Independent Reporting Mechanism

Action Plan Review:
Armenia 2022-2024

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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.[1] The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.

- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.

- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Armenia's 2022-2024 action plan. The action plan comprises 10 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

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[1] "IRM Refresh" Open Government Partnership, https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/.

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Section I: Overview of the 2022–2024 Action Plan

Armenia's fifth action plan features promising commitments around data management, public communications, participatory budgeting, transparency of gifts received by public officials, and public procurement. Implementation will benefit from measures to ensure sustainability of results and more intensive public engagement.

Armenia's fifth action plan (2022–2024) includes 10 commitments, focused mostly on improving government transparency. It introduces new commitments around government-held data, government communication, compliance with freedom of information, participatory budgeting, and judicial transparency. The inclusion of commitments on judicial transparency and participatory budgeting address IRM recommendations.

Similar to the previous action plan, this plan includes commitments incorporating legislative changes. All commitments are linked to other national strategies (particularly the 2021-2026 Action Plan of the Government of the Republic of Armenia) and to the Sustainable Development Goals. Several commitments also address recommendations by the Organisation for Economic Co-operation and Development and the Group of States against Corruption. While these links could strengthen support for implementation, civil society noted that the government planned to implement the activities regardless of their inclusion in the action plan.

Compared to the previous action plan, the co-creation process encompassed consultations with a wider geographic reach and a more proactive awareness raising by the government. International donors continued to support the co-creation process. The United Nations Development Programme supported the meeting in December 2021 to contribute to the co-creation process. The European Union (EU) supported the government and civil society organizations (CSOs) to conduct online consultations with stakeholders in eight regions, hold townhall meetings outside the capital, and carry out a wide range of awareness raising for OGP. Stakeholders assessed the quality of dialogue and geographical reach of the online meetings positively. Moreover, the government was more proactive in its public outreach, promoting OGP through public TV, radio, and traditional and social media. Proposals for commitments were collected electronically by email and, for the first time, via a special form on the government OGP website. In addition, several proposals were produced during a workshop by expert groups,

AT A GLANCE

Participating since: 2011
Action plan under review: 2022–2024
IRM product: Action plan review
Number of commitments: 10

Overview of commitments:
Commitments with an open government lens: 9 (90%)
Commitments with substantial potential for results: 1 (10%)
Promising commitments: 5

Policy areas:
Carried over from previous action plans:
- Land ownership transparency
- Beneficial ownership transparency
- Social protection

Emerging in this action plan:
- Policy for government-held data
- Public communication
- Freedom of information
- Participatory budgeting
- Public officials' gifts
- Open justice
- Public procurement

Compliance with OGP minimum requirements for co-creation: No

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formed based on the priorities in the action plan. This approach was a novelty and reflected the recommendations of previous IRM reports.

The government reviewed the proposals based on their alignment with OGP values and existing government priorities and, jointly with a consortium of CSOs, organized thematic workshops with stakeholders to draft commitments around the shortlist. According to stakeholders, the action plan generally addresses the priorities of government and civil society and is more strategic and comprehensive than previous plans.

IRM has assessed five commitments in detail. These commitments are considered promising as they are prioritized by civil society stakeholders and address policy areas important to Armenia's open government context. Commitment 1 will legislate a government-wide data management policy and open data procedures. This will provide much-needed requirements across government agencies on what information they should make publicly available and free of charge. Commitment 2 will create a public communication strategy for the government, which could provide greater consistency to how government agencies communicate with the public and address information gaps and disinformation. Commitment 5 will set mechanisms to allocate a portion of community budgets to projects initiated and selected by citizens. It plans to develop participatory budgeting tools in three local communities, with an aim of helping more communities conduct their own participatory budgeting. Commitment 7 will establish a register of gifts received by public officials in connection with their services and adopt regulations on transferring gifts. Despite potential challenges to enforce the register and the regulations, the commitment could improve transparency around gift giving and receiving. Commitment 8 will create an e-procurement platform that will cover information on all stages of public procurement with an open data approach. It could allow easier data analysis and public oversight and procurement statistics in real time. It will also be linked to the beneficial ownership register, helping users identify the beneficial ownership information of all companies that bid on public tenders.

It will be important to maintain consistent public engagement during implementation and ensure the sustainability of results. Several commitments, such as the geoportal (Commitment 6), gift register, e-justice (Commitment 9), and e-procurement, focus on establishing the relevant platforms, while oversight and public awareness are expected to take place beyond the action plan. It is crucial that the government and civil society provide the necessary technical support for civil servants to ensure that the commitments reach their full potential in opening government.

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Section II: Promising Commitments in Armenia 2022–2024 Action Plan

The following review looks at the five commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
Commitment 1. Data policy legislation: This commitment will adopt a unified data management policy for all state-held information and define a policy for open data in the government.
Commitment 2. Strategic communication architecture: This commitment will develop a unified policy to guide all state bodies in their public communications and revise how participatory mechanisms solicit public feedback.
Commitment 5. **Participatory budget on local level**: This commitment will create guidelines and a toolkit to support local self-government bodies interested in taking up participatory budgeting. It will also pilot participatory budgeting in three local self-government bodies.
Commitment 7. Registry of gifts for public officials: This commitment will establish a public register with information on gifts received by civil servants in connection with their work. It will also establish mandatory procedures for declaring and registering gifts.
Commitment 8. Comprehensive system of electronic procurement: This commitment intends to create a single platform where procurement information will be published free of charge and automatically. The platform will also be made interoperable with the beneficial ownership register, allowing users to easily retrieve beneficial ownership information of the bidders for public tenders.

Commitment 1. Data policy legislation

Lead agency: Ministry of High-Tech Industry

For a complete description of the commitment, see Commitment 1 in Armenia's 2022–2024 action plan here.

Context and objectives:

Under this commitment, the government will adopt a unified data management policy that will govern all state-held information and define a policy for open data (i.e., clarify the legal grounds and standards for data catalogs and ensure public access to meta data). It will also set criteria for which state-held information should be available to the public free of charge and which should be provided for a fee. Several proposals during the co-creation process from civil society concerned opening specific databases and registries. This commitment will provide a general regulatory policy for resolving questions in this area.

The commitment is linked to the Public Administration Reform Strategy, which calls for a comprehensive data policy and an institutional data management system.[1] It is also in line with the Government Program 2021–2026, which aims to upgrade the administrative information systems and the capacities of official statistics through a unified data policy.[2] The commitment will contribute to government transparency by setting clear regulations for the publication of state-held information and ensuring government compliance to open data principles.

Potential for results: Substantial

The IRM assesses this commitment as having substantial potential for results in opening government-held data. If fully implemented, this commitment would result, for the first time, in state-wide, legally binding, comprehensive regulations on how the government manages and publishes the data it holds, including the application of open data standards. While the laws on freedom of information[3] and government procedures provide basic rules on managing and providing information, they are limited in scope and do not contain any official policies on open data.[4] The government has implemented many stand-alone open data initiatives in the past. For example, previous OGP action plans included commitments on open data in officials' asset declarations, beneficial ownership, education, and an interactive state budget. Other platforms established outside OGP include an electronic register of legal persons, a public procurement plan and contract management platform, and a legal information system.[5] However, until now, there has been no comprehensive approach or unified regulatory principles for such initiatives.

