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CSO METER

Empowered for Action

ARMENIA 2024

Country Report

Yerevan





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European Center for
Not-for-Profit Law



CSO Meter 2024: Armenia Country Report

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The mission of Transparency International Anticorruption Center (TIAC) is to promote good governance in Armenia by reducing corruption and strengthening democracy.

The European Center for Not-for-Profit Law Stichting (ECNL) is a leading European resource and research centre in the field of policies and laws affecting civil society. ECNL creates knowledge, empowers partners and helps set standards that create, protect and expand civic freedoms.

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ABBREVIATIONS & ACRONYMS

AI	Artificial intelligence
AMD	Armenian Dram
CPFE	Committee to Protect Freedom of Expression
CSO	Civil society organisation
CSTO	Collective Security Treaty Organisation
DDoS	Distributed denial-of-service
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law
EU	European Union
EUR	Euro
GDP	Gross domestic product
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Ally, etc.
LSGB	Local self-government body
MoU	Memorandum of understanding
NGO	Non-governmental organisation
NSS	National Security Service
OGP	Open Government Partnership
PDPA	Personal Data Protection Agency
RA	Republic of Armenia
SLAPP	Strategic litigation against public participation
State Register Agency	Agency for State Register of Legal Entities of the Ministry of Justice
TIAC	Transparency International Anticorruption Center
UBO	Ultimate beneficial owner
UN	United Nations
UNECE	The United Nations Economic Commission for Europe
USAID	United States Agency for International Development
USD	United States Dollar
VAT	Value-added tax

I. EXECUTIVE SUMMARY

Country context and important trends relevant to the civil society environment

In 2024, Armenia continued to navigate significant political and social developments shaped by the aftermath of the war in Artsakh (Nagorno-Karabakh) with the further seizure of Artsakh territory by Azerbaijan and ethnic cleansing of its Armenian population.¹

Armenia's relationship with Azerbaijan and negotiations over the peace agreement remain a central issue for the general public. The constant threat of war, border delimitation and demarcation, the rights of Artsakh people, and humanitarian concerns all dominate the political discourse. Meanwhile, civil society organisations (CSOs) have continued their work to support Artsakh families through economic, social and psychological turmoil, and to provide medical assistance, as well as promoting their right to return to their homeland at the international level. A number of CSOs established in Artsakh re-registered in Armenia in late 2023 and 2024.²

In April 2024, the government launched the process of border delimitation between Armenia and Azerbaijan in the northeastern Tavush province of Armenia.³ The lack of clarity regarding border demarcation and unresolved issues concerning the security of villages on the border with Azerbaijan, as well as frustration with unilateral concessions made by Armenia in the aftermath of the 2020 war, fuelled anger and anxiety among the Armenian population.⁴ Protests started in Tavush province and grew into a nationwide movement known as *Tavush for the Homeland*. The movement was led by Archbishop Bagrat Galstanyan, whose march from Tavush to Yerevan mirrored the tactics employed during the 2018 Velvet Revolution that brought current Armenian Prime Minister Nikol Pashinyan to power.⁵ Further, thousands of citizens took to the

¹ 'Why Are There No Armenians in Nagorno-Karabakh?', Special Report 2024, Freedom House,

<https://freedomhouse.org/report/special-report/2024/why-are-there-no-armenians-nagorno-karabakh>.

² Based on the information provided by the State Register of Legal Persons of the Ministry of Justice on 13 September 2024 in response to TIAC's enquiry, 16 Artsakh CSOs have been re-registered based on their original registration documents, while, based on information obtained by TIAC, a larger number of Artsakh CSOs have registered as a new organisation.

³ Press release on the outcome of the 8th meeting of the State Commissions on the delimitation of the state border between Armenia and Azerbaijan, Ministry of Foreign Affairs of the Republic of Armenia, 19 April 2024,

https://www.mfa.am/en/press-releases/2024/04/19/8th_meeting/12606; 'Armenia Starts Land Handover To Azerbaijan', Azatutyun.am, 23 April 2024, <https://www.azatutyun.am/a/32917519.html>.

⁴ 'EXPLAINER: Azerbaijan border delimitation deal sparks protests in Armenia', Civilnet.am, 30 April 2024, <https://www.civilnet.am/en/news/773765/explainer-azerbaijan-border-delimitation-deal-sparks-protests-in-armenia/>.

⁵ 'Armenia: Mass anti-government protests accompanied by unlawful detentions and police violence', CSO Meter, 31 May 2024, <https://csometer.info/updates/armenia-mass-anti-government-protests-accompanied-unlawful-detentions-and-police-violence>.

streets in Yerevan, organising rallies and marches and blocking street traffic. *Tavush for the Homeland* was backed by the political opposition and was characterised by aggressive rhetoric towards the ruling party and towards ordinary people not in support of the movement.⁶ The protests peaked in June, with demonstrators calling for the resignation of Prime Minister Pashinyan and his government,⁷ but diminished in the following months. While in many cases there was no intervention by the police against the protests, numerous instances of the unlawful detention and disproportionate and brutal treatment of protesters, as well as the alleged illegal use of stun grenades, were reported by local and international CSOs.⁸ These issues raise further concerns in the wider context of the lack of effective accountability for law enforcement abuses highlighted in recent years.⁹

In May 2024, Armenia experienced severe flooding due to unprecedented heavy rainfall, causing significant infrastructure damage and economic losses across the Tavush and Lori provinces.¹⁰ Many CSOs mobilised resources to provide emergency relief, including food, clean water, clothing, and medical supplies to flood-affected families.

Along with security and emergency issues, Armenia has also faced challenges in internal governance and external relations. According to the Freedom House's *Nations in Transit* report for 2024, Armenia's overall Democracy Score declined due to its decreased rating in National Democratic Governance. This decline reflects the executive's consolidation of power, the continuing trend of the central authorities to impeach opposition mayors, and the lack of transparency in the ruling party's finances.¹¹ In the sphere of external relations, the government continued to balance itself between Russia and the West (i.e., the European Union (EU) and the U.S.), with an

⁶ 'Disproportionate Police Violence Against Protesters: Democracy Watch', CivilNet, 24 June 2024, <https://www.civilnet.am/en/news/782959/disproportionate-police-violence-against-protesters-democracy-watch/>.

⁷ 'Could Opposition Protests in Armenia Topple the Government?', Carnegie Politika, 3 June 2024, <https://carnegieendowment.org/russia-eurasia/politika/2024/06/armenia-protests-pashinyan?lang=en>.

⁸ 'Condemnation of the Illegal Actions of the Police' (Statement by CSOs), TIAC, 14 June 2024, <https://transparency.am/en/media/news/article/5123>; Monitoring Freedom of Peaceful Assemblies Report (January–June 2024), Helsinki Committee of Armenia, Yerevan, 2024, https://armhels.com/wp-content/uploads/2024/09/Monitoring-of-freedom-of-peaceful-assemblies-January-June-2024-report_eng.pdf.

⁹ 'Protests in Armenia: RSF denounces deliberate police violence against reporters', Reporters Without Borders, 21 May 2024, <https://rsf.org/en/protests-armenia-rsf-denounces-deliberate-police-violence-against-reporters>; 'The police used a "Zarya 3" sound grenade against the protesters, according to the manufacturer it is used against armed criminals', Hetq.am, 13 June 2024 (in Armenian), <https://hetq.am/hy/article/167363>.

⁹ See: World Report 2024: Armenia, Human Rights Watch, <https://www.hrw.org/world-report/2024/country-chapters/armenia>; 2023 Country Reports on Human Rights Practices: Armenia, U.S. Department of State, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/armenia/>; 'Statement on Continued Police Violence' (signed by a group of CSOs), TIAC, 3 April 2024 (in Armenian), <https://transparency.am/hy/media/statements/article/5089>.

¹⁰ 'Northern Armenia Hit By Severe Floods (UPDATED)', Azatutyun.am, 26 May 2024, <https://www.azatutyun.am/a/32964179.html>; Armenia Floods 2024 DREF operation n° MDRAM013, ReliefWeb, 13 June 2024, <https://reliefweb.int/report/armenia/armenia-floods-2024-dref-operation-ndeg-mdram013>.

¹¹ Nations in Transit 2024: Armenia, Freedom House, <https://freedomhouse.org/country/armenia/nations-transit/2024>.

attempt to decrease its security dependence on Russia by taking steps to diversify its relationships in the sphere of defence. In February 2024, the Armenian prime minister declared that Armenia had frozen its membership of the Russian-led Collective Security Treaty Organisation (CSTO).¹² Further, the ruling party has discussed the possibility of Armenia applying for membership of the EU,¹³ while a group of political parties started collecting signatures for a legislative initiative to hold a referendum on joining the EU.¹⁴

Despite these political and social challenges, the Armenian economy is growing.¹⁵ The government has taken measures to maximise tax revenues through a number of initiatives, including the introduction of universal income and an asset declaration system for individuals,¹⁶ increased rates for turnover tax and narrowing the scope of legal entities that can make use of simplified tax schemes.¹⁷ Given the government's policy to narrow tax benefits, CSOs' advocacy towards creating a more encouraging tax environment for CSOs and their corporate and individual donors has become more difficult. In the framework of the changes in tax legislation, starting in 2025, business entities providing legal services will not be able to use the simplified tax scheme and are expected to raise their fees to pay profit tax and VAT as a result, which will affect the population's access to legal services. Human rights CSOs can therefore expect an increase in the number of their beneficiaries seeking free legal support.¹⁸

Key developments and priorities in the civil society environment

The overall score for the CSO environment in Armenia did not change in 2024 as compared to 2023 (4.8 out of 7). The top three areas with the highest scores remain the same compared to 2023: Freedom of Association (5.7), Access to Funding (5.3), and Freedom of Peaceful Assembly (5.2). The areas with the lowest scores, as in 2023, are

¹² 'CSTO creates threats to security of Armenia: Pashinyan on freezing membership', First Channel News, 18 September 2024, <https://www.1lurer.am/en/2024/09/18/CSTO-creates-threats-to-the-security-of-Armenia-Pashinyan-about-freezing-the-membership/1189679>.

