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#### COVER NOTE

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 10 February 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: JOINT STAFF WORKING DOCUMENT  
The EU Special Incentive Arrangement for Sustainable Development and  
Good Governance ('GSP+') assessment of Armenia covering the period  
2018 - 2019  
*Accompanying the document*  
Joint Report to the European Parliament and the Council  
Report on the Generalised Scheme of Preferences covering the period  
2018-2019

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Delegations will find attached document SWD(2020) 17 final.

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HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 10.2.2020  
SWD(2020) 17 final

## **JOINT STAFF WORKING DOCUMENT**

**The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Armenia covering the period 2018 - 2019**

*Accompanying the document*

**Joint Report to the European Parliament and the Council**

**Report on the Generalised Scheme of Preferences covering the period 2018-2019**

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# Armenia

## 1. Summary Assessment

Following the Velvet Revolution and democratic changes of 2018, the Government of Armenia has made commitments regarding the respect of human rights and good governance and started taking legislative and other steps to implement those commitments. The results are yet to be seen. While fully transforming the system will take time, Armenia is now a country in transition, demonstrating strong political will for democratisation. The new authorities' agenda prioritises areas where the EU has been traditionally advocating change. Armenia is making progress over time on the 27 GSP+ conventions, though concerns remain on the implementation of the reforms.

### Priorities

During the reporting period 2018-2019, monitoring focused on several priority areas: the adoption of new Judicial and Criminal codes, as well as a standalone law against domestic violence; anti-corruption measures and prosecutions; and the draft Law on Ensuring Equality. Furthermore, there was focus on progress on aligning domestic legislation on illegal trade of endangered species and biosafety with international standards. A GSP+ monitoring mission took place in September 2018, in connection with the first EU-Armenia Partnership Committee in Trade Configuration.

### Human Rights

Improvements in **freedom of assembly** took place following the Velvet Revolution of 2018. Progress was noted in legislation on **Domestic Violence** and its implementation, including improving support services for survivors and awareness-raising activities. Also, the legislative framework on **gender equality** was improved. The ratification of the Council of Europe Convention on preventing and combatting violence against women and domestic violence (known as the Istanbul Convention) is high on the agenda of the Armenian government, although finalisation is not expected in 2019. Furthermore, the Armenian Human Rights Defender notes **a decline in the use of pre-trial detention**. Increased **oversight of practices of ill-treatment and torture** in the police is expected with the introduction of video surveillance systems in interrogation rooms in 2019 and 2020.

However, there are some delays in adopting a new **Criminal Code** and a **stand-alone law on anti-discrimination**. A draft Law on Ensuring Equality was published in March 2018; the new government has launched a new discussion on the topic and plans to finalise a draft at the beginning of 2020. A series of cases of **hate speech and harassment against LGBTIQI** people continue to challenge the generally positive environment surrounding democratic change. On 23 May 2019, the EU issued a local statement calling for better protection of the human rights of sexual minorities in the country<sup>1</sup>.

The government has declared **independence and accountability of the judiciary** as a top political priority, while some concerns remain. Efforts so far include the adoption of a **new Judicial Code** in April 2018; a 2019-2023 Strategy and Action Plan for judicial and legal reforms, which is currently awaiting the Government's approval; the introduction of several e-

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<sup>1</sup> [https://eeas.europa.eu/delegations/armenia/60790/statement-behalf-delegation-european-union-and-eu-member-states-embassies-resident-armenia\\_en](https://eeas.europa.eu/delegations/armenia/60790/statement-behalf-delegation-european-union-and-eu-member-states-embassies-resident-armenia_en)

governance tools; and the planned adoption of the Criminal Code, and Criminal Procedure Code (for 2020).

## **Labour Rights**

Limited progress was observed during the monitoring period but the new government showed commitment and resumed work to address key issues, such as the re-establishment of a fully-fledged **labour inspection system** and the **revision of the Labour Code**. The signing of a new Decent Work Country Programme between Armenia and the ILO in May 2019 is a promising step to advance on issues such as the labour inspection system.

In 2019, ILO lifted its concerns about the use of **correctional labour** as punishment for political or ideological views, which is a positive development.

The preparation of a **new Labour Code** was dropped in favour of amending the existing one. Amendments were prepared in 2018 and work continues under the new government, which plans to finalise amendments by 2021. The amendment adopted in June 2019 to prohibit **discrimination** is a significant achievement, especially as adoption of a stand-alone **comprehensive anti-discrimination** law is still pending; however, several other deadlines were missed.

On **labour inspections**, timid steps were made so far and the existing labour inspectorate remains without sufficient competences and capacity outside occupational health and safety to effectively enforce the eight fundamental conventions. The new government has, however, engaged in a roadmap with the ILO to be completed by October 2020. Parliament has passed amendments to the Labour Code to extend the mandate of the Labour Inspectorate. Re-establishing a fully-fledged labour inspection system in line with the corresponding ILO conventions ratified by Armenia remains a priority.

More effort is needed on **child labour**. A majority of working children are in unpaid or informal employment and cannot benefit from the protection of the legislation on child labour. The Health and Labour Inspectorate remains without sufficient capacity to enforce child labour legislation and there is no other competent agency. The definition of **forced labour** in national legislation still needs to be brought in line with the ILO conventions and more efforts are needed to curb the risks of forced labour and labour exploitation for economic migrants to and from Armenia.

## **Environment**

The ratification of the **Kigali Amendment** to the Montreal Protocol on Substances that Deplete the Ozone Layer signals Armenia's commitment to international environmental standards. Furthermore, the authorities reported progress in aligning national legislation with the Convention on International Trade in Endangered species of Wild Fauna and Flora (CITES) requirements, while full alignment is still pending. Concerns remain around **low penalties** for violations of CITES and the Cartagena Protocol on Biosafety. These are not expected to have a serious deterrent effect. Lack of capacity and financing needs to be addressed.

## **Good Governance**

Armenia maintains good international cooperation in the area of drug control. **Anti-corruption** has been flagged as a main priority for the new Government, with efforts currently focused on addressing corruption in the judiciary.

## Status of ratification and reporting

Armenia maintained ratification of all 27 Conventions required by GSP+ and has mostly reported according to requirements (see annex). Armenia did not comply with reporting obligations on two human rights conventions (the United Nations Convention on the Rights of the Child – CRC and the International Covenant on Economic, Social, and Cultural Rights - ICCPR) and one environmental convention (CITES).

## 2. Recent developments

Profound political changes took place in Armenia. In April-May 2018, there were mass peaceful protests (the so-called ‘Velvet revolution’), which ousted former authorities from power and brought democratic changes to the country. Early parliamentary elections were held on 9 December 2018, in full respect of the fundamental freedoms and with broad public trust<sup>2</sup>. This was in contrast with previous parliamentary polls, marred by malpractice and lack of a genuinely democratic environment<sup>3</sup>.

EU-Armenia relations also entered a new stage. The Comprehensive and Enhanced Partnership Agreement (CEPA) was signed in the margins of the Eastern Partnership Summit in Brussels on 24 November 2017. The Armenian parliament ratified CEPA unanimously on 11 April 2018 and the European Parliament gave its consent on 4 July 2018. The provisional application of CEPA began on 1 June 2018 and a detailed CEPA Implementation Roadmap was adopted by decision of the Armenian Prime Minister on 1 June 2019. The Roadmap was welcomed by the EU-Armenia Partnership Council held in Brussels on 13 June 2019.

The new Government is committed to human rights and pursues democratic reforms, including a comprehensive justice reform. Armenia has embarked on the process of structural reforms ensuring the rule of law and modernisation of the country, with a special focus on building an open economy. The Government announced a series of reforms in early February

### EU- Armenia Development Cooperation

The EU is the largest donor to Armenia. The Single Support Framework for Armenia for 2017-2020 is based on the EU-Armenia Partnership Priorities and contributes to the implementation of the **20 Deliverables for 2020** agreed in the context of the Eastern Partnership.