This commitment addresses the need for a unified policy that will clarify the grounds for restrictions to public access to types of information handled by specific government bodies (as well as non-state public service providers).[6] For example, journalists can request information on company founders and shareholders on the state register for free, but other organizations and citizens must pay. This can make it difficult to verify beneficial ownership information and establish potential conflicts of interest or corruption risks. Similarly, the information in the state cadastre is provided on a paid basis, while this information might help users verify officials' asset declaration or check conflict of interest when a public property is sold. There is no consistent approach by state bodies around what data they provide to the public and what data they consider closed. For example, some state bodies publish information on civil servants while others consider this personal data and thus not eligible for publication. Moreover, some information can be rejected on the grounds of state secrecy without proper justification. This commitment will provide important clarifications around the grounds for restricting access to certain state-held information and, where possible, remove unnecessary restrictions.

The commitment will also give Armenia its first state-wide official open data policy, which is a priority for civil society.[7] Although some platforms and registers incorporate open data standards, many government agencies still publish documents in PDF format, which are often not machine readable (e.g., a scanned text). While Armenia's score in Open Data Inventory by Open Data Watch has improved from 53 in 2018 to 57 in 2020, the openness score remained the same—55.[8] In the long term, this commitment could expand the coverage of government-held data to be disclosed and improve usability and openness by requiring compliance to open data standards for any government-held data.

Despite an increased volume of digital data, the government lacks regulations on how to manage, protect, and archive this data electronically. The new regulations will address issues related to mismanagement of personal data (such as leaks) by setting government-wide standards for management, processing, storage, and publication.

Opportunities, challenges, and recommendations during implementation

Although the commitment sets an important regulatory framework for government-held information, it lacks clarity on important components of the legislation. For example, it does not explicitly mention who the legislation will cover as data holders (e.g., state administration, state-owned organizations, local governments, public service providers) what type of legislation is expected (e.g., government regulation, law, or other type of legal act), or the sanctions for noncompliance. In addition, a potential challenge to implementation will be the lack of capacity of state officials to deal with datasets and a lack of knowledge on open data standards and handling personal data.

For achieving substantial results, the IRM recommends the following steps during implementation:

- **Clearly define in the legislation the datasets to be made public, the open data standards to be adopted, the requirements for regular updates, and the sanctions for noncompliance**. Based on civil society stakeholders' suggestions, the government could prioritize making available free of charge the data of the State Registry and the State Cadastre, as well as information on state-owned property and its usage, including lease contracts, the list of museum pieces, and others per discussions with the public and civil society.[9] The European Union's (EU's) Directive 2019/1024 on open data and the reuse of public sector information could be useful for setting open data regulations,[10] along with the guidelines on open data.[11] Armenia could also learn from the experiences of other countries pursuing national open data portals, such as Canada, Estonia, Finland, and Ukraine.[12]
- **Engage open data users when designing and implementing the data legislation**. To ensure the legislation's usefulness, it will be important to incorporate the needs of potential data users, including civil society and investigative journalists, during its drafting and implementation. For example, in its 2016–2018 action plan, Ireland developed a three-year open data roadmap in consultation with public bodies, businesses, civil society organizations (CSOs), and researchers.[13] In its 2022–2024 action plan, Romania is engaging civil society to identify high-value data sets in implementing its national law on open data. The commitment also entails implementing an "open by design and by default" principle in the government and increasing citizens' data literacy.[14]
- **Train the staff of state administration, local governments, and public service providers dealing with data**. The government could conduct trainings in collaboration with experts and partner CSOs to ensure the application of the effective execution of the data policy. Also, data security should be addressed in the data management legislation and trainings of civil servants. For example, Croatia's 2022–2024 action plan has a commitment to train civil servants and officials on personal data protection.[15]
- **Clarify if the legislation will cover private entities providing public services and municipal governments**. Armenia's freedom of information law covers private companies providing public services in the list of information holders. However, there is a need to clarify whether, and in what scope, the new policy will cover such companies. The government could consider the enforcement of the data management policy for private actors engaged in delivering public services and for municipalities.

Commitment 2. Strategic communication architecture

Lead agency: Office of the Prime Minister

For a complete description of the commitment, see Commitment 2 in Armenia's 2022–2024 action plan here.

Context and objectives:

Under this commitment, the Office of the Prime Minister will develop a unified policy to guide all state bodies in their public communications, including information provision and soliciting public feedback. The commitment was developed jointly by civil society and the government and reflects the Public Administration Reform Strategy, which calls for a policy on informational and strategic communication.[16] It also reflects the recommendations of the Organisation for Economic Co-operation and Development (OECD) that governments should have appropriate mandates and strategies to guide their public communication.[17]

Armenia's legislation on access to information and the regulations of communication departments in state agencies provide a limited framework for public communication. However, there is no government-wide policy setting institutional mechanisms for and approaches to public communication, such as mandating the development of communication plans by state agencies or enforcing regular and proactive communication on implemented policies and reforms. As a result, public communication by state bodies is often fragmented and depends on the personal attitudes and capacities of officials and their staff. After the 2018 Velvet Revolution, high-level officials have increasingly used social media to provide information to the public on their own initiative, while official channels often fail to provide timely and effective information.[18] The gaps in official information, along with the increased use of social media, provide room for disinformation and fake news.[19] The COVID-19 pandemic, 2020 Nagorno-Karabakh (Artsakh) war, and further political turbulences have emphasized the need for regulations on government communication, particularly in emergency situations.

In addition, different mechanisms exist for public engagement in policy-making, such as public councils, online consultations on draft laws, public hearings, and surveys. However, many of these mechanisms are not fully functional in practice.[20] There is currently no institutional support (i.e., detailed procedures or allocated staff and resources) for organizing discussions and collecting public feedback beyond the mandatory publication of legislative drafts on e-draft.am. To address this gap, the commitment will establish a special unit in the Office of the Prime Minister that will produce a methodology for public engagement, allocate physical space for meetings with the public and assist state bodies in organizing public discussions. This unit will stimulate more systematic public engagement in government initiatives, including outreach to specific social groups of relevance to certain policies or state bodies.

The commitment could contribute to government transparency by facilitating consistent and proactive information to the public. It will also contribute to civic participation because the unit under the Office of the Prime Minister aims to set up more diverse channels of public engagement.

Potential for results: **Modest**

This commitment could improve how state agencies provide information to the public. For the first time, Armenia will have a government-wide strategy to regulate the institutional settings and procedures of public communications. According to a civil society representative, the strategy will lead to more timely and consistent information for the public.[21] The procedures could help the communication departments of state agencies function more effectively by standardizing the vocabulary they use in their public communication. A civil society representative hopes that the procedures will eventually change the attitudes of state officials

who currently do not prioritize providing the public with information on ongoing policies, programs, and services of state institutions.[22] According to a government representative, the policies and procedures under this communication strategy will be binding for all state bodies.[23] However, as the action plan does not mention legislative measures to mandate the policies and procedures for all national-level government bodies and the monitoring measures, the IRM assessed the potential for results as modest.