¹³ 'Yerevan Revives Talk Of EU Membership Bid', Azatutyun.am, 21 June 2024, <https://www.azatutyun.am/a/33004266.html>.

¹⁴ 'Three political parties in Armenia start referendum petition for EU membership', ARMENPRESS, 11 September 2024, <https://armenpress.am/en/article/1199594>.

¹⁵ 'Armenia's economic activity rises by 9.6% in first seven months of 2024', ARCA News Agency, 2 September 2024, https://arka.am/en/news/economy/armenia_s_economic_activity_rises_by_9_6_in_first_seven_months_of_2024/.

¹⁶ 'Universal mandatory income disclosure system to take gradual effect from 2023', ARMENPRESS, 17 November 2022, <https://armenpress.am/en/article/1097500>.

¹⁷ 'Legislative initiatives debated in second reading endorsed in Committee', National Assembly of the Republic of Armenia, 10 June 2024, http://www.parliament.am/news.php?cat_id=2&NewsID=20731&year=2024&month=06&day=10&lang=eng; RA Law on Amendments to the RA Tax Code, 12 June 2024, <https://www.arlis.am/DocumentView.aspx?docid=194672>.

¹⁸ Interview, September 2024.

State-CSO Cooperation (4.0) and State Support (4.1), followed by State Duty to Protect (4.5) and Digital Rights (4.5).

Freedom of Peaceful Assembly and Freedom of Expression are the two areas of the basic civic freedoms that have seen changes in score (both improvement and deterioration) as compared to 2023. First, major incidents of assembly participants' rights being violated, along with the continuing lack of accountability of police officers for previous related cases, led to the decrease of the score for Practice in the area of **Freedom of Peaceful Assembly** and, consequently, the overall score in this area (from 5.3 in 2023 to 5.2 in 2024). At the same time, both negative and positive legislative developments have been observed in this area. The new Law on Police Guards and respective amendments to the Law on Freedom of Assembly are expected to contribute to the improvement of the rights of assembly participants via the mandating of regular training of police guards, specifying the conditions for using special means, and providing shortened terms for assembly notification, among other provisions. On the other hand, the Ministry of Internal Affairs has classified information related to the availability, quantity and types of special means available to the police.

In the area of **Freedom of Expression**, the score for Practice improved, resulting in an increase in the overall area score (from 4.7 in 2023 to 4.8 in 2024). This improvement reflects a return to the 2022 score based on the increased number of defamation and insult cases resolved extrajudicially and the government's collaborative approach in working with civil society on media reforms. In addition, the government, working in collaboration with CSOs, implemented a number of measures to improve media literacy and to tackle disinformation under the National Concept of the Struggle against Disinformation 2024-2026 adopted at the end of 2023. At the same time, several challenges to freedom of expression remain, including physical attacks against journalists and high levels of misinformation and hate speech. The current report also notes that law enforcement applies the provisions of the Criminal Code on hate speech and public calls to violence selectively, primarily protecting officials rather than CSOs and activists or representatives of specific social groups.

No changes in scores occurred in other areas of the CSO Meter for 2024. Legislation and practice are generally enabling for the establishment and operation of CSOs in Armenia and the sample registration documents provided by the government allow applicants to register quickly (though they provide only one type of governance structure and membership regulations). Lack of online registration possibilities for CSOs and the administrative and financial costs associated with the requirement to disclose ultimate beneficial owners (UBOs) remain the main challenges in the area of **Freedom of Association** (overall area score 5.7).

In the area of **Equal Treatment** (overall area score 4.9), the present report highlights the same issues as in previous years, specifically the more favourable conditions for

businesses as compared to CSOs in terms of registration and taxation of economic activities and the selective approach to engaging CSOs by decision makers. Though the legislation provides opportunities for CSOs to seek funding from various sources, a significant problem identified in **Access to Funding** (overall area score 5.3) remains the lack of incentives for funding diversification and the interpretation of grant projects as ‘delivery of services’ that are therefore subject to charging VAT as defined by law.

In the area of the **Right to Participation in Decision-Making** (overall area score 4.9), positive developments include increased openness towards and engagement of CSOs and citizens by some municipalities, successful cases of participatory reforms and law-making, and an improved framework for public participation in budgeting and monitoring public procurement. The lack of institutional mechanisms for participation in early-stage decision-making and engagement with the National Assembly, as well as the limited impact of CSO inputs in some policy areas and continuing problems with access to information, remain the most significant challenges. An important development related to access to information is the draft Law on Public Information, aimed at defining open data policy in Armenian legislation. Although generally assessed as positive, the draft Law requires further revisions and discussions with civil society stakeholders to minimise any risks and to ensure its effective application.

While Armenian legislation provides guarantees for the protection of the **Right to Privacy** (overall area score 4.9), there is a need for improvements taking into account new technologies and their related risks in terms of personal data management and security. The lack of oversight and accountability mechanisms for surveillance activities is also a major practical challenge in this area. For instance, the draft legislation on street camera surveillance approved by the government and further discussed in the National Assembly raised strict criticism from CSOs and was therefore frozen by the government pending further discussions.

The continuing lack of effective protection for CSOs working in sensitive areas, including increased pressure on environmental activists through strategic litigation against public participation (SLAPPs) and attacks on social media, are the main challenges in the area of **State Duty to Protect** (overall area score 4.5). In 2024, in regard to the law dimension of this area, CSOs have initiated discussions around extending the right of a public organisation to represent public interests, based on the government strategy adopted in 2023.

In the area of **State Support** (overall area score 4.1), the challenges related to state funding and the lack of an encouraging tax environment for CSOs and donors remain, although CSOs have continued their dialogue with the authorities regarding the issues of grant taxation and tax incentives for charitable activities and donations. The findings in this area also include several technical difficulties regarding the implementation of the Law on Volunteer Work which entered into force in October 2023.

In the area of **State-CSO Cooperation** (overall area score 4.0), there is no specific policy or strategy on CSO development or collaboration with the government, although various national strategies and legislative provisions determine principles of participation and cooperation. The challenges in the functionality and effectiveness of public councils and other consultative bodies remain the same as in previous years.

The area of **Digital Rights** (overall area score 4.5) has seen the development and discussion of several legislative initiatives including the draft Law on Cybersecurity, amendments to the Criminal Code specifying the scope of cybercrimes, and the draft package on camera surveillance measures. In practice, CSOs have reported several incidents of the use of spyware both by governmental and out-of-country actors. On the positive side, the government continues to take steps towards improved media literacy, digitalisation, internet accessibility, and many CSOs are engaged in media education and fact-checking activities.

Key developments

In 2024, the following key developments in the CSO Meter areas have been reported:

- A number of rallies and assemblies took place starting in April 2024 sparked by the border delimitation process with Azerbaijan and increasing concerns about Armenia's security. This unrest developed into the movement *Tavush for the Homeland* which demanded the government's resignation. Though the protests were largely peaceful, some protesters displayed violent behaviour. The police response to the protests was at times disproportionate and brutal with the detention of large numbers of citizens and the use of violence against some organisers, protesters and journalists. On 12 June, when thousands of protesters gathered in front of the National Assembly building and clashes occurred between assembly participants and police officers, the police used stun grenades which resulted in injuries to both the protesters and media representatives, as well as to police officers themselves. Despite statements from CSOs and demands for transparent investigations of police actions, as of November 2024, no police officer has been charged for the disproportionate use of violence and the use of stun grenades on 12 June.
- In April 2024, the government approved draft amendments to the Law on Police, the Law on Electronic Communications and related laws, aiming to combat street crime, and sent the draft texts to the National Assembly for adoption. The draft package requires shops, cafés, restaurants and other businesses to install high-quality video surveillance systems at the entrance and on all sides of their premises, with 24/7 livestream access provided to police. CSOs, including Human Rights Watch, have highlighted a number of issues

related to the drafts, including, among others, disproportionality, potential violation of the right to privacy, and the vague definition of data collection purposes. Based on stakeholder concerns, the Ministry of Internal Affairs recalled the draft Laws, stating that it will apply a step-by-step approach to address the problem, and demonstrating readiness to further discussions on the issues with the relevant stakeholders.

