planning of the general education services (annual draft budget) and annual financial expenses on the web pages of secondary schools and in the corner of the announcement boards..

Milestones:

- 1. Creation of a working group with the participation of the representatives of the RA Ministry of Education and Science, as well as of the civil society.*
- 2. Amendments to the election procedures of the Governing Boards of the RA general secondary education institutions and development and approval of the "Procedure of the annual budget planning and report on the budget expenses of the RA general education institutions".*

Lead institution: Ministry of Education and Science of the Republic of Armenia

Ministry of Territorial Administration and Emergency Situations of the Republic of Armenia

Supporting institution: None

Start date: August 2014 **End date:** March 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓			✓	✓			✓						✓

What happened?

This commitment aims to increase transparency in the election of school boards and in the annual school budget planning process. This commitment was proposed by World Vision Armenia (WVA), because it addresses the lack of transparency in the financial management and governance of public schools, including the appointment of school governing bodies.

This commitment has been completed. The Ministry of Education and Science (MES) established a working group¹ to guide the process of implementation of the commitment. The working group had meetings at the beginning, where the members presented their visions on the issues and decided how to organize the work. The working group did not keep minutes of the meetings; as discussed earlier in this report, this is a longstanding issue concerning government meetings with civil society in Armenia. The opinions and drafts of the documents were shared via e-mail. During the meetings, WVA proposed prohibiting teachers of the schools to represent the parents in the school council, because teachers were perceived to be under the influence of school directors. The MES went further and approved an amendment to the existing sub-legislation that states that teachers with children studying at the same school cannot represent the parents, the MES, or any authorized body in the school council.

As a result of discussions and consultation, the MES approved two regulations: The first regulation² made an amendment to the formation of school councils. The second regulation³ approved the procedure of planning the annual budget of schools and the presentation of the annual budget execution report.

Did it matter?

The IRM researcher believes this commitment will have a minor impact. While the actions proposed in this commitment are considered to be positive steps, they are not sufficient in ensuring financial transparency and impartial governance of schools boards. It is still very hard to find up to date public information about operations of the boards of many secondary education institutions and their quarterly and annual financial reports.

During the implementation of this commitment, the MES actively cooperated with CSOs involved in the process. Cooperation between MES and CSOs can serve as an example for government agencies in charge of implementation of other commitments in the second action plan. The two parties—both the MES and CSO representatives—consider the process to be effective.

The MES put an order to regulate the planning of the annual school budgets and the publication of annual budget execution report. This order has been approved as a pilot phase. The MES also asked the regional governors and the municipality of Yerevan to present their observations on the implementation of this regulation after one year. CSOs have concerns over how the evaluation of the pilot phase will be carried out. However, it is clear that after the pilot phase, the MES will approve the final regulation and will register it at the Ministry of Justice, which will become a normative legal act that applies to all schools. It is unfortunate that, other than World Vision Armenia and the Goris teachers' union, other CSOs working in this sector were not involved in the discussions.

The commitment is comprised of two parts.

The first part of the commitment is related to information on planning and executing the annual budget of general education institutions. According to CSOs, the teachers are not independent, and the government actually controls the teachers via the school director. According to the research carried out the Community Finance Officers Association (CFOA), at 12 schools in Yerevan,⁴ the school council discusses the draft of the school budget presented by the school director and presents it to the mayor of Yerevan for approval. The school director and the accountant prepare quarterly and annual financial reports and present it to the school council and municipality of Yerevan. In contrast, the majority of schools do not publish quarterly or annual financial reports. The government is very active in creating legislation that regulates financial management of schools. Many financial issues related to general

education in Armenia are regulated by the Law on General Education⁵(LGE)⁶, Law on Education⁷ (LE), Law on State Non-Commercial Organizations⁸ (LSNCO), and the Law on Budget System⁹ (LBS).

Schools in Armenia are state non-commercial organizations (SNCOs) and according to LSNCO,¹⁰ they have to publish annual financial reports according to procedures established by the founder. In 2004, the government already adopted a program¹¹ to improve the financial management and reporting of SNCOs. In 2006, the government issued a decree¹² to regulate the reporting discipline of SNCOs by authorized bodies. The decree was intended to regulate the process of preparing financial reports by SNCOs and submitting reports to authorized bodies. The decree envisaged sanctions in the case that submitted reports are partially complete, contain errors, or are submitted late.¹³ The regulation was intended to support the progress envisaged by the agreement between the government and the World Bank on a second loan to support poverty alleviation.¹⁴

The National Strategy of Protection of Human Rights' section on the right to education, approved by the government,¹⁵ includes two activities (activities 11 and 12) that are directly related to OGP values. These activities state the following: (11) the government should take effective measures to make the sessions of the school teachers' council and management councils more transparent for society, by enforcing the publication of decisions of the teachers' councils and management councils on the respective schools' webpages;¹⁶ and (12) the government should assure the publication of budgets, budget execution reports, and management decisions of all schools receiving public financing.¹⁷ In 2010, the government approved regulation for the approving criteria of external and internal evaluation of performance of public general education institutions;¹⁸ and the regulation of using the profits of public schools.¹⁹ A Ministry of Finance (MoF) order²⁰ from 2013 approved the financial reporting formats of SNCOs and requirements towards their completion.

Despite all of the above-mentioned efforts, there remains a lack of transparency in financial management and governance of public schools in Armenia.

The other part of this commitment refers to formation of Councils of schools.