The commitment will also introduce appropriate state response mechanisms to prevent the spread of misleading and false information. Timely and adequate communication (particularly during times of crisis), helping to prevent the spread of misleading and false information, could improve public trust in the government's actions and in the democratic process. In addition, the commitment will regulate the government's relationship with mass media and apply standard principles in organizing press conferences. An interviewed journalist noted that the government sometimes takes a selective approach to its interactions to media.[24] This commitment could help the government engage the media more consistently and fairly.

The new unit under the Office of the Prime Minister could provide much-needed institutional coordination and support to state bodies in organizing public discussions. This could reinforce existing mechanisms of public engagement that are not often used and introduce alternative tools based on the needs of certain social groups.

Opportunities, challenges, and recommendations during implementation

Civil society has noted that limited capacity prevents the government from effectively communicating to and engaging the public.[25] It is important to develop necessary capacities and designate sufficient human resources in each state body and strengthen communication skills of the state administration. The unit for coordinating participation and follow-up communication also needs to be given the necessary financial and human resources, including experts in communication with various stakeholders.

To address these potential issues, the IRM recommends the following:

- **Use the policies and procedures to improve public communication in local self-governments**. According to a government representative, the policies and procedures will be optional for local governments.[26] The Office of the Prime Minister could encourage uptake of the communication policies and procedures in local self-governments. In addition, the public engagement methodology can inform the implementation of the commitment in Yerevan's first OGP Local action plan (2023–2024) on organizing open, transparent, and participatory public discussions.[27]
- **Specify the legislative measures to mandate the policies and procedures for all national-level government bodies and the monitoring measures**. The government noted to the IRM that the communication policies and procedures will be binding for all state bodies. Therefore, it will be important to specify the legislative measures to mandate the policies and procedures during implementation. Moreover, the commitment does not specify the mechanisms to monitor compliance with the policies and procedures. During implementation, the Office of the Prime Minister could clarify a monitoring approach for the procedures, possibly by involving civil society. Ideally, the monitoring measures should be incorporated directly into the relevant procedures.
- **Engage state bodies and civil society in developing communication policies and procedures**. It is important that information departments of state bodies and civil society stakeholders participate in designing the strategy to ensure co-ownership and effective implementation.

- Based on the recommendations in CSO reports and from stakeholder interviews, the communication strategy could cover
  - awareness raising and discussions of state policies and reforms for the general public, including at the regional level;
  - publication of information and documents of public interest on official websites in a user-friendly manner;
  - targeted messages and activities for socially disadvantaged groups, including making official websites accessible for people with disabilities;
  - utilizing new electronic communication tools for disseminating information, strengthening interagency and internal communication channels, assigning designated staff for proactive public engagement, and using the communication strategy to improve trust toward the government.
- **Clarify the measures to prevent the spread of false or misleading information**. The commitment calls for introducing appropriate state response measures to prevent the spread of misleading and false information, but these measures are not yet defined. For these measures to strengthen public trust in government policies, it is important that they be implemented in a transparent and participatory manner.

Commitment 5. Participatory budget on local level

Lead agency: Ministry of Territorial Administration and Infrastructure

For a complete description of the commitment, see Commitment 5 in Armenia 2022–2024 action plan here.

Context and objectives:

The law on local self-government requires local councils to hold public discussions on their annual community budget before it is adopted. However, the local authorities often treat these discussions as a formality, engaging local civil servants and their relatives in order to mark them accomplished, or sometimes not organizing consultations at all.[28] The lack of participation is also due to the small budgets of communities and low probability of changes in planned allocations.[29] At the same time, there are cases of successful participation in communities where the budget is larger, particularly in communities with active CSOs and community leaders that are open to collaboration with civic groups.[30]

The current commitment will allocate a specific amount of the community budget for projects suggested by citizens and supported by votes of the local population. It will be piloted in three communities: Abovyan, Armavir, and Ashtarak. The commitment was proposed by the Ministry of Territorial Administration and Infrastructure. The CSOs that have experience in participatory budgeting within donor-supported programs and/or working with local governments find that participatory budgeting is a useful approach to encouraging participation in local decision-making.[31] As with previous OGP commitments on local governance, the German Agency for International Cooperation is supporting the implementation.[32] One of the communities in the pilot, Armavir, has also undertaken a commitment on participatory budget in its OGP Local action plan.[33] As a starting point, the commitment will develop guidelines and a toolkit on how to introduce participatory budgeting that can be used by any local self-government body in the country. According to the action plan, public awareness raising on the participatory opportunities and advantages will also be implemented for the commitment.

This commitment will advance civic participation by offering the possibility to increase public interest in budget development and expanding opportunities for citizens to provide input on community projects.

Potential for results: Modest

Public participation in local government in Armenia is low. This is one of the key challenges in the local self-government system, along with the weak role of the council of elders, lack of fiscal autonomy for local communities, and limited powers of local self-governments.[34] By piloting participatory budgeting, this commitment could support local administrations and community leaders to proactively engage citizens in the budgeting process. This could increase public interest in participating in local budgeting, especially if submitted proposals are incorporated directly into the budget, following citizen voting. Moreover, the incorporation of citizen proposals in their community's budget could help address urgent social or economic needs of the local population.

This commitment could have modest potential for results. The guidelines and toolkit on how to engage in participatory budgeting are good resources, but their usage will be voluntary. Nonetheless, the guidelines and the toolkit (as well as the technical setups for community websites to allow citizen voting on proposals) will be available for all communities in the country.[35] Thus, other interested communities could use these resources to apply their own participatory budgeting approaches. The commitment does not specify the amount of money that the three local self-government bodies will allocate for participatory budgeting. However, the commitment in Armavir's OGP Local action plan says that Armavir has allocated AMD 1 million (about USD 2,500) for participatory budgeting in its 2023 budget, which is equal to approximately 0.05 percent of the community budget.

Apart from greater interest and participation in local budgeting, the commitment could help local governments promote the use of community websites and available opportunities for public engagement among citizens. This could in turn encourage local governments to publish more information on their websites that is useful to citizens. Moreover, stakeholders engaged in implementation note that the technical tools for participatory budgeting could open opportunities for other participatory initiatives. These include voting for subvention projects submitted to the government, soliciting citizens' feedback on budget items and other initiatives proposed by the municipality, and organizing discussions on community issues raised by the citizens or as suggested by the local administration.[36]

Opportunities, challenges, and recommendations during implementation

Participatory budgeting is more likely to succeed when the amount and flexibility of allocated money is relatively high, to provide sufficient incentives for meaningful participation and substantial impacts.[37] It is also important that local government officials ensure timely delivery of co-decided proposals. This could increase the confidence of citizens in their ability to influence public investment and set a good example for other communities who wish to implement similar initiatives. It will also be important to encourage a wide range of social groups to participate, to prevent participatory budgeting from becoming a new form of clientelism in these communities.