- In February 2024, the Ministry of High-Tech Industry published a draft of a new Law on Public Information and amendments to related laws for public discussion. The draft Law serves as a basis for implementing an open data policy and has taken into account some of the concerns raised by CSOs related to the preceding version of the draft amendments. At the same time, according to media CSOs, following a round of discussions, some of their concerns have still not been taken into account in the revised version of the draft and, due to possible misinterpretation, some provisions may lead to the restriction of information. As of November 2024, the draft has still not been approved by the government.
- In October 2024, the National Assembly adopted the Law on Police Guards and related amendments to other laws, covering several aspects of the policing of assemblies. Ensuring the protection of the rights and legitimate interests of assembly participants is set as one of the main functions of police guards. The Law obliges police guards to undergo capacity building and regular training in the respective areas of their activities, including the policing of assemblies. It also outlines the specific conditions under which physical force or special means can be used. The amendments in the Law on Freedom of Assembly, adopted in the same package, provide shorter terms for advance notification of assemblies and repeal the maximum duration of urgent and spontaneous assemblies, set at six hours in the original law.
- Hate speech and attacks on social media, including defamatory publications against environmental activists, have intensified in 2024. New litigation brought by mining companies against environmental activists on the grounds of libel and defamation has also been reported this year. CSOs qualify this litigation as SLAPPs that attempt to silence their criticism and activities. As a member of the Council of Europe, Armenia is obliged to follow the recommendations of the Council made in April 2024 to counter the use of SLAPPs.
- The government took steps towards implementing the National Concept of the Struggle against Disinformation, developed jointly by the government and CSOs and adopted in December 2023. These steps include establishing a working group to coordinate activities related to improving media literacy, capacity

building events for state servants, coordination meetings with state agencies to plan and implement communication strategies, and the development of partnerships with private media companies to conduct awareness campaigns.

- Eleven more communities voluntarily joined the participatory budgeting initiative which was piloted by four communities in 2023. This initiative allows citizens to suggest ideas and vote for projects to be funded from local budgets. Following the decision adopted in November 2023, the government allocated 500 million AMD (around 1.2 million EUR) in grants from the 2024 state budget to the four pilot communities to continue participatory budgeting practices, with a plan to extend this opportunity to other communities in the coming years.
- In 2024, the Ministry of Justice discussed the draft Law on Ensuring Equality and Protection against Discrimination with stakeholder CSOs. The draft Law is aimed at addressing discrimination and establishing a Council on Discrimination Issues. The draft Law defines discrimination, its types, and the legal protections against it, but fails to include sexual orientation, gender identity, health conditions, or family status in the list of protected grounds, despite recommendations from Armenian CSOs and international organisations. As of November 2024, the draft Law has not been approved by the government.

Key priorities

In 2024, there were limited advances in addressing the recommendations of the CSO Meter report 2023. Two priorities from 2023 – the improvement of participation mechanisms and engagement of CSOs in the early stages of policy making and providing measures to improve cybersecurity – have been a focus of the government’s attention this year and, though they were not fully addressed, the ongoing legislative drafts and discussions in these areas provide grounds for expecting better results in 2025. The challenges facing the CSO environment related to weak financial sustainability, lack of accountability for violations of assembly participants’ rights, legal and practical impediments to meaningful participation, and insufficient state protection persist and require measures to be addressed. As a result, to improve the CSO environment in the coming period, the government and the relevant institutions, together with CSOs and all other affected stakeholders, should prioritise the following seven recommendations from a total number of 36 recommendations in the II CSO Meter areas, presented in the order that these areas appear in this report (four of these recommendations remain in place from 2023):

1. That the Ministry of Finance provides the definition of 'grant' in accordance with best international practices and in consultation with CSOs and does not treat grant projects or other non-profit activities as economic activities;
2. That law enforcement bodies carry out proper examination and transparent investigations and apply the relevant sanctions in cases where police officers have abused their power in the policing of assemblies, while at the same time the political leadership do not provide any assessment of police actions before the results of official investigations are known;
3. That the National Assembly establishes mechanisms for mandatory public consultation on draft legislation produced by National Assembly members and for CSO engagement in both the early stages of legal drafts and during the final revision of the drafts received by the government (including through engagement at the level of Standing Committees);
4. That the National Assembly makes the necessary legislative changes to expand the possibilities for CSOs to represent public interests in the courts on cases within the scope of their goals and ensures that they can use this right in practice through alleviating any excessive requirements and related bureaucratic procedures;
5. That the government ensures that the legislative framework on surveillance activities is developed in accordance with international law and in consultation with CSOs, while its provisions are followed in practice, with transparent and accountable measures in case of non-compliance;
6. That the state provides adequate protection for CSOs, including through adopting anti-discrimination laws and establishing an anti-discrimination body, taking legislative and practical measures against SLAPPs in line with the Council of Europe's recommendations adopted in April 2024, issuing public statements in support of CSOs that are targeted by the third parties, and ensuring proper investigation of attacks against CSOs and activists within a reasonable timeframe; and
7. That the government (particularly the Ministry of Finance) and the National Assembly create a more favourable tax environment to improve CSOs' possibilities to seek funding and in-kind support from diverse sources, including from individual and business donations and direct entrepreneurship activities.

II. ARMENIA – IN NUMBERS

Population: 3,024,500 (as of 1 January 2024)¹⁹ | GDP per capita: 8,715.8 USD (2023)²⁰ | Number of CSOs:²¹ 6,766 public organisations; 1,765 foundations | CSOs per 10,000 inhabitants: 28.2 | Registration fee for a CSO: 10,000 AMD (about 24 EUR)²² | Freedom in the World 2024: 54/100 (Partly Free)²³ | World Press Freedom Index 2024: 71.6 (43rd out of 180 countries).²⁴



Country score: 4.8

Legislation: 5.2

Practice: 4.3

The scores range from 1 to 7, where 1 signifies the lowest possible score (extremely unfavourable – authoritarian - environment) and 7 signifies the highest possible score (extremely favourable environment).

Areas	Overall	Legislation	Practice
Freedom of Association	5.7	5.8	5.6
Equal Treatment	4.9	5.0	4.8
Access to Funding	5.3	5.8	4.8
Freedom of Peaceful Assembly	5.2 ↓	5.7	4.7 ↓
Right to Participation in Decision-Making	4.9	5.4	4.3
Freedom of Expression	4.8 ↑	5.2	4.3 ↑
Right to Privacy	4.9	5.8	3.9
State Duty to Protect	4.5	5.2	3.8
State Support	4.1	4.3	3.9
State-CSO Cooperation	4.0	4.3	3.6
Digital Rights	4.5	4.9	4.0

The arrows indicate improvement or deterioration compared to last year's scores.

¹⁹ Time Series, Statistical Committee of the Republic of Armenia, <https://armstat.am/en/?nid=12&id=11001>.

²⁰ GDP per capita - Armenia, The World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=AM>.

²¹ The numbers were provided as of 31 August 2024 by the State Register of Legal Persons of the Ministry of Justice on 13 September 2024 in response to an enquiry from TIAC.

²² Required documents, fees and timelines of state registration, Electronic Register of the Government of the Republic of Armenia (in Armenian), <https://www.e-register.am/am/docs/49>.

²³ Freedom in the World 2024, Countries and Territories, Freedom House, <https://freedomhouse.org/countries/freedom-world/scores>.

²⁴ Reporters Without Borders, 2024 World Press Freedom Index, <https://rsf.org/en/index>.

III. FINDINGS

3.1 Freedom of Association

Overall score per area: **5.7/7**

Legislation: **5.8/7**

Practice: **5.6/7**

Freedom of association is guaranteed by legislation in Armenia. CSOs (public organisations and foundations) do not face significant difficulties during their registration and operation. There is no requirement to register as a legal person for civic initiatives, and no limitations on associating online. The registration procedure is simple and inexpensive, though cases of requests by the State Registry for multiple charter revisions for minor reasons take place. The sample registration documents set by the government allow public organisations to register quickly, but provide only one type of governance structure and membership regulations. CSOs do not yet have the possibility to register online due to unresolved technical issues. Due to bureaucratic and financial issues, CSOs that no longer operate are reluctant to engage in the process to dissolve themselves.

Public organisations and foundations are required to submit annual reports on their budgets and activities. Sanctions are set by law and applied by the State Revenue Committee for CSOs that fail to comply with these requirements. Following receipt of the reports from CSOs, the State Revenue Committee publishes them online in PDF format, which makes it difficult to search for and analyse information. The requirement for all legal entities to declare their UBOs has continued to create confusion among CSOs and brings additional costs to amend relevant data.

The scores in the area of Freedom of Association remained the same as in 2023. The recommendations from the previous CSO Meter report on an online registration option and modernisation of the annual reporting platform remain in place, along with the need to allow greater flexibility in the template charter used for the registration process.

Standard I. Everyone can freely establish, join, or participate in a CSO.

In Armenia, the law allows everyone to establish, join or participate in a CSO. The Constitution includes a provision on freedom of association, which may be restricted only by laws aimed at state security, protecting public order, health and morals or the basic rights and freedoms of others.²⁵ According to the Civil Code, non-profit organisations include public associations and foundations, while public associations can register as public organisations, religious organisations, political parties or trade

²⁵ Constitution of the Republic of Armenia, 5 July 1995, amended on 6 December 2015, Article 45, <https://www.arlis.am/documentview.aspx?docID=102510>.

unions. For the purposes of this report, ‘registered CSOs’ refers to public organisations and foundations in Armenia.