The procedures of forming school councils is regulated by the order of the MES.²¹ The councils must be comprised of eight members: representatives of MES, the Marzpets²² or the Mayor of Yerevan, councils of teachers and councils of parents.

Government bodies and the school management (appointed by a government body) appoint six out of eight council member; because of this, CSOs believe that the current structure is not conducive to impartial governance by school councils.

Moving forward

Armenian legislation creates a sufficient basis for financial reporting by state non-commercial organizations. While the government is effective in setting up reporting forms, formats, and compilation processes, the problem remains that the financial reports are not made available to the public.

The IRM researcher recommends that

- the government enforce timely and consistent implementation of existing transparency related legislation; and
- that the MES engage with a broader group of sector-specific CSOs working in education to address their concerns, such as transparency in governance and financial management of public schools.

¹ "Order №1105-A/Q," Ministry of Education and Science, 17 November 2014

² "Order №102-N," Ministry of Education and Science, 24 February 2015

³ "Order №205-A/Q" Ministry of Education and Science, 30 March 2015

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- ⁴ "Budget transparency and expansion of financial reporting in general education system in Yerevan," Community Finance Officers Association, 2014.
- ⁵ "Law HO-160," Legislature of the Republic of Armenia, 10 July 2009
- ⁶ According to Article 11 of the LGE the Council of a school discusses the annual cost estimates of educational institution, the financial application for the next year budget and submits it to authorized state body - Ministry of Education and Science (MES), Marzpetaran – the regional governors office, etc. According to Article 12 of the LGE the principal (director) of the school presents to the council the financial-economic report of the educational institution. According to Article 29 and Article 35 the GoA approves the financing procedures of educational institutions from the state budget. According to part 7 of point 1 of Article 11 of the LGE the school councils discusses the annual financial reports of the school. According to part 16 of point 1 of Article 29 the GoA regulates the procedures of financing schools from the state budget.
- ⁷ "Law HO-297," Legislature of the Republic of Armenia, 14 April 1999
- ⁸ "Law HO-248," Legislature of the Republic of Armenia, 23 October 2001
- ⁹ "Law HO-137," Legislature of the Republic of Armenia, 24 June 1997
- ¹⁰ "Article 23 of the Law on State Non-Commercial Organizations," Legislature of the Republic of Armenia, 23 October 2001
- ¹¹ "Decree N1378-N," Government of Armenia, 30 September, 2004
- ¹² "Decree N163-N," Government of Armenia, 12 January 2006
- ¹³ In certain cases, when the official in charge for preparation and submitting reports do not comply with the requirements of the decree they can be held responsible according to Article 223 of Armenian Labor Code.
- ¹⁴ "Decree N939-N," Government of Armenia, 1 June, 2005
- ¹⁵ "Decree N303-N," Government of Armenia, 27 February 2014
- ¹⁶ The implementation of the task is due in the third quarter of 2014.
- ¹⁷ The respective draft legal act or acts must be presented to the Government of Armenia in the fourth quarter of 2014.
- ¹⁸ "Decree №1334-N," Government of Armenia, September 3 2010
- ¹⁹ "Decree №1579-N," Government of Armenia, 2 December 2010
- ²⁰ "Order №104-N," Ministry of Finance, 4 February 2013
- ²¹ "Order №113-N," Ministry of Education and Science, 18 March 2010
- ²² Marzpets: the regional governor appointed by the government of Armenia.

10. Freedom of information and anti-corruption training

Commitment Text:

At present, many state servants do not possess enough knowledge and skills in the sphere of fight against corruption and of freedom of information to act openly and transparently. The recommendation will help bridge the gap of information and knowledge of the officials.

Knowledge of 200 public servants on the fight against corruption, integrity and freedom of information will be improved, as well as the skills on the application of legislation on the freedom of information. The trainings will help the public servants to work openly and transparently, guided by the ethics rules for public servants.

Milestones:

1. 10 trainings will be organized
2. 200 public servants will be trained
3. 400 questionnaires will be completed (200- at the beginning of the training, 200- at the end of)
4. Two analyses will be conducted based on the questionnaires

Lead institution: Ministry of Territorial Administration and Emergency Situation of the Republic of Armenia

Supporting institution: Civil Service Council of the Republic of Armenia

Start date: February 2015 **End date:** December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		Unclear					✓				✓		

What happened?

The commitment intends to provide training to civil servants on topics of freedom of information and the fight against corruption.

In cooperation with Freedom of Information Center (FOICA), the Civil Service Council of Armenia carried out a training of 14 civil servants entitled “Freedom of information and strengthening of public relations in public administration” in April 2014.¹ In addition to trainings carried out by FOICA by August 2015, the Union of Armenian State Servants and Law Institute of the Ministry of Justice (an state non-commercial organization), also carried out trainings of 82 civil servants on freedom of information and the fight against corruption. After each training session, the participants completed questionnaires that are kept in those organizations.

According to the government self-assessment report, by the end of June 2015, 81 public servants have been trained within the framework of this project, totalling less than a half of the targeted number of 200. The Ministry of Territorial Administration and Emergency Situations (MTAES) organized trainings

for community servants and had trained more than 1,000 community managers, members of community councils, and regional administration staff members (Marzpetarans).²

Did it matter?