EU assistance to Armenia was indicatively programmed between €144 million and €176 million for 2017-2020. In addition, Armenia benefited from funds in the Annual Action Programme 2018 (€10 million). In **recognition of Armenia's progress since the political transformation** with regard to citizen's rights, justice, equality, dignity, and individual freedoms and in recognition of Armenia's determination to pursue a reform agenda and to implement the Comprehensive and Enhanced Partnership Agreement (CEPA) effectively, Umbrella funds of €25 million were added to our initial support for 2019, bringing the total 2019 envelope to €65 million.

The EU has a substantial portfolio focused on **supporting the reform agenda**, the focal regions (Shirak, Lori and Tavush), private sector development, and infrastructure investments (blending). In particular, more than €800 million in the form of blended loans and grants has been invested in energy, agriculture, and transport sectors. EU assistance is focused on the swift implementation of CEPA, including through a **CEPA Reform Agenda Facility** which can provide expertise of High Level Advisors in selected sectors (€23 million) and **CEPA banking facility** providing support to private sector in adjusting to the requirements of the Agreement (€10 million).

2019 with a new five-year Programme. Good governance and the fight against corruption are among the Government's top priorities. While fully transforming the system will take time, Armenia is now a transition country demonstrating strong political will for democratisation, with the new authorities' agenda prioritising areas where the EU has been traditionally advocating change.<sup>4</sup>

The Azerbaijani-Armenian and Turkish-Armenian borders are closed in view of the unresolved Nagorno-Karabakh conflict. Only two borders, with Georgia in the north and Iran in the south, remain open. This seriously affects Armenia's economic performance, hampering both imports and exports.

### 3. EU-Armenia trade and GSP

In 2018, Armenia's economy grew by 5.2%, following a growth of 7.5% in 2017. According to the National Statistical Committee of Armenia, the GDP growth for the first half of 2019 stood at 6.8%, whereby almost all sectors showed growth except agriculture, which recorded a decline. In 2018, the World Bank classified Armenia as an upper-middle income economy for the second year in a row.

Trade relations between the EU and Armenia are regulated by the new Comprehensive and Enhanced Partnership Agreement. The EU accounts for around 25% of Armenia's total trade in 2018. The EU is thus Armenia's second trading partner after Russia (26%) and before China (11%). In 2018, total EU imports of goods from Armenia amounted to € 373 million. This is a 4.7% decrease compared to 2017, but still reflects a clear upward trend compared to previous years (€ 205 million in 2015 and € 351 million in 2016). The 2018 EU imports mainly consisted of non-ferrous metals, ores and other minerals, and clothing. The EU exported goods worth € 863 million to Armenia in 2018 (a 20.3% growth compared to 2017) – mainly machinery and transport equipment, and chemicals.

Figures 1-3 below describe Armenia's utilisation of GSP+ in the context of the EU's overall imports from Armenia<sup>5</sup>.

Armenia maintained a GSP+ utilisation rate of over 90%, with a slight drop in 2018. Usage of GSP+ continues to be highly concentrated on base metals (aluminium, iron, and steel). Reported figures for GSP+ imports to the EU for 2018 decreased significantly compared to previous years. This is largely the result of a significant share of EU imports from Armenia having been registered as confidential by EU Member States<sup>6</sup>.

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<sup>4</sup>European Commission. Partnership Implementation Report on Armenia, 20 May 2019, [https://eeas.europa.eu/sites/eeas/files/partnership\\_implementation\\_report\\_armenia.pdf](https://eeas.europa.eu/sites/eeas/files/partnership_implementation_report_armenia.pdf)

<sup>5</sup> GSP-statistics only cover goods imported in the EU market, i.e. goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure

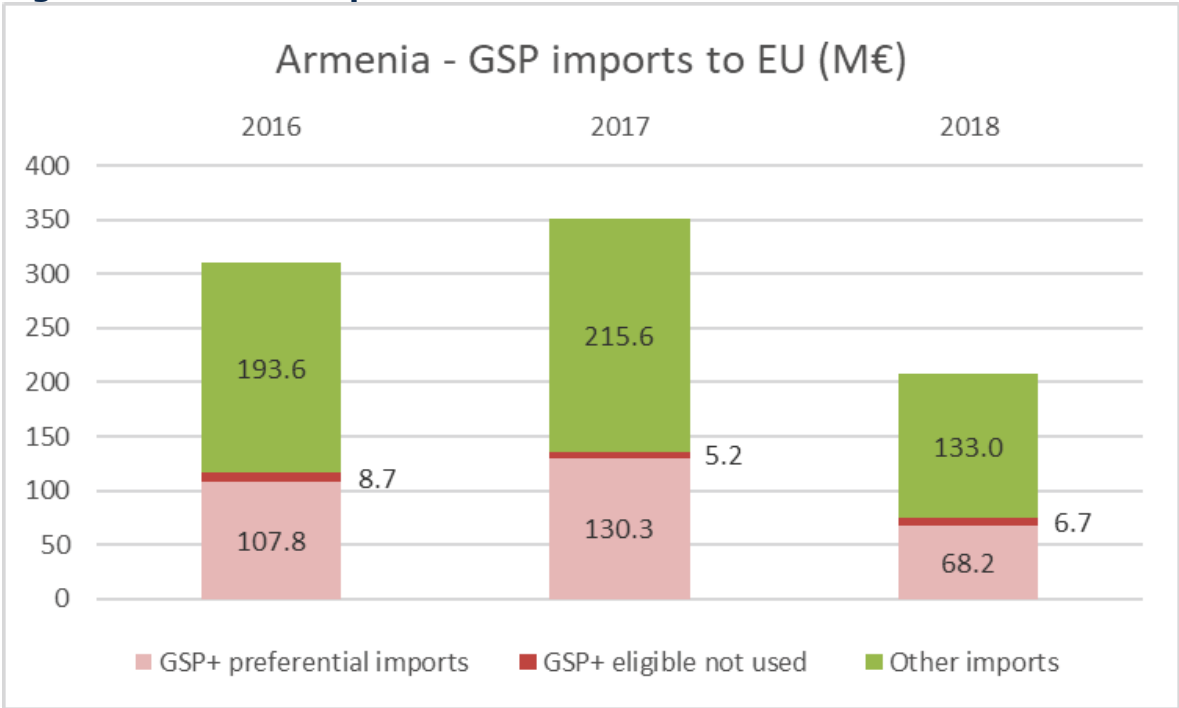
<sup>6</sup> Trade flows registered as “confidential” do not show up in the GSP+ usage figures and regime 1 normal trade; but do show up in total trade figures (regime 4).

[https://ec.europa.eu/eurostat/cache/metadata/en/ext\\_go\\_agg\\_esms.htm#conf1537195068659](https://ec.europa.eu/eurostat/cache/metadata/en/ext_go_agg_esms.htm#conf1537195068659)

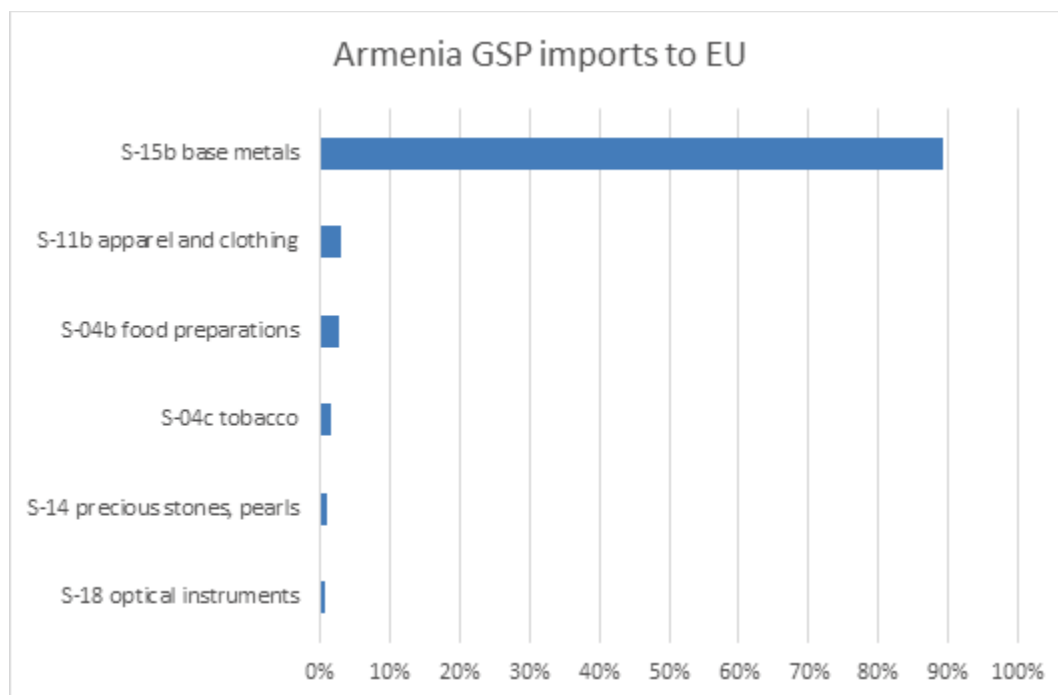
**Figure 1: Armenia imports to the EU 2016-2018 rate**