A public organisation can be founded by two or more individuals and/or legal persons. Organisations such as political parties, religious organisations, or trade unions cannot be founders or members of a public organisation.²⁶ Foundations can be established by one or more individuals and/or legal persons.²⁷ The relevant legislation does not impose any restrictions on the residency, nationality, or citizenship of founders of either foundations or public organisations. Judges cannot engage in the management of non-profit organisations.²⁸ Individuals and organisations can also freely associate both in person and online without a need for formal registration.

In practice, there are no obstacles for establishing or registering an organisation, joining a CSO, or taking part in its activities. The registration procedure includes mostly formal checking of compliance of documentation with the legal requirements. As a result of the forcible displacement of the entire Artsakh population to Armenia, dozens of CSOs relocated from Artsakh have registered in Armenia throughout late 2023 and 2024.²⁹

Standard II. The procedure to register a CSO as a legal entity is clear, simple, quick, and inexpensive.

The CSO registration procedure established by law is simple, quick, and inexpensive. The Agency for State Register of Legal Entities of the Ministry of Justice (State Register Agency) is responsible for the registration of legal entities in Armenia. The state fee for the registration of CSOs is 10,000 AMD (around 24 EUR). The timeline for registration is up to ten working days. The registration of a public organisation takes two working days in cases where the founders have used a sample charter and other documents.³⁰ The fee for registering changes in the charter and other information subject to registration is 10,000 AMD (around 24 EUR), while the fee for changing the data on a CSO’s executive head is 5,000 AMD (around 12 EUR).³¹ Online registration is not yet

²⁶ RA Law on Public Organisations, 16 December 2016, last amended 14 June 2023, Article 10, <https://www.arlis.am/DocumentView.aspx?docid=183139>.

²⁷ RA Law on Foundations, 26 December 2002, last amended 22 May 2024, Article 12, <https://www.arlis.am/documentview.aspx?docid=193925>.

²⁸ RA Judicial Code, 7 February 2018, last amended 11 April 2024, Article 5, <https://www.arlis.am/DocumentView.aspx?docid=192671>.

²⁹ Based on information provided by the State Register Agency on 13 September 2024 in response to an enquiry by TIAC, 16 Artsakh CSOs have been re-registered based on their original registration documents, while based on the information obtained by TIAC, a larger number of Artsakh CSOs have registered as a new organisation.

³⁰ RA Law on Public Organisations, 16 December 2016, Article 14.

³¹ RA Law on State Duty, 27 December 1997, last amended 22 December 2023, Article 16, <https://www.arlis.am/DocumentView.aspx?docid=196895>.

available for CSOs but is tentatively expected to be launched by the Ministry of Justice in mid-2025.³²

The list of documents required for registration is defined by law and published on the website of the State Register Agency.³³ Registration can be denied if the procedure for establishment was not followed, the necessary documents were not submitted or are not compliant with the law, or if the organisation's proposed name is not compliant with the legal requirements.³⁴ In particular, the law requires CSOs to mention the area of their activities in their name,³⁵ and does not allow the use of the name of an existing organisation, including those dissolved within the preceding year.³⁶

In practice, there are no reported cases of any CSOs not being able to register. According to information provided by the State Register Agency, in January-August 2024 there were ten cases of rejection out of 797 applications for registration of a new CSO or changes to an existing CSO's documentation, with the possibility for applicants to reapply following the required corrections to the application package.³⁷ CSOs note that the staff of the State Register Agency is responsive and collaborative, providing timely feedback and consulting, where necessary, on the corrections to be made in the applicant's charter and other registration documents so that there is no cause for rejection.³⁸ At the same time, as more than half of the regional offices of the State Register Agency were closed in 2023 for optimisation purposes,³⁹ CSO founders and representatives are required to travel to the capital Yerevan or to the provincial centres for registration of a new organisation or for changes to a CSO's documents. This creates additional logistical difficulties and expenses for the organisations based in remote settlements. CSOs have also stated that there is a need to travel to Yerevan and apply directly to the central office of the State Register Agency due to the lack of sufficient capacity and knowledge to support registration among the regional representatives of the State Register Agency.⁴⁰

³² Based on information provided by the State Register Agency on 13 September 2024 in response to an enquiry by TIAC.

³³ Required documents, fees and timelines of state registration, Electronic Register of the Government of the Republic of Armenia (in Armenian), <https://www.e-register.am/am/docs/49>.

³⁴ RA Law on State Registration of Legal Entities, Separate Subdivisions of Legal Entities, Institutions and Private Entrepreneurs, 3 April 2001, last amended on 22 November 2023, Article 36, <https://www.arlis.am/DocumentView.aspx?docid=186733>.

³⁵ RA Civil Code, 05 May 1998, last amended 10 September 2024, Article 58, <https://www.arlis.am/documentview.aspx?docid=198205>.

³⁶ RA Law on Public Organisations, 16 December 2016, Article 6; RA Law on Foundations, 26 December 2002, Article 5.

³⁷ Information provided by the State Register Agency on 13 September 2024 in response to an enquiry by TIAC.

³⁸ Interviews and focus group discussions, August-September 2024.

³⁹ Based on information provided by the State Register Agency on 13 September 2024 in response to an enquiry by TIAC, 18 out of 31 regional offices of the State Register were closed throughout 2023 and, as of September 2024, 13 regional offices are functional (most of them located in the provincial centres).

⁴⁰ Focus group discussions, September 2024.

The legislation provides flexibility for CSOs to define their governance structure, membership criteria, and other regulations of the charter. Yet, in practice, CSOs note that the staff of the State Register Agency sometimes urges applicants to adapt the wording of the statements of their charters to the sample template.⁴¹ The sample documents provided by the government facilitate the process of preparing the registration package and allow applicants to register quickly. However, the sample charter provides only one type of governance structure and membership regulations, and there are no alternative sample templates for other governance structures (e.g. board structure) that would also allow CSOs to register within shorter timeframes.⁴²

The voluntary dissolution of CSOs implies several bureaucratic and financial challenges. The fee for starting the process of formal dissolution is 20,000 AMD (around 48 EUR) and several documents from various agencies must be collected for the dissolution process. In practice therefore, to avoid the related costs and paperwork, many CSOs that no longer operate do not engage in the formal dissolution process. As a result, the current number and list of registered organisations does not reflect the true picture of active CSOs and thus creates additional difficulties for conducting research and development programmes in the sector.

Standard III. CSOs are free to determine their objectives and activities and operate both within and outside the country in which they were established.

According to the law, CSOs are free to determine their objectives, and there are no restrictions on their area of operation. Public organisations define their objectives in their charter and these must not repeat the objectives of other types of associations (religious organisations, trade unions or political parties).⁴³ The legal definition of ‘foundation’ includes an indication of pursuing ‘social, charitable, cultural, educational, scientific, health, environmental and (or) other charitable purposes’.⁴⁴

The Law on Public Organisations mentions that these organisations can become a member of international and foreign non-profit organisations, engage in international relations and establish subdivisions in other countries.⁴⁵ The Law on Foundations also sets out the right for foundations’ membership of international and foreign non-governmental organisations (NGOs).⁴⁶

There are no practical obstacles imposed by the state that hinder a CSO’s ability to engage in legally-allowed areas of operation.

⁴¹ Interviews and focus group discussions, August-September 2024.

⁴² Template documents for public organisations, Electronic Register of the Government of the Republic of Armenia, <https://www.e-register.am/am/docs/364>.

⁴³ RA Law on Public Organisations, 16 December 2016, Article 3.

⁴⁴ RA Law on Foundations, 26 December 2002, Article 3.

⁴⁵ RA Law on Public Organisations, 16 December 2016, Article 28.

⁴⁶ RA Law on Foundations, 26 December 2002, Article 18.

Standard IV. Any sanctions imposed are clear and consistent with the principle of proportionality and are the least intrusive means to achieve the desired objective.

Gradual sanctions are set by law for CSOs that fail to comply with legal requirements, including suspension from the register for gross violations. However, some of the grounds for sanctions lack clarity.

Registered CSOs can be subject to administrative liability if they fail to submit an annual activity report as required by law,⁴⁷ as well as when carrying out activities that are not in line with the goals specified in their charters.⁴⁸ The law lacks specificity as to what can be considered as non-compliance. The body authorised for CSO oversight and application of sanctions is the State Revenue Committee. Penalties for violations are applied in stages with thirty-day intervals and include, in the first instance, a warning to the organisation's head, secondly, a fine of 50,000 AMD (around 120 EUR), and, lastly, a fine of 200,000 AMD (around 480 EUR).⁴⁹ The grounds for suspension from the register of a public organisation include a substantial or gross breach of the law during foundation or operation of the organisation. If these grounds are not removed within one year, the organisation is subject to dissolution. In addition, the grounds for involuntary dissolution include activities aimed at overthrowing constitutional order, the incitement of hatred, or preaching violence or war.⁵⁰ In such cases, the decision on dissolution is made by the court on the basis of a properly-justified request by the authorised body. The grounds for involuntary dissolution of foundations include multiple, substantial or gross violations or fraud during their operation or establishment, insufficiency of a foundation's resources for its operations, noncompliance with its charter goals, the impossibility of achieving its stated goals, endangering state security or public safety, public order, public health and morals, or the rights and liberties of others.⁵¹ Dissolution of foundations, whether voluntary or involuntary, can take place only by a decision of the court, which, as with any court decision, can be appealed through the courts of appeal up to the Court of Cassation of Armenia.