The Government of Armenia committed to improve knowledge of 200 public servants on the fight against corruption, integrity and freedom of information. According to the self-assessment report, 780 community servants, 440 community heads and Eldr's Councils member and 50 Marz Administration staff members were trained, but the report did not consider this commitment to be completed.

The Government of Armenia had a similar commitment in the first OGP action plan, however, the implementation was different. While in the first OGP action plan it was referring to trainings organized by FOICA, this one broadened the trainings (although the formulation of the commitment was not hinting about that). Every year hundreds of civil, community and public servants are trained according to requirements of the law on "Community Service"³and, the law on "Public Service"⁴. Information on these trainings is available on the website of the Ministry of Territorial Administration and Emergency Situation (e.g., information about trainings of 1268 people in 2015 is available at <http://www.mta.gov.am/files/docs/1379.pdf> while information on trainings of 1628 people in 2014 is available at <http://www.mta.gov.am/files/docs/981.pdf>). These trainings are of general nature and contain limited focus on freedom of information and fight against corruption while the commitment language was referring to training specifically on above mentioned issues. Thus it is not clear whether these 200 public servants were trained on these specific issues, as outlined in the commitment.

The IRM researcher believes that the impact of this commitment will be minor. In the past, the government has implemented several training and capacity raising activities in different areas. However, the government has not assessed the impact of these training and capacity raising activities on improving transparency and public accountability of the government to citizens.

Earlier research on responses to freedom of information requests, conducted by the "Committee to Protect Freedom of Expression" found that government bodies do not answer one-third of all enquires, 60 percent of answers are late, while 20 percent are incomplete⁵.

Moving forward

The first OGP IRM progress report highlighted a similar commitment as a good example of cooperation between the government and CSO community. However, it is important that government monitors and evaluates the efficacy and impact of civil servants training and adjusts the training needs of its employees accordingly.

¹ "Newsletter #3," OGP Armenia, 29 May 2015, <http://www.ogp.am/hy/New/>

² "OGP Implementation Self-Assessment," Government of Armenia, September 2015

³ "Article 20 Law HO-43-N," Legislature of the Republic of Armenia, 14 December 2004

⁴ "Article 17 Law HO-172-N," Legislature of the Republic of Armenia, 26 May 2011

⁵ "Report on Armenia's Implementation of Freedom of Information Commitments Under the Open Government Partnership," Committee to Protect Freedom of Expression, 2014, <http://bit.ly/10iHA2U>

11. Transparency of local self-government bodies

Commitment Text:

Some large communities of Armenia have websites, others not, they are being updated on a quite irregular basis, LSG decisions are being published not on all websites (decisions of Community Council, orders of the community heads) or they are being published partially. The awareness raising on public discussions, hearings, sessions of the Community Council is being done improperly. The sessions of the Community Council is being broadcasted online only in the cities of Vanadzor and Gyumri, and even in some communities because of the lack of sufficient space for halls it is sometimes impossible to ensure the participation of all interested persons in the sessions of the Community Council.

The creation and update of internet pages, the publication of all legal acts adopted by the community authorities, the notification about the sessions of the Community Council, public discussions and hearings, as well as the online broadcasting of the sessions of Community Council will be ensured for the communities of Armenia with the population of 20, 000 and more.

Milestones:

1. Fundraising for the technical equipment of online broadcasting the sessions of the Council of Elders, public discussions and LSG conferences, for reequipping the existing or creating new websites for communities with population of 20, 000 and more. Ensuring purchase process of services for creating technical equipments and websites
2. Creation of internet information sites for communities with population of 20,000 and more with the possibility of public comments.
3. Organization of trainings for the respective specialists of the communities
4. Launching website, online broadcasting the sessions of the Council of Elders of targeted communities and LSG conferences

Lead institution: Ministry of Territorial Administration and Emergency Situation of the Republic of Armenia

Supporting institution: Marzpetarans (regional administrations) of the Republic of Armenia

Start date: October 2014 **End date:** April 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
			✓		✓						✓			✓		

What happened?

This commitment aims to provide greater access to information on public discussions and hearings of community councils by creating and updating websites and broadcasting sessions online. During the

period under review, the main emphasis on this commitment concerned rolling out broadcasting equipment—which forms the focus of this evaluation. According to a 2011 census,¹ there are 17 communities² with permanent population exceeding 20,000 citizens. Elders’ council sessions of Gyumri, Yerevan, Vanadzor, and Armavir are broadcast online (albeit not regularly in Vanadzor). According to the Ministry of Territorial Administration and Emergency Situations(MTAES), to install a system necessary for online broadcasting costs about AMD 915,000(about USD1,900).

At the time of writing of this report, most communities had not acquired the equipment necessary for online broadcasting (i.e., cameras, microphones). Out of seventeen communities, only four broadcast council sessions, and out of the four, one community doesn’t broadcast the sessions regularly. In addition, the commitment suffers a lack of financial resources and thus has been evaluated as having a limited completion. Currently, the government is negotiating with the Asian Development Bank to get the necessary assistance to complete this commitment. The Journalists' Club Asparez (hereafter “Asparez”) has committed to provide consulting assistance in the future. Some community managers asked Asparez for advice on what equipment to purchase in addition to cost, and so forth. According to Asparez, it is possible to reduce the cost of installation by reducing the number of cameras, microphones, and other equipment.

Did it matter?