Armenia - imports to the EU 2016-2018 (M€)				
	2016	2017	2018	trend 2016-2018
<b>Total imports</b>	310.0	351.1	207.9	-32.9%
<b>GSP+ eligible</b>	116.4	135.5	74.9	-35.7%
<b>GSP+ preferential</b>	107.8	130.3	68.2	-36.8%
<b>Utilisation rate</b>	92.6%	96.2%	91.0%	-1.6%

**Figure 2: Armenia imports to the EU 2016-2018**



**Figure 3: Product Diversification of GSP+ Preferential Imports, 2018**



## 4. Compliance with GSP+ Obligations

### 4.1 UN Human Rights Conventions

Armenia's human rights situation has improved since the political changes of 2018, with advances on **freedom of assembly**. However, several challenges remain with regard to the uncontrolled online hate speech and in a number of other areas, including the penitentiary, and ensuring freedom of expression for minority groups such as religious and sexual minorities. The new authorities' plans for a comprehensive police reform are encouraging in this regard. A series of cases of death threats and harassment against LGBTIQI people continue to challenge the generally positive environment surrounding democratic change. On 23 May 2019, the EU issued a local statement calling for better protection of the human rights of sexual minorities in the country.<sup>7</sup>

In 2018-2019, Armenia continued to address shortcomings identified under the GSP+ related conventions. The Armenian authorities also sustained efforts to improve the involvement of civil society in the implementation and monitoring of the 2017-2019 **National Human Rights Action Plan** (NHRAP). However, the NHRAP lacks effective monitoring and evaluation tools to measure its progress. There are some issues with the quality of the Action Plan and its implementation. These are mainly

#### Promoting Human and Labour Rights in Armenia through GSP+

Starting from February 2018, the Eurasia Partnership Foundation (EPF) is implementing this EU-funded project in Armenia with the support of Democracy Reporting International (DRI). The project aims to strengthen the capacities of Armenian regional CSOs in producing **high-quality, evidence-based alternative reports** to the UN Committee on Economic, Social and Cultural Rights and UN Committee on the Rights of the Child.

<sup>7</sup> [https://eeas.europa.eu/delegations/armenia/60790/statement-member-states-embassies-resident-armenia\\_en](https://eeas.europa.eu/delegations/armenia/60790/statement-member-states-embassies-resident-armenia_en)



due to the lack of inter-sectorial cooperation compromises.

In February 2019, the government launched the process of developing the new NHRAP 2020-2022. Civil Society Organisations (CSOs) consider this process a priority for the proper implementation of human rights and should be included in the coordination council for this Action Plan. It is important that the new Human Rights Strategy and Action Plan sets clear priorities, contains measurable indicators, and ensures a proper monitoring mechanism. The government plans to circulate the draft NHRAP by the end of 2019.

In September 2019 Armenia signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the **abolition of the death penalty** and also the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, a positive development. Armenia was elected as a member of the UN Human Rights Council on 17 October 2019<sup>8</sup>.

#### *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

The four largest ethnic minorities – Yezidi, Assyrians, Russians, and Kurds - are represented in the Armenian National Assembly, in accordance with Armenia's electoral legislation. However, challenges remain in the way of further increasing tolerance of diversity in Armenian society and tackling discrimination of ethnic minorities.

A draft **Law On Ensuring Equality** was developed by the Ministry of Justice and was put for public discussions into e-draft platform in 2018. This draft Law envisaged guarantee of equal opportunities for each person to exercise their rights and freedoms. The draft Law also ensured the creation of a specialised equality body under the Human Rights Defender's Office, creating mechanisms for assistance to victims of discrimination and for examination in alleged cases of discrimination. The Ministry of Justice published a new version of the draft Law in July 2019. The adoption of the law is a benchmark of the EU-Armenia Human Rights Budget Support programme. The government has launched new discussions on the draft Law and plans to finalise a draft legal act in the beginning of 2020.

Civil society organisations have expressed concern that the equality body as set up by the draft Law, and implementation in general, would be ineffective; and that the list of protected grounds as currently stated is incomplete, as it does not include the state of health, maternity, pregnancy, sexual orientation, gender identity, place of residence and economic status.<sup>9</sup> Discrimination on the basis of sexual orientation, which is not covered by the draft Law on Ensuring Equality, remains a highly sensitive issue.

#### *International Covenant on Civil and Political Rights (ICCPR)*

Following the Velvet revolution, a number of **persons allegedly detained on political grounds were released from detention**. Visible efforts were made to discontinue the practice of excessive use of pre-trial detentions. Furthermore, a large-scale amnesty was announced in November 2018.

The new government declared achieving **independence of the judiciary** a top political priority. According to civil society partners, demonstrated political will in this regard played a

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<sup>8</sup> <https://www.rferl.org/a/armenia-elected-un-human-rights-council/30222721.html>

<sup>9</sup> Eurasia Partnership Foundation - DRI report.

critical role in significantly limiting practices of direct intervention of the executive into judicial proceedings. The handling of several high-profile anti-corruption cases against former government officials will be an important signal of the new government's commitment to judicial independence. Furthermore, to address systemic issues in the justice sector, the Government launched a public discourse in May 2019 on the introduction of 'transitional justice' elements in Armenia.

### **EU- Armenia Policy Dialogue on Justice Reforms**

The EU-Armenia justice policy dialogue was launched in September 2018 with the aim to support a comprehensive justice reform.

The EU has provided support aimed at strengthening government's capacity to develop a comprehensive strategy and implement the reform in the framework of the **Consolidation of the Justice System in Armenia** programme (€4 million). Short-term assistance has been mobilised through the TAIEX instrument to support the costing and and share lessons learnt from reform efforts in other partner countries.

The EU is ready to mobilise further resources to support the implementation of reform through a sector reform performance contract (budget support) and assist with further assessment through the EU-funded **Justice Survey** project and a **comprehensive functional review** of the justice system.

The new **Judicial Code** was adopted by the National Assembly on 7 February 2018 and entered into force on 9 April 2018. The adoption of new **Criminal Code and Criminal Procedure Code** is planned during 2020. Overall, these new codes are in line with international standards and in respect of the relevant international conventions. Work is ongoing on the establishment of procedures for the verification of the professional integrity of the judges, as well as on other aspects aimed at ensuring the accountability, efficiency and independence of the judiciary from political and party influence and at increasing public trust in the courts.

The ambitious new Justice Reform Strategy 2019-2023 and its Action Plan were finalised in record time by the new Government and adopted in October 2019. Furthermore, between 2010 and 2019, **e-governance tools** have been introduced in the justice sector of Armenia, including the e-Civil Status Registry, the e-Police component, the e-Citizen portal, the on-line Interactive Portal for draft laws, e-Notary, e-Penitentiary, and e-Apostille, leading to a reduction of corruption risk and an increase in efficiency in the justice system.

### *International Covenant on Economic, Social and Cultural Rights (CESCR)*

Since the breakout of the Syrian crisis in 2011, Armenia received some 22,000 Syrian refugees of Armenian origin. EU support to Syrian refugees in Armenia continued in 2018 with a new project focusing on improving the social and economic resilience of **Syrian Armenians** and the host population, and on strengthening relevant institutional capacities for economic growth in Armenia.