To improve the potential for results of this commitment, the IRM recommends the following:

- **Raise public awareness of the possibilities to participate in local budgeting processes through targeted communication**. The commitment includes public awareness raising, which is essential for successful implementation. It is important that

awareness raising is not limited to publishing information on community websites, as this may not be sufficient for reaching residents. Targeted communication with community "influencers" (i.e., respected and well-known people in the community), in-person meetings with residents (e.g., townhall meetings) and local CSOs could strengthen public motivation to participate. Trainings and mentoring local administrations could also ensure there is adequate capacity for implementation in the communities. The organization People Powered has a toolkit for officials, government staff, and institutions on how to launch a successful participatory budgeting process.[38]

- **Ensure the processes for participatory budgeting in local self-governments are fully transparent**. It will be important for local communities to clearly communicate the process of selecting citizen initiatives and explain the amount allocated for citizen proposals. For example, during a participatory budgeting commitment in its 2018–2020 OGP Local action plan, São Paulo, Brazil, used the city government's platform to register information on the proposals submitted, the number of votes received, and the proposals accepted.[39] It is also important to provide reasoned response to citizens' proposals. A good example is the municipality of Batumi's participatory budgeting commitment in Georgia's 2018–2019 action plan.[40] The municipal government's participatory budgeting website has a page where all submitted, approved, and rejected proposals are listed.[41] Under the rejected proposals, the municipal government provides an explanation of why it rejected the proposal, such as why it was not feasible or outside the jurisdiction of the municipality.

- **Publish simplified budget documents and information to improve public engagement in budgetary processes**. Simplified budgets (e.g., a "Citizen Budget"), diagrams depicting the process of decisions, and other user-friendly materials could increase interest in local budgeting and improve public oversight of budget implementation. Publication of community budgets in open data format (planned by Gyumri and Vanadzor in their joint OGP Local action plan[42]) could also improve access for citizens, local media, and CSOs to budget information. The local communities should consider the needs of specific groups, such as the elderly or the disabled, when providing budget information, collecting suggestions, and informing on implementation to guarantee equal participation.

- **If possible, consider adopting mandatory regulations on participatory budgeting for all local governments**. Such regulations could be addressed in the next amendments to the law on local self-government. This could help ensure that the commitment leads to a permanent change to government practice by continuing participatory budgeting beyond the two-year action plan cycle. For example, in its 2020–2022 action plan, Côte d'Ivoire committed to establishing a legal and regulatory framework for participatory budgeting in all localities in the country.[43]

- **Encourage engagement of communities not involved in the pilot and support the use of the guidelines and toolkit to standardize participatory budgeting across communities**. To ensure wider uptake of participatory budgeting beyond the three pilot communities, it will be important to clarify how other communities might benefit from the guidance and toolkit and broaden the results of the pilot activities. For example, the municipality of Jermuk, though not one of the pilots, has initiated participatory budgeting, with an allocated amount of AMD 5 million. Jermuk has experience in allowing citizens to provide proposals on the community budget through an online platform. The government can support Jermuk and other communities in

incorporating the tools from this commitment into their participatory budgeting practices.

Commitment 7. Registry of gifts for public officials

Lead agencies: Commission for the Prevention of Corruption; Ministry of Justice

For a complete description of the commitment, see Commitment 7 in Armenia's 2022–2024 action plan here.

Context and objectives:

The 2018 Law on Public Service prohibits public officials from accepting gifts in relation to their official service, with some exemptions (e.g., gifts granted during official visits or public events). The law requires officials to transfer gifts to the government if their value exceeds AMD 60,000 (about USD 150).[44] However, there are no regulations around the procedure of transfers and declarations. This commitment, proposed by the Ministry of Justice, aims to adopt regulations on registering and transferring gifts, define a body responsible for oversight, and establish a publicly accessible online register of gift declarations and transfers. Armenia's previous action plans included commitments to set up a registry of asset and income declarations in open data format. Stakeholders believe the current commitment is needed to enforce legal regulations related to the gifts and comply with international anti-corruption recommendations.[45] The Anti-Corruption Strategy 2019–2022 envisaged the creation of a gift register, but it was not completed.[46]

The registry will allow the public to monitor and report when gifts are not registered or contradict legal regulations, thus contributing to transparency. In addition, the law on the whistleblowing system[47] provides a number of channels for the public to report corruption and integrity-related violations, including posting anonymous reports on the special electronic platform for whistleblowing.[48] The Corruption Prevention Commission (CPC) will monitor the registry and initiate proceedings on the reports it receives. This includes disciplinary and administrative sanctions as provided by the law and/or sending proceedings to law enforcement in case of criminal offense.[49] Thus, the commitment could contribute to public accountability by stimulating use of existing public oversight mechanisms. As a rule, the CPC publishes information on its website regarding proceedings in cases of misconduct of public officials.

Potential for results: Modest

Although the law generally prohibits officials from receiving gifts linked with official duties, prior to this commitment, there was a gap in the legal regulations on what was considered a gift. Moreover, there were no procedures of gift transfer to the government. The act of receiving gifts by any official contains corruption risks, as gifts might be provided in exchange (or expectation) for a benefit or decision in the scope of an officials' responsibilities in favor of the gift giver. This commitment will clarify the policy related to receiving, registering, and transferring gifts; assign a responsible body for oversight; and set up the registry. The public, media, and civil society will be able to use the registry for analyzing gifts received by officials and reporting to the government if potential violations are observed.

The IRM assesses the potential for results as modest because, according to stakeholders, officials can still hide gifts they receive if they are impermissible, or not register the gifts at all. Declaring gifts is among the ethical responsibilities of officials and might be followed up or monitored by their superiors, their colleagues, and integrity officers in government agencies. However, the CPC, integrity officers, and ethics commissions cannot fully control compliance

and must rely on the integrity of officials and reports of violations from the public.[50] Nonetheless, the registry could have a preventive impact on gift giving and receiving in relation to anti-corruption. There is a widespread practice in Armenia of public officials receiving gifts for performing services, and the public and officials often see gifts as signs of gratitude, not as bribes. A procedure of gift declaration might change the mentality of officials who accept gifts as an ordinary practice and improve public perception of gifts in terms of corruption risks.[51]

CSOs are concerned that the information included in the register will be limited to ceremonial gifts (e.g., souvenirs). Even though conflict-of-interest cases and gifts for high-level officials have received attention in the media, no effective investigations were carried out. Interviewed CSOs are skeptical that the register will have significant impact on addressing corruption, considering that many gifts might be counted as "personal" (i.e., not linked to official duties) and thus not subject to declaration.[52] Even though the Law on Public Service requires public officials to declare property and financial assets received as gifts in their asset declarations, declaration of immovable property, transportation, and securities is mandatory. For other types of property, its estimated value must exceed four million AMD to make its declaration mandatory. Further, the property and monetary funds received as a gift or aid (if exceeding 200,000 AMD) shall be declared in the income section of the declaration. However, there is no requirement to mention the person or organization who donated the gift. In any case, the income and property declaration system covers a narrower circle of officials as compared to the number of public servants to be covered by the gift register, thus the latter would provide accountability (in terms of gifts linked with official duties) for a larger scope of officials.

Another issue is that "hospitality" is included in the list of permissible gifts, though in specific cases it can contain corruption risks.[53] The improvements to accountability also depend on the extent of public oversight. Recent amendments to the law on the whistleblowing system allow whistleblowing through public channels. This means that media publications can now serve as an additional basis for starting proceedings, including in cases related to gifts.[54]

Opportunities, challenges, and recommendations during implementation

The main challenge for this commitment is the possibility that few public officials will declare and register their gifts in practice. The register will only be useful if the government enforces the implementation and oversight of adopted regulations.