This commitment is coded as having a moderate impact. Most Armenians are not aware of discussions, hearings, or sessions of community councils. In some communities, interested members of the public cannot be present during sessions of the community council sessions because of lack of space. Online broadcasting will help to partly relieve this problem, improved websites and broadcasting council sessions will improve public awareness. However, there is no evidence of improved performance of councils of the four Armenian communities where council sessions are broadcast online. Further, not all large towns in Armenia have official websites, and the towns that do have websites don't update it regularly enough.

Although the government has committed to broadcasting council sessions online, central authorities cannot compel the communities to implement costly projects without allocating the necessary resources to self-governing bodies.

CSOs stressed that lack of funds should not be a justification for not implementing this commitment. In addition, CSOs stressed that the government—as initiator of this commitment—should carry the financial burden of implementation and not force the communities to divert scarce financial resources from other urgent needs by underfunding kindergartens, road maintenance, and so forth.

Moving forward

It is recommended that the government speed up the implementation of this commitment by allocating the necessary resources (about AMD 10 million or equivalent of USD21 thousand) for the implementation of live broadcasting equipment in respective communities.

It is also recommended that the other aspects of this commitment (e.g., the “creation and update of internet pages, the publication of all legal acts adopted by the community authorities, the notification about the sessions of the Community Council”) be implemented alongside the roll-out of broadcasting equipment.

¹ “Census Statistics,” Armenian Statistical Service, 2011, <http://armstat.am/file/doc/99486813.pdf>

² Yerevan, Artashat, Ararat, Masis, Armavir, Vagharshapat, Gavar, Sevan, Vanadzor, Gyumri, Hrazdan, Charentsavan, Abovyan, Kapan, Goris, Dilijan, and Ijevan.

V. Process: Self-assessment

The government published the draft self-assessment report on 4 September 2015.¹ The report addresses all the commitments included in the second action plan. The self-assessment report was available for comment for about two weeks, and the government received some comments from state bodies. The government did not receive any comments online from civil society. Freedom of Information Center (FOICA) communicated directly with government representatives. Most CSOs interviewed mentioned that they did not provide comments on self-assessment report, because they did not have comments.

On 24 September 2015, the government published the final version of self-assessment report. The government substantially improved the quality of the self-assessment report compared to the first self-assessment report published in 2013. The government self-assessment report was not formally approved by the government.

The self-assessment report refers to only one expanded session of the OGP working group,² during which the implementation of the second OGP action plan was discussed. The working group also had a session in April³ but met only to discuss the Armenian bid for the regional OGP Award.

Self-assessment checklist

Was the annual self-assessment report published?	Yes
Was it done according to schedule?	Yes
Is the report available in the administrative language(s)?	Yes
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	Yes
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of consultation efforts during action plan <u>development</u> ?	Yes
Did the self-assessment report include review of consultation efforts during action plan <u>implementation</u> ?	Yes
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	Yes
Did the report cover all of the commitments?	Yes
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	Yes
Did the report respond to the IRM key recommendations (2015+ only)?	Yes

Summary of additional information

The government self-assessment report described the development process of OGP Armenia's second national action plan and consultations during action plan implementation.

The self-assessment report contained information concerning plans to hold an enlarged session of the OGP working group in September 2015, in a bid to discuss implementing commitments, evaluating and monitoring the plan, and the launch of the third action plan. The OGP working group session took place on 5 October 2015⁴ (after the writing of this report). The responsible officials reported about implementation of commitments ("Inform" in IAP2 Spectrum of Public Participation), and the government presented the self-assessment report. FOICA also had an opportunity to present its monitoring report. The government and CSO representatives agreed to work together to regulate the OGP process.

¹ "OGP Implementation Self-Assessment," Government of Armenia, September 2015

² "OGP Working Group session," OGP Armenia, 3 March 2015, <http://bit.ly/2b6vf6j>

³ "OGP Working Group session," OGP Armenia, 15 April 2015

⁴ "OGP Working Group Session," OGP Armenia, 5 October 2015, <http://bit.ly/2b3eVb0>

VI. Country context

Further efforts are necessary to institutionalize good governance. To realize an open government, Armenia will have to address transparency and public accountability challenges, as is evident in the lack of press freedom and legislative enforcement.

Armenia's second action plan was implemented during a climate of significant historical, political, and socio-economic developments. The commemoration of the centennial anniversary of the Armenian Genocide on 24 April 2015 (the Remembrance Day) was the main event that united Armenians around the world. Hundreds of thousands of Armenians from different continents visited Armenia to commemorate this significant day, resulting in a day of public participation.^{1,2,3,4,5} Over the years the Government of Armenia was very transparent in its efforts to build relations with neighboring Turkey. However, before Remembrance Day events the Armenian President recalled the Armenian Turkish Protocols⁶ signed in 2009 from the agenda of the National Assembly of Armenia⁷ with justification that on the eve of the Armenian Genocide centennial, the policy of denialism and history revision has intensified. According to the civil society, this was a vivid example of transparent behavior by Armenian authorities.

Unrest on the border between Armenia and Azerbaijan since August 2015 is one of the most serious issues that concern the Armenian government and society.⁸ Roughly all CSOs highlighted their serious concern over this issue, and some of them are of the opinion that the government may use the upsurge of shooting and shelling of Armenian villages near the border with Azerbaijan as a justification to delay more ambitious transparency and accountability initiatives, at a time of such a serious security challenge.