**Discrimination of vulnerable groups**, such as persons with disabilities, LGBTQI people, and national minorities, in particular children from ethnic and religious minorities, requires further policy changes, including a **stand-alone anti-discrimination law**. A new and comprehensive law on National Minorities is pending adoption.

For **persons with disabilities**, employment and education as well as polling stations remain hardly accessible. The government discussed addressing some of these issues in the draft law on the Rights of Persons with Disabilities. The National Disability Commission was dissolved by the new government. The process of forming the new Commission is not transparent, according to some CSO partners. Reform of public transportation that would address concerns of people with disabilities is pending. Labour rights of persons with disabilities are not addressed. The ongoing exercise of developing amendments to improve the Labour Code is meant to raise awareness of discrimination in employment and address the existing shortcomings. Inclusive education policy is not well implemented, as the resources and capacities are not sufficient to ensure that children with disabilities can be adequately integrated in public schools. A 2017-2021 Strategy on Social Inclusion of Persons with Disabilities and 2018 Annual work plan on Social Inclusion of Persons with Disabilities and its Action Plan are in place.

*Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

A Law on **Prevention of Domestic Violence** and Protection of the Victims of Domestic Violence was passed by the National Assembly in December 2017<sup>10</sup>. Overall, the Law ensures preventive and protective mechanisms, as well as state assistance for domestic violence survivors. The Law is partially in compliance with the CEDAW General recommendation No. 19 on gender-based violence and with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

In February 2018, the Armenian Government approved the **Action Plan for the implementation of the Law on Domestic Violence**, and in July 2018 set up the **Council on Prevention of Violence in the Family**, the coordination body for policies on prevention of domestic violence. The Government also drafted relevant decrees regulating requirements for shelter staff members and establishing a centralised record of domestic violence cases. In 2019, the Government aims to increase the number of shelter spaces and establish state-run shelters; and to conduct campaigns to educate the public about the new law, on how to file complaints, and about the availability of services. In discussions with the Council, the Police stressed several persisting problems with regard to the adoption of by-laws necessary for implementation of the Law. One of the main impediments is the lack of referrals of juveniles who exercise violence in the family to rehabilitation centres on one hand, and the lack of such centres on the other.

During the second half of 2018, 990 cases of violence within the family were registered in Armenia; in 431 cases a warning was issued, and in 131 cases imminent measures of interference were applied.

In January 2018, the Republic of Armenia signed **the Istanbul Convention**. The ratification of the Convention is high on the agenda of the new Government and National Assembly. In May 2019, the Ministry of Justice initiated the internal ratification procedures. However, the process has been hijacked by homophobic and pseudo-

In April 2019, the Council of Europe Office in Armenia launched a new 2,5-year project **Preventing and combating violence against women and domestic violence in Armenia: continuing the path towards ratification of the Istanbul Convention** (€600,000), funded by the governments of Liechtenstein and Norway. The project aims to prepare Armenia for the Istanbul Convention; and to ensure the Armenian legal and policy framework on preventing and combating domestic violence will be in line with Council of Europe standards.

<sup>10</sup> For details, please refer to the biennial report for 2016-2

homophobic groups questioning the definition of gender given in the Convention.

The Ministry of Labour and Social Affairs announced the start of a five-year **Gender Strategy (2019-2024)**. To ensure the continuity of gender policy and take into account the existing issues and new challenges to achieving gender equality, the new Government is developing a draft Strategy and Programme of Activities for Implementation of Policy on Ensuring Equal Rights and Equal Opportunities for Women and Men in the Republic of Armenia for 2019-2023. The Strategy defines the priority directions of the state policy on equal rights and equal opportunities for women and men and aims to create favourable conditions for women and men in all areas of public life. The draft has been finalized and made public on 21 May 2019<sup>11</sup>, but has not been approved yet.

A draft decree on the establishment of a new **Council of Issues on Equality between Men and Women** is currently under consideration by the Government since May 2019. The decree proposes the revision of the Council's functions and powers, strengthening its capacity to effectively monitor and implement policies on gender equality and taking into account CEDAW's recommendations from Armenia's Fifth and Sixth Periodic Reports.

#### *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*

Ill-treatment, torture, inhumane and degrading treatment are explicitly prohibited by law. Development of specific legislative safeguards (e.g. through amendments to the Criminal Procedure Code, new Law On Pardon) is underway. Concerns remain with regard to the **continuing practice of ill-treatment and torture, particularly in police custody**<sup>12</sup>, as well as with regard to mechanisms for accountability and opportunities for civic oversight of closed facilities.

The political developments in the country resulted in a change of the police leadership. The new leadership embarked on **police reforms**, including in the area of prevention of torture. In 2018, the Special Investigative Service launched a number of criminal cases relating to ill-treatment committed by police officers. However, official data and information on the outcomes of the cases is not publicly available. In addition, the Armenian police is working on establishing a new patrol police, in order to address ill-treatment.

Civil society organisations continued to report allegations and occurrences of torture and ill-treatment in the country. By mid-2018, 71 cases were reported, out of which only one was sent to the court. Human Rights Watch, in its 2019 country report<sup>13</sup>, referred to the events of April-May 2018, specifying alleged use of stun grenades by the police on April 16, leaving 46 people injured, including six policemen.

Under the EU's **Support to Human Rights Protection in Armenia** programme, 10 pilot police stations should benefit from video surveillance systems in interrogation rooms in 2019 and 2020. The action is aimed at decreasing the practice of ill treatment and torture. The legal framework was discussed and the terms of reference for purchase of the required equipment was submitted.

11 <http://www.mlsa.am/wp-content/uploads/2019/05/naxagic-genderayin-razmavarutyun.docx>

12 <https://rm.coe.int/16806bf46f>.

13 <https://www.hrw.org/world-report/2019/country-chapters/armenia>

The Armenian National Preventive Mechanism's (under the Human Rights Defender) workload increased significantly during the 2018-2019 reporting period, as it conducted visits to penitentiary institutions, social care homes, childcare institutions, and psychiatric centers. Three prisons were far below the international standards and need to be upgraded. Regarding the lack of quality medical care for prisoners, Armenia plans to establishing special wards in public hospitals.

According to the information presented by the Prosecutor General's Office during the Human Rights Dialogue (Brussels, 8 April 2019), there are recent positive trends in terms of **decrease of use of pre-trial detention (PTD)**, as well as decrease of unjustified motions for PTD. Instructions to prioritize alternative sentences have already been translated into practice; however, legal amendments and strengthening of the Probation Service, including funding for GPS monitoring in case of house arrest are needed.

### *Convention on the Rights of the Child (CRC)*

The current legislative framework includes the National Strategy and Action Plan on Child Rights Protection (2017-2021). Furthermore, the Human Rights Protection Strategy 2017-2021 and its Action Plan include a special chapter on child rights. **De-institutionalization of the child care system** is a priority in the Government Programme for 2017-2022.

The Child Rights Unit under the Human Rights Defender (HRD) Office is appointed as the CRC monitoring mechanism. UNICEF has been assisting the Child Rights Unit to strengthen monitoring. At the same time, the National Commission for the Protection of Children's Rights continues to be inactive and fails to perform its mandate. In October 2018, The Human Rights Defender's Office issued a comprehensive ad hoc Report on the State of Fulfilment of Armenia's Commitments under the the Convention and its protocols, with recommendations in each of the areas covered.<sup>14</sup>

Challenges remain with the ongoing de-institutionalisation reforms meant to address the problem of overrepresentation of **children with disabilities in residential institutions**<sup>15</sup>, where it is believed their needs are not addressed adequately. Amendments to the Family Code were enacted in 2018 to allow for the development and strengthening of alternative care system in the country, including foster care reform. The government has also adopted a Concept on the Development of Alternative Services (service centres, foster care and adoption mechanisms)<sup>16</sup> and considers the possibility of delegating provision of these services to relevant civil society partners. However, before the community-based centres for children with disabilities envisaged under the EU Human Rights Budget Support Programme would be established, the existing arrangements within residential institutions have been abandoned, creating a gap in provision of services. Serious issues also persist with the implementation of inclusive education reform, as most children with disabilities are effectively left out of schools.