To address these challenges during implementation, the IRM recommends the following:

- **Expand the scope of gifts requiring declaration in the legislation**. Stakeholders consider the differentiation of "personal" gifts from those received "in relation to official service" as problematic. CSOs suggest defining a requirement to declare all gifts beyond a certain threshold or cover such gifts in declarations of assets and income, including the information of the estimated price of the gift and the person/organization who presented the gift. This will allow tracking the source of expensive gifts and checking for conflicts of interest.
- **Link the pages on the gift register to the register of asset declarations**. The government plans to have separate registers for gifts and asset declarations, as the data included in these registers are formatted differently (e.g., the gift register will include photos of the gifts) and have different timelines for updates (declarations are published once a year; the gift register will be updated regularly). However, the government also plans to make these systems interoperable with each other to allow cross-checking once the gift register is created. To make cross-checking easier, the IRM recommends

including hyperlinks to the gift registry page in the asset declarations for each official, filtered by the name of the same official.

- **Train civil servants on the procedures for declaring and registering gifts, raise public awareness on the risks associated with gifts, and promote the use of the register**. Apart from administrative and criminal sanctions for violating the legal provisions, extensive awareness raising will be necessary among officials and the public to change attitudes and customs. The CPC and the Ministry of Justice could develop a training program for civil servants on how to declare and register gifts and on the procedures for transferring gifts to the government to ensure wide understanding and compliance. Preferably, instructions and trainings would be included in the onboarding of new civil servants.

Commitment 8. Comprehensive system of electronic procurement

Lead agency: Ministry of Finance

For a complete description of the commitment, see Commitment 8 in Armenia 2022–2024 action plan here.

Context and objectives:

Armenia has several platforms for public procurement. One is armeps.am, launched in 2011, for online organization of the procurement tenders, price quotation, and single sourcing procedures.[55] A module on armeps.am, Procurement Plan and Contracts Management (PPCM), publishes procurement plans, contracts, and related documentation, with searching based on type and subject of contract, contractor, vendor, time, and downloading of data in CSV and Excel format.[56] The platform www.procurement.am serves as a bulletin on procurement invitations and notices on contracts. It provides beneficial ownership declarations by participants of tenders.[57] There is also a system for vendors to participate in electronic auctions.[58]

This commitment intends to merge the above-mentioned systems into a single platform where procurement information will be published free of charge and automatically. In addition, the portal will be made interoperable with the registry of beneficial owners, so that information on beneficial owners will be automatically retrieved from the registry. The commitment was proposed by the Ministry of Finance and the NGO Center, while the linkage to the beneficial owners registry was added on the Ministry of Justice's proposal to enforce the beneficial ownership declaration system, as Armenia has introduced mandatory declaration of beneficial owners for all legal entities.[59]

The need to automate the publication of procurement documents has been on the agendas of the government and civil society for several years.[60] Armenia implemented activities on procurement transparency and budget spendings in previous action plans to address recommendations by international organizations and comply with international standards.[61] However, the OECD's 2022 anti-corruption monitoring report for Armenia mentions continued corruption risks in public procurement, such as awarding contracts to companies connected to the government and a high share of single-source procurement.[62]

Potential for results: Modest

CSOs and journalists often report cases of missing contract documentation, which makes it difficult to uncover corruption risks, conflicts of interest, or misspending on procured items.[63] For example, the contract amount might change after the signing without any publication of the

amendments, or the annexes might be unavailable or contain insufficient information.[64] CSOs also highlight problems related to the scope of information and technical issues of existing platforms. The automated publication of data on the new platform will minimize human error and cases of unintentional nondisclosure of information. All relevant data on contracts, including pre- and post-contract documentation, will be machine readable, in contrast to the PDF format often used in the past. Moreover, part of public procurement is still implemented in paper format, but the new platform will allow processing procurement transactions electronically. These changes will present more accurate procurement data on PPCM, which currently reflects only part of procurement transactions. If the new platform provides complete information on the procurement contracts in open data format and with enhanced search possibilities, it will allow researchers and journalists to spend less time on data collection when analyzing public spending efficiency and flagging potential corruption risks.

For vendors, the platform will provide information on the tenders they have participated in, compare their applications to those of the winners, and analyze similar tenders to plan for future applications. For the government, the platform will allow easier monitoring and oversight of public spendings and identification of contracts that need further monitoring. It will also help the government plan more effectively.

The declarations on beneficial owners required for bidders are published as scanned documents, which makes them difficult for the government and civil society to verify. In addition, there are no search filters to help users easily find a company or beneficial owner on the existing procurement.am platform. Linking the new e-procurement system with the beneficial ownership platform will allow easier search and analysis through machine-readable information. It could also offer more reliable beneficial ownership data due to existing sanctions for providing incomplete or false information to the registry. Access to machine-readable data of beneficial ownership declarations for all bidders, including those whose bids were unsuccessful, can help users detect possible collusion between bidding companies and people who control who wins a contract.

The platform will not address the large scope of noncompetitive procurement and other deficiencies of the procurement systems, such as the lack of sanctions for non-publication or incomplete information and the limited capacity of state bodies and local administrations to fully switch to e-procurement. In addition, only those state bodies and agencies specified in the relevant government decision are required to implement open procurement tenders and bidding procedures electronically.[65] It may be difficult to enforce e-procurement for other actors involved in public procurement but not specified in this government decision. The long-term goal is to eventually make electronic procurement mandatory for all procuring entities defined in the Law "On Procurement".[66] However, the commitment, as described in the action plan, is limited to introducing an e-procurement system without clarifying the legal enforcement for entities to do their procurement electronically. Therefore, the IRM considers this commitment to have modest potential for results, as it is defined in the action plan.

Opportunities, challenges, and recommendations during implementation

As mentioned, the long-term goal plan is to include in the new e-procurement system all procuring entities specified in the Law "On Procurement". However, the commitment leaves open the question of the legal requirement for all state bodies, including those not specified in the relevant government decision, to implement procurement electronically and publish information involved in public procurement. In addition, there are questions around the use of

the platform by local communities, the open data format to be used, and the capacities of civil servants and data (re)users to use the platform.

For stronger results, the IRM recommends taking the following steps:

- **Legally enforce the publication of all public procurement information and implementation of electronic procurement, including at the local level**. For better transparency of public spending, Armenia should mandate the publication of procurement contracts and post-contract documentation in the framework of noncompetitive procedures and implementation of procurement by state-owned enterprises through the e-procurement platform. Legislative changes will be necessary to enforce the implementation of all public procurement through the e-procurement platform, and the subsequent publication of information, with sanctions defined for non-compliance. For example, in the Slovak Republic, if a procurement contract is not public, it is not considered legally in force.[67] In addition, civil society stresses the need for more transparency in public procurement at the local level, especially now that the budgets of communities are much larger following recent consolidation. According to a state representative, all municipalities shall use armeps.am to publish their procurement contracts. However, a preliminary review of that platform and feedback from stakeholders show that information on local level procurements is often not available. Going forward, Armenia could consider including implementation of procurement by all local communities (including community-owned enterprises) on the new platform.