Recent developments in the Middle East are of concern to Armenia. In the early twentieth century, the Syrian governorate of Aleppo became home to many Armenian refugees fleeing the Ottoman Empire due to the Armenian genocide.⁹ With the ongoing war in Syria, Armenia has become a natural destination point for many Syrians of Armenian origin,¹⁰ creating challenges for the Armenian government. Integration of refugees from Syria into Armenian society is still work in progress and full participation in Armenian economic, social and cultural life may take some time. Armenia's own economic troubles don't allow for providing accommodation and jobs for the newly arrived Syrians. Armenia is currently mired in a grim economic situation of its own that has sent hundreds of thousands of its citizens abroad (mainly to Russia) in pursuit of work State assistance for Syrian-Armenians covers mainly education, medical care, and the provision of documents.¹¹ Some of the projects initiated by Armenian authorities to help Syrian-Armenians target middle and upper class members of the community.¹² However, international observers complemented Armenian contribution to solution of migrant crisis stating, that "with the exception of Armenia, Germany and Sweden, the response of the other 43 European countries has been simply shameful."¹³

While the Armenian government claims that it does not have money to assist refugees from Syria, it has acquired expensive apartments for high-level government officials,¹⁴ in addition to initiating multi-million dollar renovations to various government buildings.^{15,16,17} The topic of government spending is out of scope of the public discourse in Armenia, and civil society doesn't get sufficient accountability for the above-mentioned government expenditure, while thousands of Armenians are in need of quality public services.

Domestic decisions, such as the increase in electricity prices in 2014¹⁸ and 2015¹⁹ have had a negative impact on Armenian households and businesses. These non-mandatory increases resulted in mass protests under the slogan "No to Robbery!"²⁰ Many citizens consider the increases as a consequence of lack of transparency, inefficient management of the electricity supply system. The international media covered the issue, drawing comparisons with other former Soviet Republics and highlighting that "it was widely rumoured that the price increase was only to cover up waste and corruption."²¹

Armenia joined the Eurasian Economic Union of Russia, Belarus, and Kazakhstan on 2 January 2015.^{22,23} It was a decision that was not sufficiently transparent and was not scrutinized in Armenian society. Some Armenian CSOs note that the donor community (e.g. the USAID) have substantially reduced funding available for different programs and projects. However, despite reciprocal sanctions imposed by the West and Russia, and despite the close alliance of Armenia with Russia, Armenia continues to be in active cooperation with the European Union.^{24,25,}

On 8 October 2015, the president called for a referendum on the new Constitution²⁶ on 6 December 2015.²⁷ Some observers and opposition leaders were against the draft constitution proposed²⁸ and declared that the number of voters is grossly overstated²⁹.

According to some CSOs, political opposition is very much concerned with the articles of the draft constitution that will assure the continuation of the existing government's own power. Meanwhile, according to the CSOs, there are several articles that would inhibit access to free education, health, and fundamental freedoms.

Freedom House classifies Armenian press status as not free.³⁰ Self-censorship is prevalent and is particularly common in the broadcasting sector. Journalists have more freedom to report online, however.

Corruption remains one of the main issues that the CSO community highlights.³¹ In a recent interview, the US Ambassador to Armenia mentioned that corruption is an obstacle to common goals.³² Armenia scores 35 out of 100 (with 100 being very clean and 0 being highly corrupt) in the 2015 Corruption Perceptions Index.³³ The public administration, particularly the judiciary, the police, and the health sector are especially vulnerable to corruption. Entrenched corruption, strong patronage networks, and the overlap between political and business elites render the implementation of anti-corruption efforts relatively inefficient.³⁴

The CSO community is concerned that the recently created Anti-Corruption Council which held its first meeting in July 2015,³⁵ cannot fight corruption because it includes high-ranking officials. According to the CSOs, this was a result of a conflict of interest with high-ranking officials who are involved in private businesses that have dealings with the state. According to media reports, non-governmental organizations and opposition parties have no confidence in the council and many Armenian citizens are similarly skeptical, believing that donor funds allocated to the council will be wasted.³⁶

Armenia is going through an important reform process towards data transparency and e-governance. This creates many opportunities for the open data dimension of the OGP Action Plan. The e-governance programme worth noting is the “Development of community management information system and implementation in the Republic of Armenia communities” which received the first award in the Asia-Pacific region³⁷ during the OGP Global summit in Mexico. The initiative is referred to as “Smart community” (Smart Municipality). The project is aimed at enhancing effectiveness of the activities of local self-government bodies in Armenia and improving public services delivered to the community population through open government.³⁸

Stakeholder Priorities

Most CSOs considered the commitments related to transparency of mining, CSO participation in government decision-making, and transparency commitments as the most important commitments in the current action plan. Some CSOs were also concerned about the inclusion of United States Agency for International Aid (USAID) and United Nations Development Program (UNDP), among other actors involved in two commitments.

Some of the commitments targeted the adoption of certain documents (e.g., decrees of the government, ministers orders). In Armenia much already-existing legislation is in line with best international practice—but implementation and enforcement are the key constraints. It will be beneficial if the adoption of official decrees and orders can be considered as intermediate stage for commitment

implementation, and that actual enactment and enforcement of legislation be seen as a commitment being completed.

Another problem associated with government-approved documents related to transparency, accountability, and public participation is that they do not specify officers or offices responsible for monitoring the implementation of government regulations. The development of new policies and activities will benefit if the government appoints officials or offices to monitor implementation of its regulations, and if it publishes reports based on the results of those monitoring and making proposals (e.g., availability of regulation information on government websites, discussion of drafts of official documents).