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<https://www.unicef.org/armenia/media/2116/file/Commitments%20under%20the%20Convention%20of%20the%20rights%20of%20the%20child-the%20state%20of%20fulfillment%20by%20Armenia.%20Ad%20Hoc%20public%20report.pdf>

15 <http://transmonee.org/country/armenia/>

16

[http://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Disability/ProvisionSupport/NGOs/Save%20the%20Children%20Armenia.doc&action=default&DefaultItemOpen=1](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Disability/ProvisionSupport/NGOs/Save%20the%20Children%20Armenia.doc&action=default&DefaultItemOpen=1)

Armenia joined the **Global Partnership to End Violence against Children** as a path-finding country in 2018. However, the law on Domestic Violence does not envisage mechanisms to support child victims of violence.

## Conclusions and priorities

*Improvements in freedom of assembly followed the Velvet Revolution of 2018. Progress was noted in legislation on Domestic Violence and its implementation, including support services for survivors and awareness-raising activities; as well as work on improving the legislative framework on gender equality. The ratification of the Istanbul convention would be a significant further step in this direction and should remain a priority for the new government. Furthermore, the Human Rights Defender notes a decline in the use of pre-trial detention. Increased over-sight of practices of ill-treatment and torture in the police is expected with the delayed introduction of video surveillance systems in interrogation rooms in 2019 and 2020.*

*However, we note the delays in adopting a new Criminal Code and stand-alone law on anti-discrimination. A series of cases of hate speech and harassment against LGBTQI people continue to spoil the generally positive environment surrounding democratic change. The government has declared independence of the judiciary as a top political priority, while some concerns remain.*

*The drafting of a new 2020-2022 Human Rights Action Plan is a priority for the government and civil society partners. The new Judicial Code entered into force on 9 April 2018. However, after the political changes in Armenia during April-May 2018, the Government has planned to amend the Judicial Code in 2020 in order to address the recommendations of Venice Commission and OSCE/ODIHR. The adoption of new Criminal Code and Criminal Procedure Code is planned for 2020.*

## 4.2 ILO Labour Rights Conventions

The majority of the monitoring process was conducted with the former government. The new government confirmed engagement and started acting on key issues, such as the Labour Code and the Labour inspectorate.

The preparation of a new **Labour Code** was dropped in favour of amending the existing one. A package of amendments submitted to the Government in summer 2018 addressed several gaps identified by the ILO in relation to the fundamental conventions. The new Government has confirmed its intention to amend the Labour Code in order to respond to ILO requirements, but restarted the drafting process. Public discussion on the envisaged amendments was launched in May and June 2019. The office of the Human Rights Defender issued a public report with a comparative analysis of the Armenian Labour Law and international standards in 2019<sup>17</sup>. A working group involving key stakeholders is aiming to

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17 <https://www.ombuds.am/images/files/d42f63d5739ccce32e17bc5a53424c7c.pdf>

develop draft amendments by 2021. A positive step in this respect was the amendment to the Labour Code to define and prohibit **discrimination in employment**, adopted on 4 June 2019.

A new **Health and Labour Inspectorate** was established in April 2018 (Law on State Administration Bodies), reporting directly to the Government and with limited powers and a mandate limited to occupational health and safety (OSH) and guarantees for workers under the age of 18, pregnant or breastfeeding women, and child care workers. There is still no enforcement body for labour legislation on matters linked to general working conditions or employment relations (wages, employment contracts, welfare provisions).

Following the initial steps in 2018 on the **labour inspection system**, the government is developing a roadmap towards a fully-fledged inspection system with support from the ILO under the EU-funded project, to be finalised by October 2020. Under the Government Plan, draft legislation based on the roadmap would be submitted to the Prime Minister in October 2021. Parliament passed a package of amendments to the Labour Code envisaging an extended mandate of the Health and Labour Inspectorate in December 2019. Poor capacities of the administration and institutions, coupled with a lack of financial and human resources, remain important impediments to effective implementation and progress.

#### *Freedom of Association and Collective Bargaining (Conventions 87 and 98)*

Gaps in the legislation remain to be addressed. A package of **amendments to the Labour Code** were presented to the former Government in January 2018, addressing some of the issues related to the right to strike (e.g. threshold to call a strike; definition of minimum service with the social partners). Work continued under the new government and a new package of amendments is being prepared.

Concerns relate to the **exclusion of some categories of civil servants**, self-employed, liberal professions, and informal workers from forming and joining trade unions. Furthermore, issues remain around the excessively **high minimum membership requirements** for the formation of both trade unions and employers' organisations; and ambiguous provisions on workers' representation in the absence of trade unions.

De facto, the present legislation (Labour Law and the Law on Trade Unions) continues to discourage the formation of unions independent of the majority and branch trade unions. A draft bill to amend the **Law on Trade Unions** would facilitate the establishment of independent trade unions, but maintains restrictions for certain professions (police, judges, etc.). It was passed on to the Parliament but is not on the agenda yet. Shortcomings remain in the Law, which allows for unilateral termination of collective agreements in case of privatisation and/or restructuring of a company and for circumventing the representative trade unions for collective bargaining at enterprise level.

Although this is a requirement of the Labour Code, there is still no official registration of collective agreements. In practice, freedom of association and collective bargaining are also constrained by the fact that unions or workers' representatives are commonly perceived as fully dependent on the goodwill of employers (e.g. employer's informal consent required to establish a trade union in the company), by employers' and workers' organisations both lacking expertise and negotiating skills, and by a weak negotiation culture within businesses.

The new **2018-2020 Decent Work Country Programme (DWCP)**, signed by Armenia and the ILO in May 2019, includes activities relating to freedom of association and collective bargaining.

### *Abolition of Forced Labour (Conventions 29 and 105)*

Existing legislation (Criminal Code, Labour Code) prohibits forced or compulsory labour of any form, but still **lacks a clear and comprehensive definition of forced labour** in line with the ILO Conventions. Amendments to the Labour Code are envisaged with a deadline in 2020 under the 2019-2022 National Action Plan against Trafficking in Persons, which is still to be approved.

In its latest comments in 2019, the ILO lifted its concerns about **correctional labour** as a punishment for expressing political or ideological views and for conduct of public officials harmful to the state or other interests.

Exposure to forced labour and labour exploitation remains closely related to **trafficking in persons**. Armenian labour migrants abroad face forced labour, often following recruitment fraud and exorbitant recruitment fees, notably in Russia, the United Arab Emirates (UAE), and Turkey. Armenian women and children are subjected to sex trafficking abroad and to sex and labour trafficking and forced begging within Armenia. Children working in agriculture, construction, and service provision are vulnerable to labour trafficking. An increasing number of Indian migrants who willingly seek employment in the informal sector in Armenia are reported to face forced labour<sup>18</sup>. Armenia was downgraded in the 2018 US Department's Trafficking in Persons Report as not fully meeting the minimum standards for the elimination of trafficking due to less serious and sustained efforts and maintained as Tier 2 in the 2019 Report.

The impossibility of conducting workplace **inspections**, remains a key barrier to identifying, investigating and preventing forced labour. In addition, the fewer prosecutions and convictions of traffickers suggest a key shortcoming. Of the nine cases investigated in 2018, five were forced labour and one both sex trafficking and forced labour. Only one case was prosecuted and no trafficker was convicted. Anti-trafficking institutions remain in place, as well as a referral mechanism for victims. Action Plans are implemented, but regular reporting on activities and results is lacking. More efforts are needed to identify victims of forced labour, including training of officials of relevant State agencies, and better cooperation between law enforcement bodies.

### *Minimum Age for Work and Worst Forms of Child Labour (Conventions 138 and 182)*

**Poverty**, an underlying cause of child labour, significantly decreased in the last years but remains high. Child poverty reduction was a priority of the former Government, which had launched a reform of the family benefit system as a main poverty reduction measure.