- **Fully adopt open data standards on the new platform, particularly the Open Contracting Data Standard (OCDS)**. It will be important to ensure file formats allow machine analysis. The Ministry of Finance could follow the OCDS guidance when defining a common data model for disclosure of data and documents at all stages of the contracting process.[68] According to the representative of the Ministry of Finance, the ministry plans to incorporate OCDS standards in the terms of reference for the new platform.[69] As an example, in its 2021–2023 action plan, Lithuania is fully adopting the OCDS in preparation for a new national procurement system.[70]

- **Provide a feature on the platform for users to report inaccurate information or violations regarding specific contracts/tenders**. In Armenia, there is the possibility to report inaccurate information and potential violations by email and hotline The Ministry of Finance could establish a similar mechanism on the e-procurement platform for the public to act on the procurement data, such as filing complaints, reporting irregularities, or suggesting improvements. It is important for the government to respond to and act on the feedback received. For example, Ukraine launched DOZORRO during its 2016–2018 action plan, which enables citizens to submit alerts of irregularities and violations, on the ProZorro e-procurement system.[71]

- **Consult users (i.e., civil society and businesses) when developing the platform and implement awareness raising and trainings for users**. It will be important to consult civil society and business stakeholders when developing the terms of reference for the platform. This will help the government incorporate relevant suggestions and address concerns related to the platform's functionality and content. Moreover, to encourage data reuse, the government could conduct trainings for stakeholders on using data on the new platform. For example, in its 2016–2018 action plan, the Republic of Moldova conducted trainings for small and medium enterprises, civil society, and software developers on using its e-procurement system MTender.[72]

Other commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 3 envisages introducing a system for self-assessment in the field of freedom of information. Selected state administration bodies will pilot the self-assessment methodology to evaluate the execution of the right to information within their agency and publish the results. Civil society has noted a lack of systematic government reporting on compliance with freedom of information regulations, and CSO reports often fill this gap.[73] A representative of the CSO that proposed this commitment stressed that even though the self-assessments could be inaccurate, they will provide insights on the performance of state agencies, reduce violations to the right to freedom of information, allow for comparisons with civil society monitoring results, and serve as a starting point for discussions.[74] The commitment covers only pilot implementation of the self-assessment and does not mention the number of agencies involved in the pilot. The IRM recommends the pilot agencies and civil society build the capacities of public servants who will conduct the monitoring. As a next step, the IRM recommends publishing consolidated statistics on addressing freedom of information requests by all state administration bodies, including data related to the types of applicants, the subject of requests, and delays. It is important for the government to take transparent and appropriate sanctions and remedial actions against state institutions that are consistently failing to comply with freedom of information obligations.

Commitment 4 aims to address low public participation in the national budgeting process.[75] Currently, state agencies post their draft budget proposals on their websites for the public to provide input before submission to the government. However, there is a lack of public awareness of the possibility of giving input. Under this commitment, the Ministry of Finance will establish a unified platform with links to the draft budgets of state administration bodies where citizens provide ideas during the draft period. The platform could stimulate attention toward participatory budgeting among state agencies and civil society. However, interviewed civil society stakeholders doubt that the platform will significantly increase public participation in budgeting.[76] They note that the intended users of the platform are CSOs with sectoral expertise, rather than the public, even though these organizations are few and often lack the capacity to actively participate in budgeting processes. In addition, a Ministry of Finance representative mentioned that state agencies are expected to organize dialogue around their budget draft themselves, since awareness raising is outside the lead unit's scope.[77] During implementation, the IRM recommends publishing simplified explanations on the content of budget proposals alongside the draft budgets, without overly technical language.[78] The government and individual state administration bodies could conduct surveys to get feedback from citizens on their priorities in the budget documents, organize offline discussions on specific budget themes, and hold events and workshops to train CSOs on how to analyze relevant sectoral budgets. It is also important that state agencies publish explanations on how citizens' input is considered, including reasons for rejection.

Commitment 6 aims to create a national geodesy portal, which will allow the public to search and analyze cartographic spatial data and metadata from various state bodies.[79] The portal will cover immovable property, surface waters, forests, protected areas, agriculture, climate, infrastructure, and historical and cultural monuments, among other elements. According to the action plan, access to the portal will be free of charge, with some exceptions. However, the

commitment does not specify what information will be available free of charge without registration. The IRM noted a similar problem in the last action plan's commitment on a land cadastre, which did not call for legislative changes for free of charge information on land ownership.[80] While the current commitment includes legislative amendments, it is unclear whether these amendments will open more data to the public and what the scope of data that is subject to free access will be. The IRM recommends making data regarding land type and ownership of each property publicly available and free. This will make it possible to identify when land is used for purposes other than those for which it was registered—compare the property ownership data with the asset declarations of officials—and to follow up on cases of illegal construction. The IRM also recommends publishing complete and up-to-date information by state bodies (e.g., ministries and committees) responsible for specific spatial data. For more effective results, it will be necessary to adopt an open data format and ensure user-friendly settings on the platform.

For **Commitment 9**, the Ministry of Justice will publish statistics on the judicial proceedings in the Electronic Justice (e-justice) system to be established in the framework of the Judicial and Legal Reform Strategy.[81] The e-justice system will allow users to carry out statistical analyses on judicial processes, starting from the pretrial stage. This could improve public oversight and help the government formulate evidence-based judicial reforms. However, the commitment does not specify what type of data will be provided, the criteria for search, whether statistics on predefined indicators will be published, or if the system will allow filtering by users' preferred criteria. A stakeholder recommends the Ministry of Justice prioritize publishing statistics on the duration of court cases and other information to help identify and address the reasons for prolonged trial processes.[82] Another important criterion for statistics according to stakeholders will be demographic and occupational specifications (e.g., high-level official, civil servant, or civil society representative) of the claimants and defendants.[83] Moreover, although Armenia has a system to randomly assign judges to cases, there are concerns that certain cases (e.g., related to former officials) are given to particular judges and their distribution among judges is not always even. The IRM recommends adding an option to search for cases by individual judges. Stakeholders could conduct awareness raising and trainings for potential users, following the launch of the system.

Commitment 10 aims to introduce electronic labor contracts for public and private sector employees. Labor contracts will be accessible on a single platform to employers and employees only, to the Health and Labor Inspection Body, and to the Tax Service. There are numerous cases of employers not signing contracts or not providing copies to employees, which makes protection of employees' rights difficult. Furthermore, there are cases of contracts signed in violation of legal provisions, or signed post factum, and noncompliance of contract terms regarding work conditions. Mandatory electronic contracts will provide employees full access to their contract and ensure timely signing of contracts by both employers and employees. They will also make it easier for the Health and Labor Inspection Body to verify compliance of contract terms with legal provisions (by providing a standard template). Stakeholders believe this commitment could protect employee rights, reduce shadow employment, and help the Inspection Body proactively identify possible violations of labor rights.[84] To ensure the commitment's implementation improves open government practice, the IRM recommends the Inspection Body provide more detailed reports on identified violations and sanctions while increasing the scope of information on labor rights, possible violations, possibilities of remedy, and implementation of sanctions. Stakeholders also highlighted the importance of ensuring

proper cybersecurity of the data, considering cases of data leaks from state databases in recent years.

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[2] Annex to Decision 1363-N of the Government of the Republic of Armenia, *Programme of the Government of the Republic of Armenia (2021–2026)*, Republic of Armenia, 18 August 2021, https://www.gov.am/files/docs/4737.pdf.

[3] RA Law on Freedom of Information, no. HO-11-N, 23 September 2003, last amended 9 June 2022, ARLIS, https://www.arlis.am/documentview.aspx?docID=164931.