According to the State Revenue Committee, in January-August 2024, it issued fines of 50,000 AMD (around 120 EUR) to 67 public organisations and 17 foundations that did not fulfil the annual reporting obligation within the timeline set out in the warning notice, and fines of 200,000 AMD (around 480 EUR) for 34 public organisations and 6

⁴⁷ According to the Law on Public Organisations (Article 24), public organisations have to publish annual activity reports on their personal page of the electronic reporting system, as well as on their official website (if available), by 30 May of the year following the reporting year. According to the Law on Foundations (Article 39), foundations have to publish annual activity reports on their personal page of the electronic reporting system by 1 July of the year following the reporting year.

⁴⁸ RA Code on Administrative Offences, 6 December 1985, last amended 20 March 2024, Articles 169.18, 169.26, 169.27, <https://www.arlis.am/documentview.aspx?docid=198215>.

⁴⁹ RA Code on Administrative Offences, 6 December 1985.

⁵⁰ RA Law on Public Organisations, 16 December 2016, Article 32.

⁵¹ RA Law on Foundations, 26 December 2002, Article 34.

foundations that did not publish reports on the respective electronic platform following the first issuing of a fine. No sanction was applied to a public organisation for activities contradicting its charter goals.⁵² There were 21 cases of state registration of CSO dissolution based on CSOs' applications in January-August 2024, including one case of dissolution of a public organisation following a decision of the court (on the grounds of bankruptcy) and five cases of dissolution of foundations, all based on court decisions as required by law.⁵³

Starting in 2023, registered CSOs are subject to reporting their UBOs.⁵⁴ The sanctions for failure to report or non-compliance with the reporting procedures range from fines from 30,000 to 100,000 AMD (around 72 to 240 EUR)⁵⁵ up to involuntary dissolution of the CSO by court decision in cases of not declaring for over three years⁵⁶ (see also Area 8: State Duty to Protect). Making the first report on UBOs is free of charge and mandatory for all organisations, while the fee for registration of any change in this information is 10,000 AMD (around 24 EUR).⁵⁷ Based on information from the State Register Agency, no penalty or warning has so far been applied to a public organisation for not submitting a declaration on its UBOs, but one foundation has received a warning for non-submission of this declaration.⁵⁸ However, the total number of CSOs that have submitted a UBO report is not known since there is no disaggregated information on UBO reports by type of organisation.⁵⁹

Standard V. The state does not interfere in the internal affairs and operation of CSOs.

The law prohibits state bodies and local self-government bodies (LSGBs) and/or officials from interfering or obstructing the legitimate activities of public organisations.⁶⁰ For foundations, officials might be involved in their governing bodies in cases where the foundation is established via decision of the government or an LSGB.⁶¹

The authorised body responsible for the oversight of public organisations' and foundations' compliance with legal requirements is the Department for Non-Profit Organisations' Oversight of the State Revenue Committee. Its functions include raising awareness of non-profit organisations, receiving reports and other documents

⁵² Information provided on 20 September 2024 by the State Revenue Committee in response to an inquiry by TIAC.

⁵³ Information provided by the State Register Agency on 13 September 2024 in response to an enquiry by TIAC.

⁵⁴ 'Circle of persons submitting real beneficiary declarations has been expanded – Who needs to submit a declaration and in what time period?', Ministry of Justice of the Republic of Armenia, 11 October 2021, <https://www.moj.am/en/article/2982>.

⁵⁵ RA Code on Administrative Offences, 6 December 1985, Article 169.29.

⁵⁶ RA Law on State Registration of Legal Entities, Separate Subdivisions of Legal Entities, Institutions and Private Entrepreneurs, 3 April 2001, Article 60.5.

⁵⁷ RA Law on State Duty, 27 December 1997, Article 16.

⁵⁸ Information provided by the State Register Agency on 13 September 2024 in response to an enquiry by TIAC.

⁵⁹ Information provided by the State Register Agency on 21 April 2023 in response to an enquiry by TIAC.

⁶⁰ RA Law on Public Organisations, 16 December 2016, Article 9.

⁶¹ RA Law on Foundations, 26 December 2002, Articles 10 and 12.

prescribed by law, reviewing these documents, and assessing their compliance with the law. Based on the results of the assessments of compliance with the law, the Department can initiate administrative proceedings, provide recommendations on the removal of violations, and initiate the suspension or dissolution of an organisation through a court application.⁶² The Department does not have powers to organise on-site inspections and its monitoring functions are limited to documentation review.

Both public organisations and foundations publish annual reports on their activities and budgets via an electronic reporting platform. The reports are published on the website of the State Revenue Committee in PDF format.⁶⁴ As of 31 August 2024, 2,422 public organisations and 950 foundations provided annual reports for 2023⁶⁵ (a slight increase from the previous year, when 2,248 public organisations and 914 foundations provided annual reports for 2022 by 1 August 2023). In practice, the reporting requirements are considered to be simple and not burdensome, though they are perceived by CSOs as an unnecessary formality.⁶⁶ The reporting database of the State Revenue Committee website has limited search filters and lacks an open data format. There was no evidence of inspections of CSOs being carried out in 2024. Tax inspections of CSOs are usually rare: such inspections cover mostly state-funded organisations or educational establishments (i.e. universities) and are based on the respective legal regulations.⁶⁷

Specific recommendations in this Area are as follows:

- That the State Register Agency revises the standard template charter for registration purposes or provides several templates to allow options for specific features (e.g. governance structures, membership fees, etc.);
- That the Ministry of Justice provides the opportunity for CSOs to register and update their registration data online;
- That the State Revenue Committee modernises the electronic database of CSO reports, providing search and filter functions for various criteria, machine-processed, reusable and comparable data based on open data principles,⁶³ as well as promotes its usage, particularly through posting banners and/or quick links on the homepage of the State Revenue Committee website and other relevant state websites.

⁶² Charter of the Department for Non-Profit Organisations' Oversight adopted by the Order No 137-L of the Chair of RA State Revenue Committee, 4 March 2019,

https://www.src.am/storage/workers/charter/hr_hhpekn_2019_137_L_6423f78426d05.pdf.

⁶³ For more information, see Open Data Charter Principles, Open Data Charter,

<https://opendatacharter.org/principles/>.

⁶⁴ Reports of non-profit organisations, RA State Revenue Committee,

<https://www.src.am/am/organizationReportsPage/137>.

⁶⁵ Information provided on 20 September 2024 by the State Revenue Committee in response to an inquiry by TIAC.

⁶⁶ Interviews and focus group discussions, August-September 2024.

⁶⁷ Complex Tax Inspection Programme for the Period July 2023-July 2024 (in Armenian), RA State Revenue Committee,

https://www.src.am/storage/menu_contents_2023/ck_hhpek_2023_2024_inspection_plan_6478326b713e4.xlsx.

3.2 Equal Treatment

Overall score per area: **4.9/7**

Legislation: **5.0/7**

Practice: **4.8/7**

The treatment of CSOs by the state both overall and in comparison to business entities has not changed since 2023. Specific aspects of the laws related to registration and taxation are more favourable for the business sector, though in practice CSOs are significantly less subject to tax inspections than businesses. Legal regulations provide equal treatment for all CSOs. However, a selective approach has been observed in terms of CSOs' engagement in decision-making. Generally, there is a perception by CSOs and experts that the authorities tend to exclude CSOs with dissenting voices and demonstrate a more favourable and responsive attitude towards service-providing CSOs in contrast to those working on human rights, watchdog, or environmental initiatives.

The scores in the area of Equal Treatment remained the same as in 2023. As in the previous reporting period, the government is recommended to take measures to provide equitable treatment of CSOs in relation to business entities, since companies are able to register online and free of charge using standard registration forms.

Standard I. The state treats all CSOs equitably with business entities.

Some aspects of the laws on registration and taxation are less favourable for CSOs in comparison to business entities. In particular, the registration process for business entities is less expensive and quicker compared to that for CSOs. The timeline set for registration of a business is a maximum of two days, in contrast to ten days for registration of foundations and public organisations (except for cases in which a public organisation is registered in two days based on a standard charter). This difference is conditioned by the need to review a CSO's charter in detail in cases where it is not based on the standard template provided by the state. The state fee for CSO registration is 10,000 AMD (around 24 EUR), while companies do not pay registration fees, and individual entrepreneurs pay 3,000 AMD (around 7 EUR). In addition, in contrast to CSOs and other types of legal entities, limited liability companies and individual entrepreneurs can register online.