Scope of Action plan in relation to national context

The first and second OGP Armenia action plans were very important steps in the right direction, and Armenian CSOs and the government have a common basis to discuss important issues. However, both of the action plans did not include commitments that will make to make open data accessible to the public. The government should include more commitments to disclose open data, provide open access to this data and improve its technological readability. The government commitments on public accountability must present the mechanisms for using available information to bring about change.

Many Armenian CSOs highlighted the fact that the second action plan was not ambitious enough and did not address the major challenges that the country faces. The commitments were important—but minor—steps in right direction. In the opinion of the IRM researcher, the government addressed specific issues but did not present a holistic approach on major issues it faces in the areas of transparency, accountability, and public participation. For example, while Transparency International Anti-Corruption center highlights major fundamental problems in public procurement, the government decided to address only one of these problems in the action plan (commitment 5).

Development of transparency, accountability, public participation regulations, and proper implementation of the regulations should be a priority, especially considering that local and international observers specify problems not with the lack of legislation but rather the unwillingness or inability of the government to properly implement that legislation.

The Armenian CSO community and the Armenian society at large want to see decisive and swift action against widespread corruption. While Armenian authorities claimed that each commitment included in the OGP Armenia second action plan has an anticorruption component, and thus indirectly targets corruption, CSOs would like to see more direct actions in the fight against corruption.

Asparez Journalists' Club stressed the importance of publication of lists of voters, because past elections were marred by falsification and confrontation between the authorities and supporters of opposition. One of the main problems associated with elections is confidentiality of voter lists. During implementation of the next action plan Armenia will enter a new election cycle: 2016, elections of local self-governing bodies; 2017, elections of the National Assembly and Yerevan Council; 2018, presidential elections. Taking this into account, some CSOs think that access to the voter list will enhance trust towards the results of the upcoming elections.

Some CSOs highlighted the importance of implementing previously adopted regulations, such as social cards. While the donor community funded the implementation of social cards, with the goal of creating a database to relieve people of the necessity to present references from different public offices, these still continue demanding such references.

Recommendations

Based on discussions with different stakeholders—representatives of CSOs and the government—the IRM researcher is of the opinion that the government of Armenia will benefit if it will do the following:

- Take on commitments that are of interest to CSOs, where one or more CSOs are recognized as stakeholders.
 - The experience with the second action plan implementation demonstrated that the government succeeded most in those cases where there was an active CSO working alongside government. Implementation of commitments not monitored by CSOs were generally not satisfactory (e.g., commitment 3 and commitment 6).
- Clarify the mandate of OGP working groups and approve a charter (or work regulation).
 - CSOs expressed this wish, which is also found in the Civil Society Report prepared by FOICA.³⁹

¹ “UN General Assembly unanimously adopted resolution establishing International Day of Commemoration of Victims of Genocide and of its Prevention,” Ministry of Foreign Affairs, 11 September 2015, <http://bit.ly/2b9Ottx>

² “Putin, Hollande Join Armenian Genocide Remembrance in Yerevan, Azatutyun, 24 April, 2015, <http://bit.ly/1LCvwtF>

³ “Armenian Genocide of 1915: An Overview,” New York Times, <http://nyti.ms/1htDpkl>

⁴ “We Armenians Shouldn’t Let Genocide Define Us,” New York Times, 17 April 2015, <http://nyti.ms/1Gb0CXU>

⁵ Benny Morris, “The Armenian Genocide and Beyond: The Road to Deir al-Zor,” The National Interest, October 22 2015, <http://bit.ly/1oxCuL0>

⁶ “Protocol on the Establishment of Diplomatic Relations between the Republic of Armenia and the Republic of Turkey” and “Protocol on Development of Relations between the Republic of Armenia and the Republic of Turkey” signed on October 10th, 2009 in Zurich. <http://bit.ly/2bzNcva> & <http://peacemaker.un.org/node/1409>

⁷ “Armenian President Recalls Armenian-Turkish Protocols from National Assembly,” President of the Republic of Armenia, 16 February 2015, <http://bit.ly/2b3AjwU>

⁸ “NRK Defense Ministry, 6-7, 400 ceasefire violations, 8,000 shots in August” Azatutyun, 7 August 2014, <http://bit.ly/1WDNTEh>

⁹ “Why aren’t the rich states welcoming Syrian refugees,” Azatutyun, 30 September 2015, <http://bit.ly/1kyVtU3>

¹⁰ “Syria’s Armenians look to ancient homeland for safety,” BBC, 10 September 2015, <http://bbc.in/1OqdIBM>

¹¹ Ibid

¹² Nicole Crowder, “Rebuilding a life in Armenia after fleeing Syrian conflict,” The Washington Post, 25 September 2014, <http://wapo.st/1CnbVKr>

¹³ Nils Muiznieks, “You’re Better Than This, Europe,” The New York Times. June 28, 2015, <http://nyti.ms/1LQcjFv>; As of late 2013 Armenia admitted more Syrian refugees than France, Italy, the UK, Spain and Germany combined, and as of late 2015 the number of Syrian refugees in Armenia exceeded 16 thousand, mostly descendants of the survivors of the Armenian Genocide. ; “The speech of President Serzh Sargsyan in the 70th session of the UN General Assembly,” President of Armenia, 29 September 2015, <http://bit.ly/2bD9PQ4> & <http://bit.ly/1JTHRY5> & <http://bit.ly/1QacKw6>