Armenia does not feature on the latest US Department of Labour's List of Goods Produced by Child (or Forced) Labour. Children working in agriculture, construction, and service provision are reported to be vulnerable to labour trafficking, but **comprehensive data** on child labour are lacking. The last national survey was conducted with the support of the ILO in 2015. The National Strategy on Child Rights Protection 2017-2021 and the corresponding Action Plan reflect the recommendations of the 2015 Child Labour survey.

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<sup>18</sup> US, 2019 Trafficking Report



There was no change in child labour legislation during the reporting period. A major shortcoming to be urgently addressed according to the ILO is that the bulk of working children remains without legal protection since provisions in the Labour Code relating to child labour, including the minimum age for employment, do not apply to **work performed outside a formal labour relationship**, such as unpaid work, work in the informal sector or self-employment.

There is still no effective mechanism to **enforce child labour legislation**. The Health and Labour Inspectorate remains without sufficient capacity in that respect and there is no other competent agency. Apart from a dedicated unit within the police, there are no integrated systems in place to monitor child labour.

Measures on the **education** side, if effectively implemented, could help curbing child labour. Longer compulsory education, until the age of 19, has been in force since September 2017. However, there is no information about the necessary enhancing of school and teaching capacities. Projects with international partners<sup>19</sup> helped making the education system more inclusive and reducing drop-outs, which can be an incentive to child labour. Armenia's limited capacity and resources to sustain the developed tools through its own means beyond funded projects is, however, an issue.

#### *Equal Remuneration and Elimination of Discrimination (Conventions 100 and 111)*

The **gender gap** in labour market participation and employment remain high at around 20 and 17 pp respectively<sup>20</sup>, also reflecting the poor job opportunities in the country overall. Armenia improved its ranking in the 2018 Global Gender Gap index to 98<sup>th</sup> out of 149 countries, but still features among the lowest-ranked in Eastern Europe and Central Asia. The gender pay gap remains at an average 33.5% and even higher in sectors like finance and insurance or IT. Efforts to address this issue, such as a gender-neutral job classification and remuneration system, remain concentrated in the public administration.

The existing legislation (Labour Code and Law on Equal Rights and Equal Opportunities for women and men) still needs to be amended to rightly incorporate the principle of **equal pay for work of equal value**, as requested by the ILO. **Equal access to employment and recruitment** is not well covered by legislation. Legislation still does not cover **sexual harassment** in employment and occupation.

Prohibition of discrimination had been enhanced by the amended Constitution, which entered in force in 2018. It was further strengthened by the introduction of a new article in the Labour Code in June 2019, defining and prohibiting discrimination in employment. Protected grounds are aligned with those in the Constitution and the new article specifically prohibits both direct and indirect discrimination at all stages of legal labour relations.

The EU-funded **OxYGen programme** focuses on women's capacity building for a gender equality agenda and addresses labour rights, gender-based discrimination in the labour market, and gender wage disparities. The goal of this programme, part of the **INSPIRED+ GSP** project, is to enable local CSOs to create a road map for ensuring equal labour rights for women and men in Armenia.

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<sup>19</sup> <https://www.unicef.org/armenia/en/what-we-do/education>  
<sup>20</sup> 2018, World Bank Development Indicators, data

The latest version of draft **Law on Ensuring Equality** was published in July 2019. The draft law contains a comprehensive definition of discrimination and prohibited grounds for discrimination, as well as the responsibilities of employers in terms of preventing and prohibiting discrimination in the workplace. The role of the Equality Council tasked with assisting the Human Rights Defender with implementation, however, would be only an advisory one and would not cover the private sector. Discrimination on the basis of sexual orientation is not covered by the draft Law on Equality and remains a highly sensitive issue.

A Draft Strategy and Programme of Activities for Implementation of Policy on Ensuring Equal Rights and Equal Opportunities for Women and Men for 2019-2023 is being finalised. Before its submission to the Government, it is being checked to ensure that it is fully in line with international standards, notably, CEDAW Concluding Observations and UPR Observations.

In practice, most discrimination issues identified by national and international stakeholders relate to gender. Women reportedly face discrimination at every stage of the employment relationship. Sexual harassment is widespread and often unreported. Discrimination in employment and occupation is also reported on other grounds (age, sexual orientation, disabilities, and ethnicity)<sup>21</sup>. Mandatory employment quotas for people with disabilities were suspended for bigger public and private firms in May 2017. Discrimination on the ground of sexual orientation remains a highly sensitive issue. In a recent ranking on LGBTIQI equality laws and practices in Europe, Armenia was ranked 47th of 49 countries (ILGA-Europe 2019). ILO CEACR underlined the need for proactive measures to address discrimination between different ethnic groups in the labour market.

### **Conclusions and priorities**

*Progress has been limited, but the new government is engaging on key issues such as labour inspections and amending the Labour Code in response to ILO requests. The new 2019-23 Decent Work Country Programme with the ILO and the prolonged EU project to GSP+ implementation offer opportunities to advance on both issues.*

*Re-establishing a fully-fledged labour inspection system, duly mandated and empowered in line with ILO conventions on labour inspections, which Armenia has ratified, remains an urgent matter. The impossibility to conduct inspections outside occupational health and safety is a major impediment to effective control of forced and child labour. More needs to be done to eliminate child labour and to guarantee that all working children, including those out of a formal employment relationship can benefit from the protections of the child labour legislation. A roadmap has been developed with the ILO and work is starting on a legal basis for an extended mandate covering all labour rights, expected to be in place by end 2020.*

*Amendments to the Labour Code on the prohibition of discrimination were a significant step, By providing a broader legal basis to the prevention and protection against discrimination, the adoption of the draft Law On Ensuring Equality would have an additional positive impact on the application of the ILO fundamental conventions N° 100 and 111.*

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21 USDOS, 2018 Human Rights Report

*Further envisaged changes to the Labour Code remain essential to close the gaps identified by the ILO on the effective application of fundamental conventions in law. Adopting the draft law amending the Law on Trade Unions is needed to better guarantee freedom of association.*

*The definition of forced labour in national legislation still needs to be brought in line with the ILO conventions and more efforts are needed to curb the risks of forced labour and labour exploitation for economic migrants to and from Armenia.*

#### **4.3 UN Conventions on Environmental Protection and Climate Change**

##### *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

Armenia's national legislation related to the implementation of CITES remains ranked as Category 3, which means that it does not meet the requirements for the Convention's implementation. Some CITES legislation is in place, and some provisions have been translated and submitted to the Secretariat as of September 2018. Once provisions are fully submitted, the Government and the Secretariat are to agree on the legislative analysis, and the possibility for reaching Category 1 status.

The Armenian authorities have taken some steps to address the four minimum requirements set by the CITES secretariat. A Management and Scientific Authority, respectively the Ministry of Nature Protection and the Interagency Council, have been appointed since 2008. The government envisages the full establishment of the Interagency Council by the end of 2019. Trade in specimens in violation of CITES is prohibited by the Law On Fauna and amendments to the Code of Administrative Offences. Penalties for such trade are covered in the legislation on administrative and environmental offences, as well as the Customs Code. The current level of fines is low and is unlikely to have dissuasive impact for potential offenders. The final requirement of CITES is on the seizure of illegally traded or possessed specimens. A draft Article to this effect in the Criminal Code has not yet been adopted.

During 2018, Armenian authorities actively worked with the CITES Secretariat on the introduction of the **electronic CITES permit system**, which will improve the transparency of the process, reduce corruption risks, illicit trade of wildlife, and facilitate the exchange of information between management, scientific authorities and business entities. Regarding the issuing of CITES permits in electronic format, it should be mentioned that the RA Customs Service no longer works with the Automated System for Customs Data (ASYCUDA).

##### *Basel Convention*

Over the reporting period, no salient shortcomings regarding the implementation of the Basel Convention were identified<sup>22</sup>.

##### *Convention on Biological Diversity (CBD)*

Due to delays in the submission of Armenia's Sixth National Report under CBD, no significant updates on implementation are available. Currently, the two main policy documents in the area of biodiversity are the revised National Strategy and Action Plan on the

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<sup>22</sup> For details, please refer to the biennial report for 2016-2017, SWD(2018) 32 final of 19.1.2018

Conservation, Protection, Reproduction and Use of Biological Diversity, and its associated Action Plan for 2016-2020, as well as the Strategy of the Republic of Armenia for Special Protected Nature Areas and the State Programme for Protection and Usage, adopted in September 2014.