CSOs are in a disadvantageous position compared to businesses when carrying out entrepreneurial activities. CSOs cannot make use of the simplified taxation schemes, such as turnover tax or microenterprise. The turnover tax applies to companies with a turnover of less than 115 million AMD (around 277,000 EUR)⁶⁸ and, if CSOs were able to use it, it would allow them to pay tax on five per cent of their gross income instead of a

⁶⁸ RA Tax Code, 04 October 2016, last amended 12 June 2024, Article 254, <https://www.arlis.am/DocumentView.aspx?DocID=195238>.

profit tax equal to eighteen per cent of their net income.⁶⁹ The microenterprise tax regime is provided for business entities with an annual turnover of less than 24 million AMD (around 58,000 EUR) and that carry out a restricted list of activities. It exempts the entity from all state taxes (excluding customs duty, excise fees and fixed income tax for employees).⁷⁰

Unlike companies, public organisations are obliged to provide an audit report in instances where their annual income from the public budget exceeds 10 million AMD (around 24,000 EUR). This adds to CSOs' costs when applying for public procurement tenders. In practice, there are very limited cases in which CSOs have obtained public procurements. These are usually in cases where the CSO has specific expertise in the relevant field, such as providing rehabilitation and healthcare for children with disability or monitoring HIV-related data.⁷¹

On the other hand, tax inspections are rare for CSOs compared to business entities. Among the 2,000 organisations included in the State Revenue Committee's July 2023–July 2024 annual inspection plan, the majority are private companies with only six public organisations and 29 foundations mentioned, with most of these being state-funded organisations or educational establishments (i.e. universities).⁷²

Both CSOs and businesses are allowed by law to receive funding from any contributors, including from abroad.

Standard II. The state treats all CSOs equally with regard to their establishment, registration, and activities.

There are no specific differentiations between different CSOs set by law. The regulations applicable to public organisations and foundations set out the same registration timelines and similar reporting requirements for both types of organisations. The requirement to provide an annual audit report is set for all foundations in cases where the balance-sheet (book) value of their assets exceeds 10 million AMD (around 24,000 EUR) by the end of the reporting year.⁷³ For public organisations, the audit report is required only for the expenditure of funds received from the state or from LSGBs in cases where the cumulative amount of these funds exceeds 10 million AMD (around 24,000 EUR) in the reporting year.⁷⁴

⁶⁹ Ibid., Article 125.

⁷⁰ Ibid., Articles 267 and 269.

⁷¹ Source: PPCM, <https://armeps.am/ppcm/public/contracts>.

⁷² Complex Tax Inspection Programme for the Period July 2023-July 2024 (in Armenian), RA State Revenue Committee,

https://www.src.am/storage/menu_contents_2023/ck_hhpek_2023_2024_inspection_plan_6478326b713e4.xlsx.

Note: Based on the amendments to the Tax Code adopted in 2024, the annual inspection plan will not be published starting mid-2024, see: RA Law on Amendments to the RA Tax Code, 22 May 2024,

<https://www.arlis.am/DocumentView.aspx?docid=193377>.

⁷³ RA Law on Foundations, 26 December 2002, Article 39.

⁷⁴ RA Law on Public Organisations, 16 December 2016, Article 26.

In practice, CSOs report that officials apply a selective approach to the CSOs that they consult with, based on the critical stance of organisations and their representatives (see also Area 5: Right to Participation in Decision-Making). Generally, there is a perception by CSOs and experts that the authorities tend to demonstrate a more favourable and responsive attitude towards service-providing CSOs in contrast to those working on human rights, watchdog, or environmental initiatives.⁷⁵

Specific recommendations in this Area are as follows:

- That the Ministry of Justice provides opportunities for CSOs to register and update their registration data online;
- That the Ministry of Justice dismisses registration fees for CSOs that are registered using standard documentation (as is the case for companies); and
- That the Ministry of Finance provides CSOs implementing economic activities with at least equal tax treatment with businesses, allowing them to benefit from the simplified tax regimes.

3.3 Access to Funding

Overall score per area: **5.3/7**

Legislation: **5.8/7**

Practice: **4.8/7**

Armenian legislation allows CSOs to seek, receive and use funding from all legitimate sources. However, this right is not fully exercised, due to the lack of incentives for CSOs to fundraise, undertake entrepreneurial activities, and most CSOs rely on donor funding. There are no legal restrictions on receiving donations, grants, or in-kind support from international sources.

As in previous years, the audit requirements set by law continue to affect unfavourably CSOs' access to funding, as many organisations do not have free (unrestricted) funds for covering audit costs. The requirement of charging VAT on grant funding in cases where annual turnover exceeds the threshold set by law raised concerns among CSOs, and may lead to limits on access to funding in practice.

The scores in the area of Access to Funding remain the same as in 2023. The recommendations to address issues related to the mandatory audit requirement, defining the terminology of grants and providing a more favourable taxation environment are therefore still applicable.

⁷⁵ Interviews and focus group discussions, August-September 2024.

Standard I. CSOs are free to seek, receive, and use financial and material resources for the pursuit of their objectives.

Armenian legislation allows CSOs to freely seek, receive and use financial and material resources for their work. The possible sources of organisations' income are mentioned in the Law on Public Organisations and the Law on Foundations. CSOs can collect membership fees, conduct entrepreneurial activities, receive funds from the state budget, grants, donations, and other means not prohibited by law.⁷⁶ Endowment funds are also mentioned in the Law on Foundations as a possible source of funding, which should be specified in the foundation's charter along with other provisions on the management and oversight of these funds.

The law sets out audit procedures that affect CSOs' ability to use and report funding. In particular, public organisations are obliged to provide an audit report for the expenditure of public funds if they received 10 million AMD (around 24,000 EUR) or more from the state or LSGBs in the reporting year.⁷⁷ A requirement for audit is set for foundations in cases where the value of their book assets exceeds 10 million AMD (around 24,000 EUR) by the end of the reporting year.⁷⁸ Audit implementation is viewed as problematic by CSOs as it creates additional financial costs and puts them in a less competitive position when applying for state procurement tenders.⁷⁹

In instances where the annual turnover of the organisation exceeds 115 million AMD (around 277,000 EUR), non-profit organisations automatically become twenty per cent VAT payers and have to charge VAT on the amount exceeding the threshold.⁸⁰ In cases in which CSOs have exceeded this threshold (regardless of whether their source of income is grants, donations, or revenues from economic activities), they have to charge and pay VAT on their goods, work and services. According to the Tax Code, the goods, work and services covered by grant funding are also subject to VAT, though exemptions can be provided by a relevant government decision.⁸¹ Though there is no legal definition of a 'grant', the use of the term 'grant' is inconsistent in Armenian legislation, which allows for diverse interpretations of this requirement.⁸² CSOs have concerns about the VAT requirement as it may pose risks for organisations relying on grant funding and having income beyond the threshold, especially in cases where their programmes are not classed as having charitable status. This means that affected organisations are required to pay VAT on their grant funding exceeding the threshold in the reporting year and in the following year on all taxable types of income, regardless of the total

⁷⁶ RA Law Public Organisations, 16 December 2016, Article 7; RA Law on Foundations, 26 December 2002, Article 8.

⁷⁷ RA Law on Public Organisations, 16 December 2016, Article 26.

⁷⁸ RA Law on Foundations, 26 December 2002, Article 39.

⁷⁹ Interviews, August-September, 2024.

⁸⁰ RA Tax Code, 4 October 2016, Articles 59 and 63.

⁸¹ Ibid., Articles 4 and 64.

⁸² See more information at: 'Armenia: Treatment of grant projects as economic activity threatens CSOs' access to funding', CSO Meter, 11 December 2023, <https://csometer.info/updates/armenia-treatment-grant-projects-economic-activity-threatens-csos-access-funding>.

amount of income (as the organisations will be registered as VAT payers from the start of the following tax year). Despite a number of meetings and discussions taking place between government bodies and CSOs in 2023-2024, consensus has not yet been reached. CSOs have stated that the solution to this issue could be to legally define ‘grants’ in accordance with international practice.⁸³

Donations to CSOs by individuals and companies are not encouraged by the tax environment as a potentially important source of funding. The existing benefits for business donations are not tax efficient, while there are no legal mechanisms to promote individual donations. In-kind donations are subject to VAT unless exemptions are provided in specific cases (see also Area 9: State Support).

In practice, CSOs do not face any restrictions in seeking, receiving, and using funding from a variety of sources. The culture of giving among the general public is on the rise in recent years,⁸⁴ and more organisations are interested in strengthening crowdfunding skills and presenting crowdfunding projects.⁸⁵ However, donor funding continues to serve as a main source of CSO funding, while donations, entrepreneurial activities, membership fees, government and business support represent a small part of CSOs’ income. Limited funding opportunities are cited by CSOs as the most common challenge to their operations.⁸⁶ CSOs acknowledge the need for increasing funding diversification to secure self-sustainability, but achieving this is problematic due to a variety of factors. Business entities prefer to implement charity projects without engagement from CSOs, specifically through their own foundations, and express concerns over the transparency of the use of funds and the accountability of CSOs. At the same time, most business entities that have provided support to CSOs generally have a positive assessment of the cooperation.⁸⁷ There are a number of social entrepreneurship initiatives launched by CSOs, many of them relying on donor funding. However, there is no regulatory framework on social entrepreneurship that would allow CSOs’ economic activities to be treated and supported distinctly from those of regular business entities. Overall, the capacity of CSOs to run social enterprises is limited.⁸⁸

⁸³ Interviews, August-September 2024.