¹⁴ “The Government donated expensive apartments for government officials,” Azatutyun, 17 February 2015, <http://bit.ly/1mT10tG>

¹⁵ Grisha Balasanyan, “241 million dram renovation in the government: gilded walls, sculptures and furniture,” hetq, 13 April 2015, <http://bit.ly/1SNn9TE>

¹⁶ “The government building is under renovation again,” 168 finance, 16 August 2015, <http://bit.ly/219MwDN>

¹⁷ “Hovik Abrahamyan used 214 million drams to renovate 3 halls in the government building,” 1in.am, 14 April 2015, <http://bit.ly/1Ris8s7>

¹⁸ “Electricity Tariff Press Release,” Public Services Regulatory Commission of the Republic of Armenia, 1 July, 2014, <http://bit.ly/1Qc4TRB>

¹⁹ “Electricity Tariff Review Press Release,” Public Services Regulatory Commission of the Republic of Armenia, 18 June, 2015, <http://bit.ly/1WDP2vx>

²⁰ Mariam Harutyunyan, “6,000 rally in Armenia after police crackdown,” Yahoo News, 23 June 2015, <http://yhoo.it/1TAushz>; “10,000 rally in Armenia as police threaten crackdown,” NDTV, 29 June 2015, <http://bit.ly/1LCwqWR>

²¹ Zhanna Andreyan and Georgi Derluguian, “Did Armenia just have an orange revolution,” Washington Post, 24 July 2015, <http://wapo.st/1T1luJm>

²² “Armenia: Progress Report 2012-2013,” OGP Independent Reporting Mechanism, 2013, <http://www.opengovpartnership.org/country/armenia/irm>

²³ “Armenia signs agreement on joining Eurasian Economic Union Treaty in Minsk,” President of the Republic of Armenia, 10 October 2014, <http://bit.ly/1TAuNRt>

²⁴ “Statement of the Foreign Minister on the Authorization to the European Commission on Starting Negotiations with Armenia,” Ministry of Foreign Affairs of Armenia, 13 October 2013, <http://bit.ly/1QxbqID>

²⁵ “Opening of Negotiations of a Framework Agreement with Armenia,” European Union Delegation to Armenia, 13 October 2013, <http://bit.ly/1Tvsloq>

²⁶ “Decree NH-754-N,” President of the Republic of Armenia, 8 October 2015, <http://bit.ly/1U6j07R>

²⁷ Ibid

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- ²⁸ Paruyr Hayrikyan, a prominent Soviet dissident, applied to the court to stop amending the constitutions, Azatutyun, 21 October 2015, <http://bit.ly/219Qlcg>, while Levon Zurabyan, the head of an opposition faction in the National Assembly declared the constitutional referendum illegal, Azatutyun, 16 October 2015, <http://bit.ly/21ldaGp>
- ²⁹ "Interview with Mr. Levon Barseghyan, President of Asparez Journalists Club," Azatutyun, 18 November 2015, <http://bit.ly/1Qc7YRv>
- ³⁰ "Freedom House Ranking," Freedom House, 2015, <http://bit.ly/1Oqhjjf>
- ³¹ "TI report. The most corrupt judicial system remains," Azatutyun, 27 July 2015, <http://bit.ly/1Oqhk6F>
- ³² "Corruption is an obstacle to the attainment of our common goals," Azatutyun, 16 September 2015, <http://bit.ly/1KEgDMh>
- ³³ "Corruption Perceptions Index," Transparency International, 2015, <http://bit.ly/1RX9b0t>
- ³⁴ "Overview of Corruption and Anti-Corruption in Armenia," Transparency International, <http://bit.ly/2b4w31h>
- ³⁵ "Anticorruption Council Holds the First Meeting," Government of the Republic of Armenia, 28 July 2015, <http://bit.ly/1SUEIBs>
- ³⁶ Marianna Grigoryan, "Armenia's anti-corruption council accused of lavish spending," the Guardian, 12 August 2015, <http://bit.ly/1DJMHuV>
- ³⁷ "OGP award Press Release," OGP Armenia, 29 October 2015, <http://bit.ly/1QmgAAY>
- ³⁸ "At Global Summit of Open Government Partnership Deputy Minister of Justice presented steps taken by Armenia in achieving targets under Sustainable Development Goals and fight against corruption," Ministry of Justice of the Republic of Armenia, 30 October 2015, <http://bit.ly/2b1hG1F>
- ³⁹ "OGP Monitoring Report," Freedom of Information Center Armenia, 30 September 2015, <http://bit.ly/1KVig8r>

VII. General recommendations

Crosscutting recommendations

Representatives of several CSOs involved in the OGP process in Armenia stress that it is necessary to carry out an OGP impact assessment to see whether the actions and commitments that the government takes are having real impact on the behavior of different government bodies and their operations. Armenian CSOs believe that if OGP does not assess the impact of the action plan, it is in danger of becoming one of the several international initiatives that have sonorous titles but fail to deliver real outcomes for citizens.

At the development stage, some CSOs were not satisfied by the fact that many potential commitments got rejected because of insufficient funds. At the implementation stage, some of the commitments are not being implemented on time because of a lack of financial resources. Some CSOs think that the government included only one proposal from some CSOs to please those CSOs, which, according to CSOs, makes the action plan a fragmented document that does not address many serious issues in a holistic manner. These CSOs think that in order to find more holistic solutions to challenges that Armenia faces, the government needed to look at the broader issues that CSOs are trying to address.