[4] RA Government Decision No. 1204-N on setting the procedure of registration, classification and maintenance of information developed by or delivered to the information holder, 15 October 2015, last amended 26 November 2020, ARLIS, https://www.arlis.am/DocumentView.aspx?DocID=147567.

[5] For more information on various platforms, see the Catalog of Electronic Resources of Armenia, Digital Armenia, https://www.digital-armenia.am/en/e-catalog?page=3&selectedType=1.

[6] Suren Krmoyan (Digital Armenia NGO), interview by IRM researcher, 12 December 2022; Grisha Balasanyan (investigative journalist NGO), interview by IRM researcher, 28 December 2022.

[7] Mariam Zadoyan (Armenian Lawyers' Association), 13 December 2022, interview by IRM researcher; Krmoyan, interview.

[8] "Armenia," Open Data Watch, last updated 9 March 2023, https://odin.opendatawatch.com/Report/countryProfileUpdated/ARM?year=2020.

[9] On the local level, the municipalities of Gyumri and Vanadzor committed to creating an electronic registry for all community property to improve the transparency of community resource management. See "Vanadzor, Armenia: Transparency of Community Resource Management: Create Community Resource Management Register (AMVDR0001)," Local OGP action plan Gyumri and Vanadzor, Armenia, 2021–2023, Commitment 1, Open Government Partnership, https://www.opengovpartnership.org/members/vanadzor-armenia/commitments/AMVDR0001/.

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[11] A number of guidelines, best practices, and other resources can be found at "Open Data Handbook," Open Knowledge Foundation, https://opendatahandbook.org/.

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[13] "Ireland: Implementing Open Data (IE0007)," Open Government Partnership, https://www.opengovpartnership.org/members/ireland/commitments/IE0007/.

[14] "Romania: Publication of Open Datasets (RO0084)," Open Government Partnership, https://www.opengovpartnership.org/members/romania/commitments/RO0084/.

[15] "Croatia: Training on Personal Data Protection (HR0042)," Open Government Partnership, https://www.opengovpartnership.org/members/croatia/commitments/hr0042/.

[16] RA Government Decision N 691-L, 13 May 2022, ARLIS, https://www.arlis.am/DocumentView.aspx?docID=162791.

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[21] Shushan Doydoyan (Freedom of Information Center of Armenia), interview by IRM researcher, 25 November 2022.

[22] Syuzanna Soghomonyan (Armenian Lawyers' Association), interview by IRM researcher, 13 December 2022.

[23] Lilia Afrikyan (staff of the prime minister), interview by IRM researcher, 22 November 2022.

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26 Afrikyan, interview.

27 See more information on this commitment here: "Yerevan, Armenia: Organization and Implementation of Open, Transparent and Participatory Public Discussions (AMERV0001)," Yerevan OGP Action Plan 2023–2024, Commitment 1, Open Government Partnership, https://www.opengovpartnership.org/members/yerevan-armenia/commitments/AMERV0001/.

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Independent Reporting Mechanism

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[51] Soghomonyan, interview; Tigranyan, interview.

[52] Khudaverdyan, interview; Balasanyan, interview.

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[58] "e-Auction," https://eauction.armeps.am/en/. It also provides declarations of conflicts of interest by the selection committee.

[59] "From January 1, 2023, All Legal Entities Are Required to Submit a Declaration on Their Beneficial Owners," Ministry of Justice, 25 October 2022, https://moj.am/en/article/3312.

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[62] *Anti-Corruption Reforms in Armenia*, https://www.oecd-ilibrary.org/governance/anti-corruption-reforms-in-armenia_e56cafa9-en.

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[70] "Lithuania: Opening Up Public Procurement Data (LT0031)," Open Government Partnership, https://www.opengovpartnership.org/members/lithuania/commitments/LT0031/.

[71] "Public Control of State Procurement," DOZORRO, https://dozorro.org/.

[72] "Republic of Moldova: Increase Knowledge of Public Procurement Process (MD0062)," Open Government Partnership, https://www.opengovpartnership.org/members/republic-of-moldova/commitments/MD0062/.

[73] "Freedom of Information in Armenia 2022," Freedom of Information Center of Armenia, 1 July 2022, http://www.foi.am/en/research/item/2291/; Doydoyan, interview.

[74] Doydoyan, interview.

[75] According to the International Budget Partnership's Open Budget Survey 2021, Armenia has a public participation score of 6 (out of 100), the lowest in the region. See "Armenia," International Budget Partnership, https://internationalbudget.org/open-budget-survey/country-results/2021/armenia.

[76] Varuzhan Hoktanyan (Transparency International Anticorruption Center), interview by IRM researcher, 29 November 2022; Madoyan, interview.

[77] Ruzanna Gabrielyan (Ministry of Finance), interview by IRM researcher, 9 December 2022.

[78] Doydoyan, interview; Soghomonyan, interview.

[79] This initiative started before the action plan's adoption and currently functions in pilot mode, with the possibility of viewing the map and catalog of metadata. See: "National Geoportal," Geoportal.am, https://geoportal.am/.

[80] Citizens must apply to the Cadastre Committee and pay a fee to obtain information on the ownership and land type for a specific address. For more information see "Armenia: Armenia Design Report 2018–2020," Open Government Partnership, 28 October 2019, https://www.opengovpartnership.org/documents/armenia-design-report-2018-2020/.

[81] This commitment reflects a component of the Judicial and Legal Reform Strategy 2022–2026. See: Appendix N 2 to Decision of the Government of Republic of Armenia No _21 N 1133- L dated as of July 21, 2022, *Action Plan Resulting from the 2022–2026 Strategy of Judicial and Legal Reforms of the Republic of Armenia*, Republic of Armenia, 21 July 2022, https://www.moj.am/storage/uploads/Action%20Plan_Final_ENG.pdf.

[82] Krmoyan, interview.

[83] Zadoyan, interview.

[84] Ani Harutyunyan (Armavir Development Center), interview by IRM researcher, 24 November 2022; Soghomonyan, interview.

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Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

> **Step 1:** Determine what is reviewable based on the <u>verifiability</u> of the commitment as written in the action plan.
> **Step 2:** Determine if the commitment has an <u>open government lens</u>. Is it relevant to OGP values?
> **Step 3:** Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:
> > a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
> > b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
> > c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.
> **Step 4:** Assess the <u>potential for results</u> of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I.   **Verifiability**
- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

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II.   Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III.   Potential for results

The IRM adjusted this indicator—formerly known as the "potential impact" indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

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This review was prepared by the IRM in collaboration with Tatevik Margaryan and was reviewed by Ernesto Velasco, an IRM external expert. The IRM methodology, quality of IRM products, and review process are overseen by IRM's IEP. For more information, see the IRM Overview section of the OGP website.[85]

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[85] "Overview: Independent Reporting Mechanism," Open Government Partnership, https://www.opengovpartnership.org/irm-guidance-overview/.