⁸⁴ According to the Charities Aid Foundation’s *World Giving Index* report, the general giving index for Armenia has risen from 21 per cent to 29 per cent from 2019 to 2024, and the percentage of adults that donated money increased from 10 per cent in 2019 to 17 per cent in 2023 and 15 per cent in 2024. See *World Giving Index*, CAF, <https://www.cafonline.org/insights/research/world-giving-index>.

⁸⁵ Interviews, August-September 2024.

⁸⁶ Update of the In-depth Assessment of Existing and Emerging CSO Initiatives and State of Civic Space in Armenia, People in Need, July 2024, https://armenia.peopleinneed.net/media/publications/2396/file/update-assessment_-_civic-space-in-armenia.pdf.

⁸⁷ Assessment of Private Sector Funding Opportunities to Civil Society Organizations, Final Report, 2023, CIVITTA, https://www.counterpart.org/wp-content/uploads/2024/04/English-FINAL-REPORT_Private-sector-funding-CSO.pdf.

⁸⁸ Interviews, August-September 2024.

Standard II. There is no distinction in the treatment of financial and material resources from foreign and international sources compared to domestic ones.

There are no legal restrictions for CSOs to receive donations, grants, or in-kind support from international sources. Tax treatment procedures are more beneficial in cases of funding from specific foreign sources, as CSOs may be exempted from VAT when purchasing goods or services under grant projects based on special intergovernmental agreements (for example, in the case of funding from the EU or USAID). When funding is from other sources, tax exemptions can be provided by decision of the relevant authorised body qualifying the specific projects as charitable. This, however, entails a lengthy and bureaucratic process (see also Area 9: State Support). As to the tax treatment of in-kind support from international sources, goods received from abroad are subject to customs duty unless they are imported within the framework of charitable projects.

Unlike previous years, when negative narratives blaming CSOs for ‘serving foreign interests’ were mainly associated with funding from Open Society Foundations,⁸⁹ in 2024, these narratives have been based on the type of activities rather than the funding sources. In particular, CSOs speaking out against environment-related decisions have faced attacks in social media and defamatory accusations (see Area 8: State Duty to Protect).

Specific recommendations in this Area are as follows:

- That the Ministry of Finance ensures that state bodies cover the mandatory audit costs associated with grant/procurement funding and considers raising the threshold of the income subject to audit to reduce associated audit costs and reallocate them towards grant funding;
- That the Ministry of Finance provides a definition of ‘grant’ in accordance with best international practices and in consultation with CSOs, and does not treat grant projects or other non-profit activities as economic activities; and
- That the Ministry of Finance creates a more favourable tax environment to improve CSOs’ possibilities for seeking funding and in-kind support from diverse sources, including from individual and business donations and from direct entrepreneurship activities.

⁸⁹ See: CSO Meter Armenia 2021 Country Report, TIAC, ECNL, 2022, https://csometer.info/sites/default/files/2023-04/2021%20Armenia%20CSO%20Meter%20Country%20Report%20ENG_3_0_New_0.pdf; ‘Disinformation and Misinformation in Armenia: Confronting the Power of False Narratives,’ June 2021, Freedom House, https://freedomhouse.org/sites/default/files/2021-06/Disinformation-in-Armenia_En-v3.pdf.

3.4 Freedom of Peaceful Assembly

Overall score per area: **5.2/7**

Legislation: **5.7/7**

Practice: **4.7/7**

Freedom of peaceful assembly is protected by Armenian legislation in line with international standards. Everyone has the right to organise and/or participate in a peaceful assembly, and this right shall be adequately protected wherever the assembly takes place. The assembly organiser is required to send a notification to the local municipality if the assembly is planned to take place in an outdoor public space and the participation of over 100 people is expected. Spontaneous and urgent assemblies do not require prior notification. Simultaneous assemblies and counter assemblies are not restricted. The law obliges the police to facilitate an assembly when it is peaceful, regardless of the fulfilment of the notification requirement. The police can stop an assembly only in cases where there is no other way to prevent a disproportionate restriction on others' fundamental rights or public interests.

In 2024, a significant legislative development in this area was the National Assembly's adoption of a new law on Police Guards and respective amendments to the Law on Freedom of Assembly. This legislative package is expected to contribute to the improvement of the rights of assembly participants through mandating regular training of police guards, specifying the conditions of using special means, and providing shortened terms of assembly notification, among other provisions.

However, in practice, the state has failed to guarantee and protect freedom of assembly in numerous instances. Incidents of unlawful detention of citizens, brutal treatment and the alleged illegal use of stun grenades have been reported, while no meaningful sanctions were applied to police officers who violated the law. At the same time, the Ministry of Internal Affairs has refused to provide transparent information on the use of special means during an assembly that took place in June and classified information related to the availability, quantity and types of special means available to police.

As a result of the unprecedented violations of the law and police violence during assemblies in May-June 2024, both the practice score and the overall score in this area have deteriorated from 2023 (from 4.9 in 2023 to 4.7 in 2024 and from 5.3 in 2023 to 5.2 in 2024, respectively). The recommendations of the previous CSO Meter reports on excluding any unlawful or inconsistent approach in policing assemblies and calling the offending police officers to accountability have not been addressed and are therefore still relevant. In addition, the Ministry of Internal Affairs is recommended not to use special means during the protests without sufficient grounds based on the necessity and proportionality and declassify the data on the types and use of special means.

Standard I. Everyone can freely enjoy the right to freedom of peaceful assembly by organising and participating in assemblies.

According to the law, anyone has a right to organise and/or participate in a peaceful assembly, and these shall be adequately protected wherever they take place. Freedom

of assembly is protected by the Constitution and may be restricted only by law for the protection of state security, the prevention of crime, the protection of public order, the protection of health, morals or the fundamental rights of others.⁹⁰ The Law on Freedom of Assembly defines assembly as ‘a peaceful, unarmed, temporary presence of two or more persons at a place with the intention of forming or expressing a common opinion on matters of public interest.’⁹¹ Limitations on the exercise of the right to freedom of assembly are set for certain positions such as judges, prosecutors, investigators, as well as people serving in the armed forces, national security, police and other military bodies: they should observe political neutrality and not participate in their uniforms as assembly participants.⁹² Spontaneous and urgent assemblies do not require prior notification. Simultaneous assemblies and counter assemblies are not restricted. In general, the legislation on peaceful assembly is compatible with international standards. There are no regulations on digital or online assemblies as a type of peaceful assembly. While this means that there are currently no restrictions imposed on these types of assemblies, at the same time, there are no measures ensured for protecting participation in such assemblies.

There were numerous instances of prosecution of assembly participants and the application of disproportionate force by police in 2024. Throughout the year, a number of assemblies were held, mostly with the aim of opposing political decisions and calling for the prime minister’s resignation. The movement *Tavush for the Homeland* was formed in response to increasing security concerns related to the border delimitation process with Azerbaijan. A number of rallies and demonstrations were organised and took place in the border settlements of Tavush province and in Yerevan. Though largely peaceful, some protestors displayed violent behaviour. However, the police response was at times disproportionate and brutal. For instance, on some occasions, police officers detained large numbers of citizens and used disproportionate violence against some of the organisers, as well as against some peaceful protesters and journalists.⁹³ In particular, violent actions were observed during the protests on 27 May 2024, with a total of 285 persons detained and later released.⁹⁴ The violent treatment of assembly participants by police reached its peak on 12 June, when thousands of protesters gathered in front of the National Assembly building in Yerevan. After protesters started pushing the police chain and clashes took place between the police officers and protesters, the police used stun grenades, which resulted in injuries to both the

⁹⁰ RA Constitution amended 6 December 2015, Article 44.

⁹¹ RA Law on Freedom of Assembly, 14 April 2011, last amended 5 October 2022, Article 2, <https://www.arlis.am/DocumentView.aspx?DocID=178234>.

⁹² Ibid., Article 8.

⁹³ See more at: ‘Armenia: Mass anti-government protests accompanied by unlawful detentions and police violence’, CSO Meter, 31 May 2024, <https://csometer.info/updates/armenia-mass-anti-government-protests-accompanied-unlawful-detentions-and-police-violence>.

⁹⁴ ‘285 arrested persons were released. Details of the protests’, First Channel News, 27 May 2024 (in Armenian), <https://www.1lurer.am/hy/2024/05/27/1/1131838>.

protesters and media representatives.⁹⁵ According to the monitoring data, 101 people suffered injuries, 57 of them from grenade fragments.⁹⁶ A group of CSOs and Armenian human rights activists condemned the police for the use of physical force and violence against the participants, both at the assembly site and during their detention, and qualified the use of stun grenades as unnecessary and disproportionate, and therefore illegal.⁹⁷ Another group of CSOs also criticised the police for not demonstrating proper professional skills and applying disproportionate force, using stun grenades in excessive quantity and in violation of regulations, while acknowledging that the movement leaders' and opposition's rhetoric throughout the preceding three months had 'incited extreme and violent actions'.⁹⁸ Both of these groups demanded that criminal proceedings be brought on the use of police special means and extreme force against assembly participants and media representatives and that an independent and effective investigation be conducted.