The Caucasus is considered among the world's most endangered biodiversity hotspots. The main pressures to biodiversity in Armenia are related to the development of industry, agriculture, urbanization, and exploitation of forests and grasslands. Armenia has set up specially protected areas covering 70% of the country's flora and fauna, as well as special strategies for particular species, such as the Armenian moufflon, bezoar goat, and panther.

### *Stockholm Convention on Persistent Organic Pollutants (POPs)*

Armenia submitted an update to its National Implementation Plan (NIP), addressing the Fifth Conference of the Parties (COP 5) amendments, on 23 April 2018. According to the government, the updated NIPs with new POPs listed in Stockholm Convention COP 6 (due in 2016) and COP 7 (due in 2018) were under finalisation, but have not been submitted to Secretariat yet.

The government prepared and approved a Concept of Republic of Armenia **Law on Chemicals** in November 2018. The draft Law on Chemicals will be submitted to the Government of RA in 2020.

Constraints on effective implementation include the lack of education in the refrigeration and air-conditioning industry, which may be a barrier to the introduction of new ozone and climate friendly technologies. Additionally, customs entry points are not equipped with Ozone-Depleting Substances (ODS) identifiers to allow field-testing to distinguish between ODS and non-ODS refrigerants.

A pilot project (2016-2018) on the **Reduction of Unintentional Organic Pollutants Releases (U-POPs) from Open Burning Sources** aimed to reduce the releases of dioxins and furans while renovating a selected landfill.

Another project, **Elimination of Obsolete Pesticide Stockpiles and Addressing POPs Contaminated Sites within a Sound Chemicals Management Framework in Armenia** (ending in 2019) aims to eliminate obsolete pesticides and liquidation from the Nubarashen burial site.

### *Cartagena Protocol on Biosafety*

A draft Law **On Genetically modified organisms** (GMO) along with the package of other related laws<sup>23</sup> was finalised and made public on 4 September 2018<sup>24</sup>. The Law's main purpose is to provide regulations for the usage of GMOs and to ensure biosafety<sup>25</sup>. Among other regulations, the Draft Law: (i) provides for definition of GMOs and related concepts; (ii) sets for the main principles of GMO regulation and utilization; (iii) use of GMOs for agricultural purposes; (iv) prohibition and prevention of illegal utilization of GMOs. Under the new government, the relevant ministries reported drafting a National Law regarding Biosafety of Genetically Modified Organisms to be submitted to the National Assembly.

23 <https://www.e-draft.am/projects/1178/about>

24 <https://www.e-draft.am/projects/1178>

25 <https://www.e-draft.am/projects/1178/about>

Article 285 of the Draft amendments to the Code on Administrative Offences prohibits and provides for administrative liability for the violation of the rules biosafety in utilization of GMOs, in the form of fines. These lenient penalties are not expected to have a substantial preventative effect, in particular taking into account the benefits of the illegal use of GMOs.

### *Conventions on Climate Change*

The main constraints pertaining to the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), as raised by Armenia in their Second Biennial Update Report from May 2018, are dependence on external financing, shortage and frequent rotation of qualified specialists with knowledge of the Convention, as well as low awareness of the Convention at local/regional level. The authorities planned to compile Armenia's draft 4<sup>th</sup> National Communication by the end of 2019, though still outstanding. A EU4Climate regional project plans to develop a Nationally Determined Contributions (NDC) implementation roadmap by October 2020.

In February 2017, Armenia ratified the Paris Agreement of the UNFCCC, and the Doha amendment to the Kyoto Protocol.

As for the Montreal Protocol, Armenia continues phasing out hydrochlorofluorocarbons (HCFCs). Stage II of the HCFC Phase-out Management Plan covers the period of 2016-2020. This should enable Armenia to meet its obligations under the Montreal Protocol on the accelerated phase-out of HCFCs and will effectively target reaching 35% phase-out of HCFCs by 2020. The phase-out plan covers legislative changes, improving facilities at refrigeration and air-conditioning training institutions and customs, and technical assistance and refrigeration technicians.

Armenia ratified the **Kigali Amendment** to the Montreal Protocol in May 2019, adding powerful greenhouse gases HCFCs to the list of substances controlled under the Protocol.

### **Conclusions and priorities**

*The ratification of the **Kigali Amendment** to the Montreal Protocol in 2019, in addition to the Paris Agreement and Doha amendment in 2017, signals Armenia's continued commitment to international environmental standards. Furthermore, the authorities reported some progress in aligning national legislation with **CITES** requirements, but more needs to be done.*

*Concerns remain around **low penalty amounts** for violations of **CITES** and the Cartagena Protocol, which are not expected to have a serious deterrent effect. Challenges persist in terms of capacity and financing.*

## **4.4 UN Conventions on Good Governance**

### *International Drug Control Conventions*

The International Narcotics Control Board (INCB) undertook a mission to Armenia in June 2018. The INCB reports increased cannabis seizures and a decline in cannabis resin seizures for 2013-2017 in the Southern Caucasus region, which Armenia is a part of. Armenia continued to seize increasing amounts of methamphetamine in 2017, trafficked into the

country mainly from Iran. A high prevalence of opiate use was noted<sup>26</sup>. The 2018 INCB report does not comment on Armenia's implementation status, after considerable improvement efforts noted in 2015, including the 2016 Law on Drugs and other drug control reforms.

Armenia has, in recent years, reported a rise in seizures of narcotic drugs including cocaine, opium and cannabis resin, which may indicate that the country is increasingly being targeted for transit. While illicit drug use in the country is thought to be moderate, its exact extent is difficult to gauge in the light of the limited epidemiological data available.

In terms of regional cooperation, Armenia is a part of the Collective Security Treaty Organisation (along with Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, and Tajikistan), which carried out two large-scale joint operations in 2017 to counter drug-trafficking. Armenia also participated in a regional workshop on joint investigation teams and controlled deliveries in February – March 2018.

### *UN Convention against Corruption (UNCAC)*

While the fight against corruption has become a priority for the Armenian Government in the past years and important legislative and policy developments are taking place, shortcomings remain and the public perception of corruption in the country remains negative. The last UNCAC review from 2015 noted a need for closer alignment of Armenian legislation with some principles and definitions of the Convention. On the other hand, UNCAC reviewing experts highlighted some legal provisions as good practice, including the aim to expedite international cooperation and mutual legal assistance.

Armenia's ranking in the 2018 Transparency International Corruption Perception Index improved to 105 out of 176 countries (from 113<sup>th</sup> place). There was a slight improvement of perceived level of public sector corruption score at 35 out of 100 (where zero means 'highly corrupt') in 2017-8, compared to 33 in 2016.

There were several **legislative changes** in the previous reporting period, such as the criminalisation of illicit enrichment and an anti-corruption package including a Law on the Corruption Prevention Commission, the Law on Making Amendments in the Law on Public Service and the Law on Whistleblowing System. The package was to enter into effect in early 2018. The preliminary assessment of the package was positive, but concerns remain, for example regarding the selection process of the board members of the Corruption Prevention Commission; and the extension of the coverage of the declaration of income obligations for civil servants.

Corruption prevention is among the top priorities of the new government<sup>27</sup>. The authorities adopted a **new Anti-Corruption Strategy (2019-2021)** with the intention to set up the Corruption Prevention Commission as an independent anti-corruption body. On 21 May 2019, the official page for the **Integrated Whistle-blower platform** ([www.azdararir.am](http://www.azdararir.am)) was launched with participation of the high-level governmental officials from the Prime Minister's Office, Prosecutor General's Office, and Ministry of Justice.

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<sup>26</sup>[https://www.incb.org/documents/Publications/AnnualReports/AR2018/Annual\\_Report\\_Chapters/05\\_Chapter\\_III\\_Annual\\_Report\\_2018\\_E\\_.pdf](https://www.incb.org/documents/Publications/AnnualReports/AR2018/Annual_Report_Chapters/05_Chapter_III_Annual_Report_2018_E_.pdf)

<sup>27</sup> <http://www.primeminister.am/en/press-release/item/2018/05/18/Prime-Minister-Nikol-Pashinyan-introduced-SRC-chairman/>.