Annex 1. Commitment by Commitment Data[86]

Commitment 1. Legislative framework on Data policy
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 2. State strategic communication architecture
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3. Self-assessment system in the freedom of information
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 4. Participatory mechanisms in the budgeting process
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5. Participatory budgeting at local level ("Citizen budget")
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 6. Access to cartographic spatial data and metadata
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7. Registry of gifts for public officials
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 8. Comprehensive system of electronic procurement
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 9. "e-Court-statistics" statistical analytical tool
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 10. Electronic system of employment contracts
- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Modest

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[86] **Editorial notes:**

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than at the level of the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Armenia's 2022–2024 action plan: Annex to Decision of the Government of the Republic of Armenia N 1568-L of October 6th 2022, *Action Plan of Open Government Partnership Initiative of the Republic of Armenia for 2022–2024*, Open Government Partnership, 6 October 2022, https://www.opengovpartnership.org/wp-content/uploads/2022/10/Armenia_Action-Plan_2022-2024_Dec_EN.pdf

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.[87] IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.[88] However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1. Space for dialogue: The government invited members of the multi-stakeholder working group formed around the fourth action plan (2018–2020) to participate in the co-creation of the fifth plan. The government also invited other stakeholders from the government, international organizations, and civil society who had indicated interest in participating in the OGP process. Multi-stakeholder group meetings took place on 27 October 2021, 19 May 2022, and 7 October 2022.[89] In collaboration with stakeholders, the government organized a workshop in December 2021 and four thematic meetings through March 2022 to discuss the commitments. The application to join the working group is available on Armenia's OGP website.[90] Currently, there is no formal working group established. Most civil society organizations (CSOs) involved in the previous action plan continued their participation in meetings, and new CSOs that applied to join were usually included. The government OGP coordinator disseminated information on the co-creation process to ex-working group members and other interested stakeholders through social media and mailing lists.[91] However, the application form, the social media posts, and the OGP website do not include information on the rules of participation in the working group or the current membership.[92] OGP's Participation and Co-creation Standards require the basic rules on participation in the member country's space for dialogue to be public. According to the OGP coordinator, the government is currently exploring the possibility of establishing a formal Multi-Stakeholder Forum.[93]	No	*To be assessed in the Results Report*
2.1 OGP website: The government launched the official OGP website https://ogp.gov.am/, where general information on OGP, the previous and current action plans, working group, and more is available (in English and Armenian). There is no need to register to access the website.	Yes	*To be assessed in the Results Report*
2.2 Repository: The OGP website presents each commitment, with space allocated for information on each activity. As the fifth action plan was launched recently, there is no documentation on its implementation	Yes	*To be assessed in the Results Report*

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yet. For previous action plans, there are descriptions of the implementation of specific commitments with links, in some cases.		
3.1 Advanced notice: The government OGP coordinator sent the co-creation timeline to stakeholders by email in October 2021, mentioning that the submission of proposals would start in November.[94] The form for submitting proposals for commitments was available on the government's OGP website in November and December 2021. The OGP Armenia Facebook page also invited citizens to present proposals.[95] In January 2022, the government OGP coordinator informed stakeholders by email about shifting the timelines to complete the process in June 2022.	Yes	Not applicable
3.2 Outreach: The government and civil society conducted numerous outreach activities for the action plan. Armavir Development Center, the Armenian Lawyers' Association, and the Freedom of Information Center organized several events in collaboration with the government OGP coordinator, under the EU for Integrity Programme for the Eastern Partnership. Armenian Lawyers' Association published several articles on the OGP process in late 2020.[96] In November and December 2021, the government and partner CSOs jointly organized meetings online on opportunities to get involved.[97] The government published a video on YouTube and broadcast information on the OGP process and opportunities to provide suggestions on the action plan on public TV.[98] The government also posted information on its Facebook page and on the OGP Armenia Facebook page.[99] Civil society disseminated the invitation for input through their mailing lists. During Open Gov Week (May 2022), the government and CSOs organized a radio broadcast, a "Women in Open Government" event, and a news report on the working group meeting.[100] Freedom of Information Center published infographics on the OGP process and some commitments.[101] Armavir Development Center organized townhall meetings from August through November 2022 to raise awareness about OGP and collect additional suggestions on the action plan.[102]	Yes	Not applicable
3.3 Feedback mechanism: The government published a form for collecting suggestions for the action plan on the OGP website[103] and disseminated it through mailing lists, its website, and the OGP Armenia Facebook page. The call for suggestions was open from 5 November to 15 December 2021. In the framework of a European Union (EU)-funded project and in collaboration with the government OGP coordinator, United Nations Development Programme (UNDP) Kolba Lab organized an expert workshop in December 2021 to collect commitment proposals. Armavir Development Center and the government jointly organized four thematic meetings in March 2022, to discuss the shortlisted commitments,[104] and Armenian Lawyers' Association organized online discussions.[105]	Yes	Not applicable
4.1 Reasoned response: The government OGP coordinator documented contributions from stakeholders and sent them to members of the working group by email. The government also documented stakeholder proposals in the e-draft platform, where the draft action plan was posted.[106] Inputs received during the December 2021 workshop, thematic meetings in March 2022, and townhall meetings were documented in CSO reports and incorporated in the commitments where relevant. Before adopting the action plan, the government published its response to stakeholders' suggestions on the OGP website.[107] CSOs that	Yes	Not applicable

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participated in co-creation events noted that they also received verbal feedback on their proposals and in personal communication with the government OGP coordinator. However, only those stakeholders whose suggestions were included in the shortlist of commitments were invited to the events, while other stakeholders who provided suggestions were not contacted.		
5.1 Open implementation: IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.	Not applicable	*To be assessed in the Results Report*

Armenia's co-creation process was supported heavily by international donor funding. These sources included the EU's project with the UNDP Kolba Lab[108] and OGP's EU for Integrity Programme for the Eastern Partnership." This support significantly contributed to the quality and quantity of consultations by allowing for more in-person and online discussions and additional awareness raising. An important change from the previous action plan was the organization of expert meetings to formulate commitments around shared visions for existing issues.

Although interested organizations and individuals could submit proposals for the action plan by filling out an application form, the IRM recommends providing more background information on the OGP process in advance. This means raising awareness about the possibility of submitting suggestions and publishing information about upcoming meetings and discussions with clearly indicated participation criteria. In addition, the IRM recommends providing tailored responses to all individuals and organizations that provide suggestions on the commitments, regardless of the inclusion of their suggestions in the shortlist.

While the government OGP coordinator disseminated information on the co-creation process privately to members of the working group from the previous action plan and to other stakeholders, there was no publicly available information on the rules and procedures for participating in the multi-stakeholder events. To ensure compliance with OGP's Co-Creation and Participation Standards, the IRM recommends publishing basic rules for stakeholder participation in the co-creation and implementation processes. Preferably, these rules should clarify the current mandate, composition, and structure of Armenia's multi-stakeholder space. As noted, the government is currently exploring the possibility of establishing a formal Multi-Stakeholder Forum (MSF). In its UNDP-supported research on Armenia's OGP process, Armavir Development Center recommended giving the MSF two levels. The first level would include high-level public officials authorized to make decisions and CSO networks and associations. The second level would include the heads of the state bodies overseeing individual commitments and CSOs interested in supporting the implementation of commitments.[109]

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92 "Group Members," Open Government Partnership Armenia, https://ogp.gov.am/hy/%D4%BD%D5%B4%D5%A2%D5%AB-
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93 Lilia Afrikyan (staff of the Prime Minister), interview by IRM researcher, 22 November 2022.
94 At that time, the action plan was scheduled to be approved in January 2022.
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