The government efforts will also benefit if the government publishes an annual transparency and openness report, where it will reveal all cases of failure by public bodies to comply with government transparency and accountability requirements.

Public awareness is a very important component of any government reform. General society and potential beneficiaries must be aware of government efforts to improve the quality of delivered services and gained opportunities.

Top Five SMART Recommendations
1. The government can promote OGP through a well-designed national public awareness campaign, including the use of print media, radio and television, and targeted at a wide range of civil society stakeholders and citizens.
2. To reach out to a broader base of regional CSOs, government could organize meetings and have an equal distribution of consultative sessions of the OGP working group across the country.
3. To ensure meaningful participation in the development and implementation of the action plan, the government should prepare and present a timetable of OGP events necessary to ensure the transparent and participatory development and implementation of the action plan.
4. The government may adopt more holistic approach by including commitments that are addressing more comprehensive reforms in areas such as public procurement and elections.
5. Ensure that commitments from each iteration of action plan are implemented within a specific time-frame to avoid excessive carry-over, or in certain cases, the loss of commitments as a result of non-implementation. In this regard the government should re-commit to fully implement the program budgeting commitment from the first action plan by 2018.

VIII. Methodology and sources

Experts use a common OGP independent report questionnaire and guidelines,¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's self-assessment report and any other assessments of progress by civil society, the private sector, or international organizations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore when possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. In most cases CSOs interviewed chose to remain anonymous in this research process. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

As a note, interviews for this report were conducted in a compressed time frame. However, strict adherence to OGP IRM procedure manual and the timeline for government and civil society review contained therein were followed.

Interviews and focus groups

Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment report or online.

The OGP IRM national researcher had two focus group meetings with CSO representatives.

The first meeting was held on 12 October 2015 in Yerevan at the premises of the Civic Development and Partnership Foundation. The IRM researcher sent an invitation to a large group of CSOs that were involved in the OGP process, that were aware of OGP, or that had participated in OGP events in the past. However, only six representatives of four CSOs attended the meeting.

The second meeting was held on 19 October 2015 in Vanadzor at the premises of the NGO Center. The IRM researcher invited local CSOs (via Lori Development Center) that were not involved in OGP. Eight people representing six CSOs from Vanadzor and Gyumri were present.

The IRM national researcher had face to face meetings with the following government officials in charge for OGP Armenia commitments:

Mr. Suren Krmoyan, Deputy Minister, Ministry of Justice

Mr. Vardan Vardanyan, Head of Mining Department, Ministry of Energy and Natural Resources

Mr. Saro Tsaturyan, Head of State Health Agency of the Ministry of Health

Mr. Ashot Giloyan, Head of Local Self-Government Department, Ministry of Territorial Administration and Emergency Situations

Ms. Susanna Makyan , Head of Preschool and Secondary Education Policy and Analysis Division of Secondary Education Department, Ministry of Education and Science

Mr. Hayk Ayunts, Deputy Director, Procurement Support Center

Mr. Aram Asatryan, staff member of the government of Armenia apparatus

The IRM researcher had e-mail discussion with the following government officials in charge for OGP Armenia commitments:

Mr. Armen Khudaverdyan, Member of the Ethics Commission of the High-Ranking Officials

OGP IRM national researcher had meetings and or telephone discussion with representative of the following CSOs:

Mr. Varuzhan Hoktanyan, Transparency International anti-corruption center

Ms. Sona Ayyvazyan, Transparency International anti-corruption center

Ms. Liana Doydoyan, Freedom of Information Center of Armenia

Mr. Levon Barseghyan, Asparez journalists club

Ms. Tamara Abrahamyan, Araza

Mr. Suren Deheryan, Journalists for future

Mr. Varazdat Sargsyan, Worldvision Armenia

Ms. Narine Tadevosyan, World Bank, EITI Consultant

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Hazel Feigenblatt
- Jonathan Fox
- Hille Hinsberg
- Anuradha Joshi
- Liliane Klaus
- Rosemary McGee
- Gerardo Munck
- Ernesto Velasco

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

¹ Full research guidance can be found in the IRM Procedures Manual, available at: <http://www.opengovpartnership.org/about/about-irm>.

IX. Eligibility requirements annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below. When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit: http://www.opengovpartnership.org/how-it-works/eligibility-criteria .				
Criteria	2011	Current	Change	Explanation
Budget transparency ¹	ND	2	<é=ê>	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information ²	4	4	<é=ê>	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ³	3	4	<é=ê>	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	3 (5.88) ⁴	3 (5.88) ⁵	<é=ê>	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	10/12 (83%)	13/16 (81%)	<é=ê>	75% of possible points to be eligible

¹ For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>

² The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws <http://www.right2info.org/access-to-information-laws>

³ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): [://bit.ly/19nDEfK](http://bit.ly/19nDEfK); Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009). [://bit.ly/13vGtqS](http://bit.ly/13vGtqS); Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). [://bit.ly/1clokyf](http://bit.ly/1clokyf); For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>

⁴ "Democracy Index 2010: Democracy in Retreat," Economist: Intelligence Unit, <http://bit.ly/1i3Ddvn>

⁵ "Democracy Index 2014: Democracy and its Discontents," Economist: Intelligence Unit, 2014, <http://bit.ly/18kEzCt>