In 2018, 409 criminal cases of corruption and official nature were investigated by the Special Investigation Service. According to the Prosecutor General Office of RA, during 2018, 960 persons were prosecuted on corruption cases investigated by the bodies of inquiry from which 470 were officials. There are several **high-profile criminal cases on corruption** involving members of the previous government. Those include the former President of Armenia, Mr Rober Kocharian and co-defendants, charged with overthrowing constitutional order in 2018<sup>28</sup> and in 2019 for taking a bribe in the amount of 3 million USD<sup>29</sup>. The former Chief of the Army Headquarters General Yuri Khachaturov and former Minister of Defense General Seyran Ohanian were charged for overthrowing the constitutional order; the former Chief of Staff of the Kocharian's Presidential Office, Armen Gevorgian was charged for assisting the bribery. The Prosecutor's Office approved the indictment and sent it to court in April 2019. Other cases include former Minister of Environment Aram Harutyunyan, wanted under charges of taking a bribe of 14 million USD from a business woman Silva Hambardzumya for not hindering her investment operations in the mining business<sup>30</sup>.

The **prevention of money-laundering** is closely related to the fight against corruption as corruption represents one of the main predicate offences in connection with the illicit laundering of proceeds in the context of Armenia. Armenia has made good and steady progress in strengthening its legal framework in relation to anti-money laundering as well as counter-terrorist financing and its effective implementation in the recent years. Some deficiencies remain and should be further mitigated. For instance, domestic **politically exposed persons** and their family members and associates are not subject to specific enhanced customer due diligence requirements. Law enforcement authorities should continue to increase their efforts to pursue money laundering and seize criminal proceeds in line the risks faced by the country.

### Conclusions and priorities

*Armenia is on track with fulfilling its obligations under international drug control conventions.*

*The fight against corruption has been highlighted by the new government as one of its main policy priorities. A new Anti-corruption Strategy for 2019-2021 and its Action Plan were adopted. The establishment of an independent corruption prevention body with operative-investigative functions, the Commission for Prevention of Corruption, is underway. Furthermore, Armenia has made good and steady progress in strengthening its legal framework in relation to anti-money laundering as well as counter-terrorist financing and its effective implementation in the recent years.*

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28 <https://www.rferl.org/a/former-armenian-president-kocharian-charged-with-bribe-taking/29767678.html>

29 <https://www.azatutyun.am/a/29909924.html>

30 Hambartsumian told RFE/RL in October that she had to pay a USD14 million bribe in 2008 to then-Environment Minister Aram Harutyunian.

# ANNEX

## Armenia – Treaty Ratification and Reporting

Convention	Status of ratification / reservations <sup>31</sup>	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Accession: 23.06.1993 No reservations	<b>No reporting obligations</b>
2. International Convention on the Elimination of All Forms of Racial Discrimination	Accession: 23.06.1993 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 29.12.2015. Last concluding observations from 31.05.2017. Last follow-up state party report submitted on 31.08.2018. Next report due by 23.07.2020.
3. International Covenant on Civil and Political Rights	Accession: 23.06.1993 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 08.07.2019. Last concluding observations from 31.08.2012. Last follow-up state party report submitted on 11.04.2016.
4. International Covenant on Economic, Social and Cultural Rights	Accession: 13.09.1993 No reservations	<b>Lack of compliance with reporting obligations</b> Last report submitted on 16.07.2011. Last concluding observations from 15.07.2014. Latest report was due by 30.05.2019.
5. Convention on the Elimination of All Forms of Discrimination against Women	Accession: 13.09.1993 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 11.03.2015. Last concluding observations from 18.11.2016. Last follow-up state party report submitted on 10.06.2019. Next report due by 30.11.2020.
6. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Accession: 13.09.1993 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 24.06.2015. Last concluding observations from 07.12.2016. Last follow-up state party report submitted on 20.08.2018. Next report due by 07.12.2020.
7. Convention on the Rights of the Child	Accession: 23.06.1993 No reservations	<b>Lack of compliance with reporting obligations</b> Last report submitted on 04.02.2010. Last concluding observations from 08.07.2013. Latest report was due by 22.01.2019.
8. Convention concerning Forced or Compulsory Labour,	Ratification: 2004	<b>Compliant with reporting obligations</b> Latest CEACR <sup>32</sup> comments: Direct Request 2018.

<sup>31</sup> Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.



No. 29		Next report due in 2020.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 2006	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2016. Last report received in 2019. Next report due in 2022.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No. 98	Ratification: 2003	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2016. Last report received in 2019. Next report due in 2022.
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1994	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2016; Direct Request 2016. Last report following comments received 26.09.2018. Next report due in 2021.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 2004	<b>Compliant with reporting obligations</b> Latest CEACR comments: 2019 replies received do not raise further comments. Next report due in 2020.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1994	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2016. Last report following comments received 26.09.2018. Next report due in 2021.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 2006	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2018. Next report due in 2020.
15. Convention concerning Minimum Age for Admission to Employment, No. 182	Ratification: 2006	<b>Compliant with reporting obligations</b> Latest CEACR comments: Direct Request 2018. Next report due in 2020.
16. CITES	Accession: 10.04.2008 No reservations	<b>Lack of compliance with reporting obligations</b> Last Annual Report (2016) submitted on 01.11.2017. Annual Reports for 2017, 2018 due. Last Biennial Report <sup>33</sup> (2009-2010) submitted on 19.07.2012. Biennial Reports for 2011-12, 2013-14, and implementation <sup>34</sup> report for 2015-2017 due. Annual Illegal Trade report for 2017 due.
17. Montreal Protocol	Accession: 01.10.1999	<b>Compliant with reporting obligations</b>

<sup>32</sup> ILO Committee of Experts on the Application of Contentions and Recommendations

<sup>33</sup> Mandatory but not subject to compliance procedures.

<sup>34</sup> Implementation reports (formally biennial reports) are mandatory, but not subject to compliance procedures.

	No reservations	Most recent annual data for 2016 was submitted. No more recent reporting data is available.
18. Basel Convention	Accession: 01.10.1999 No reservations	<b>Compliant with reporting obligations</b> Last (2017) National Report submitted on 28.12.2018. National Report (2012) submitted on 26.02.2018. National report (2005) submitted on 27.02.2018. No data on 2018 Annual National Report available.
19. Convention on Biological Diversity	Accession: 14.05.1993 No reservations	<b>Compliant with reporting obligations</b> Next (Sixth) National Report submitted offline.  Revised National Biodiversity Strategy and Action Plan submitted on 02.11.2016.
20. UN Framework Convention on Climate Change	Accession: 14.05.1993 No reservations	<b>Compliant with reporting obligations</b> Last (Second) Biennial Update Report submitted on 05.05.2018 Next Biennial Update Report due by Dec. 2020 Latest (Third) National Communication submitted on 22.04.2015.
21. Cartagena Protocol on Biosafety	Accession: 30.04.2004 No reservations	<b>Compliant with reporting obligations</b> Last (Third) national report submitted on 03.04.18. Next (Fourth) National report due on 01.09.2019
22. Stockholm Convention	Accession: 26.11.2003 No reservations	<b>Compliant with reporting obligations</b> Latest (Fourth) National Report submitted on 10.08.2018.
23. Kyoto Protocol	Accession: 25.04.2003 No reservations	<b>No reporting obligations</b>
24. UN Single Convention on Narcotic Drugs	Accession: 13.09.1993 No reservations	<b>Reviewing is fulfilled by the International Narcotics Control Board (INCB).</b>  INCB mission took place 25-28 June 2018.
25. UN Convention on Psychotropic Substances	Accession: 13.09.1993 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Accession: 13.09.1993 No reservations	
27. UN Convention against Corruption	Accession: 08.03.2007 No reservations	<b>Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC).</b>  Latest UNODC review executive summary and UNODC Country review for the cycle 2010 – 2015 published on 06.03.2015.  Second review cycle 2015-2020.