Criminal proceedings have been commenced against participants of the 12 June assembly, including against 14 persons on the grounds of hooliganism and one person on the grounds of participating in 'mass disorder'. However, no police officer is facing criminal charges as of November 2024.⁹⁹

Standard II. The state facilitates and protects peaceful assemblies.

The notification process for holding a peaceful assembly prescribed by law is generally in line with international standards. For public assemblies taking place outdoors, the law requires that written notification be sent to the head of the LSGB in which the assembly is planned to be held, no sooner than thirty and no later than seven days prior to the assembly date. No notification is required for assemblies with one hundred or less participants, for urgent and spontaneous assemblies, or for online assemblies and assemblies taking place indoors or on private land. The aim of the notification requirement is to ensure that the state can take necessary measures for securing the

⁹⁵ 'Protesters, Police Clash Outside Armenian Parliament (UPDATED)', Azatutyun.am, 12 June 2024, <https://www.azatutyun.am/a/32990293.html>; Ad Hoc Report on the June 12th rally near the National Assembly in Yerevan and the actions of the police, Armenian Center for Political Rights, Helsinki Committee of Armenia, 20 June 2024, Yerevan, https://armhels.com/wp-content/uploads/2024/06/Joint_Ad_Hoc_Report_HCA_ACPR_20.06.2024_eng.pdf.

⁹⁶ Monitoring Freedom of Peaceful Assemblies Report (January–June, 2024), Helsinki Committee of Armenia, Yerevan, https://armhels.com/wp-content/uploads/2024/09/Monitoring-of-freedom-of-peaceful-assemblies-January-June-2024-report_eng.pdf.

⁹⁷ Condemnation of the Illegal Actions of the Police, 'Protection of Rights Without Borders' NGO, 14 June 2024, <https://prwb.am/en/2024/06/14/datapartum-enkh-ostikanuthyan-anorinakan-gortcoghuthyunereh/>.

⁹⁸ Statement on the events of June 12, 2024, Union of Informed Citizens, 19 June 2024, <https://uic.am/en/22509>.

⁹⁹ 'No One Charged Over Crackdown On Armenian Protesters', Azatutyun.am, 12 September 2024, <https://www.azatutyun.am/a/33117847.html>; "They disrupted a public event": prosecutors at the court hearing in the June 12 case, Azatutyun.am, 2 December 2024 (in Armenian), <https://www.azatutyun.am/a/khapanel-en-hanrayin-mijotsarumy-datakhaznery-hunisi-12-i-gortsov-datakan-nistum/33223947.html>.

natural and peaceful course of the assembly, as well as take necessary measures for protecting the constitutional rights of other persons and the interests of the public.¹⁰⁰

The notifications are considered within a maximum of five days from the moment of their registration and then sent to the police for an opinion. In cases where there is the intention to impose restrictions or to ban the assembly, the LSGB is obliged to organise hearings and notify the assembly organisers accordingly. The restrictions can be set in cases in which the time, place or method of the intended assembly may directly and disproportionately affect the fundamental rights or interests of other persons. In such cases, the authority may suggest that the organiser change the place, time, or method of the assembly. An assembly is banned if its purpose is a violent overthrow of the constitutional order, the incitement of national, racial, or religious hatred, or preaching violence or war. If no such decisions are taken within the set timeframe, the notification is considered to be accepted.¹⁰¹ The community head's decision on holding assemblies can be appealed in the administrative court at least seven days before the scheduled day of the assembly. The appeal should be reviewed within two calendar days.¹⁰²

In practice, some of the assemblies in 2024 were held without notification and organised as urgent or spontaneous assemblies. The actions of the troops policing the assemblies and other police groups (e.g. special mobile battalions) were sometimes inconsistent. For example, at one of the rallies, participants blocked traffic and the police representatives present at the rally site provided the protesters with time to clear the road. However, at the same time the special purpose battalion immediately began to apprehend both rally participants and ordinary pedestrians, including after they had left the roads. In other cases of rallies, the police apprehended peaceful protesters without any legal grounds, and/or held the apprehended persons in police departments for longer than is permitted by law.¹⁰³

In October 2024, the National Assembly adopted a legislative package on the Law on Police Guards, amendments to the Law on Freedom of Assembly and other related laws. The amendments to the Law on Freedom of Assembly, among other items, provide shorter terms for advance notification (no later than 72 hours prior to the assembly date instead of seven days) and dismiss the maximum duration for urgent and spontaneous assemblies, set as six hours in the original law.¹⁰⁴ The Law on Police Guards, adopted in the same package (planned to enter into force in November 2025), defines the policing of assemblies and states that ensuring protection of the rights and legitimate interests

¹⁰⁰ RA Law on Freedom of Assembly, 14 April 2011, Articles 9-13.

¹⁰¹ RA Law on Freedom of Assembly, 14 April 2011, Articles 15-20.

¹⁰² RA Administrative Procedure Code, 5 December 2013, last amended 12 April 2024, Article 204, <https://www.arlis.am/DocumentView.aspx?docid=194400>.

¹⁰³ Monitoring Freedom of Peaceful Assemblies Report (January–June, 2024), Helsinki Committee of Armenia, Yerevan, https://armhels.com/wp-content/uploads/2024/09/Monitoring-of-freedom-of-peaceful-assemblies-January-June-2024-report_eng.pdf; Interviews, August–September 2024.

¹⁰⁴ RA Law on Amendments to the Law on Freedom of Assembly, 24 October 2024, <https://www.arlis.am/DocumentView.aspx?docid=199673>.

of assembly participants is one of the main functions of the police guards. Further, the law obliges police guards to undergo capacity building and regular training in the respective areas of their activities, including policing assemblies. The Law also outlines the specific conditions under which physical force or special means can be used.¹⁰⁵ Thus, the new Law and amendments will facilitate organising assemblies with notification and spontaneous or urgent assemblies, providing preconditions for mitigating the risk of inconsistent and disproportionate police actions.

There were no documented cases of limiting access to the internet, or the use of any other methods of restricting assembly organisers from distributing information about upcoming assemblies.

Standard III. The state does not impose unnecessary burdens on organisers or participants in peaceful assemblies.

According to the law, the organiser of an assembly shall take necessary measures to ensure the normal course of the assembly through calling on assembly participants to refrain from violence, preventing violent actions, and separating peaceful participants from participants who want to use force. The organiser should also inform the participants about police requirements, for example in cases where the police require to clear the streets or to stop the assembly.¹⁰⁶ The police are obliged to be present at an assembly as soon as they are informed about it and to remove persons who grossly violate the peaceful and normal course of the assembly from the assembly venue.¹⁰⁷ There are no fees required from the state for holding an assembly or any other associated costs. The law does not hold assembly organisers liable for the actions of assembly participants.

No restrictions on communicating that an assembly is taking place (including through online means) or on the use of equipment during assemblies were reported by assembly organisers.

Standard IV. Law enforcement supports peaceful assemblies and is accountable for the actions of its representatives.

The law sets out clear regulations on the use of force, special means, and surveillance devices by the police. However, there are no specific regulations on the policing of assemblies. In cases where the notification requirement has not been fulfilled, the police shall announce by loudspeaker that the assembly is unlawful and that the participants may be held liable. In any case, the law obliges the police to facilitate an assembly when it is peaceful regardless of the fulfilment of the notification requirement. The police can stop an assembly only in cases where there is no other way

¹⁰⁵ RA Law on Police Guards, 24 October 2024, <https://www.arlis.am/DocumentView.aspx?DocID=199700>.

¹⁰⁶ RA Law on Freedom of Assembly, 14 April 2011, Article 31.

¹⁰⁷ Ibid., Article 32.

to prevent a disproportionate restriction on others' fundamental rights or public interests. To stop the assembly, the police are obliged to communicate the request to the organiser or, if there is no organiser (or the organiser does not execute this request), announce the request to stop the assembly at least twice by loudspeaker, setting a reasonable time and warning about the possibility of 'special means' being applied (such as tear gas, water cannon, stun grenades, etc.) if participants do not adhere to the request. In cases of mass disorder, the police are authorised to take immediate measures without prior notification.¹⁰⁸

The Law on Police sets out a ban on the use of special means by police to disperse peaceful assemblies which are held in violation of public order but without the use of weapons and on the inclusion in police armour of such types of special means that can cause severe damage to health or pose an unsubstantiated source of risk.¹⁰⁹ The Law obliges police officers to wear a prescribed uniform with visible signs when carrying out duties related to the maintenance of public order.¹¹⁰ The Law also sets out regulations on the use of surveillance technologies to ensure proper notification on the use of such equipment and the protection of personal information. Warning signs must be visible about stationary video and photo equipment placed in public places. When using mobile equipment, police officers must transport it in a visible manner, except in cases when surveillance is being conducted for special investigative purposes. The resulting videos or photos may be used for specific narrow purposes, without disclosing or only minimally identifying other persons' identities. Use of videos or photos by the police for other purposes (including publishing) is prohibited. The list of officers having access to the archive and the procedure for using the data is defined by the Order from the Chief of Police.¹¹¹

The lack of transparent investigations and sanctions applied against police officers who have acted unlawfully during assemblies is still a prominent issue. According to data provided by the Ministry of Internal Affairs, as of September 2024, the Ministry has launched 24 internal investigations and brought 19 criminal proceedings in 2024 on the grounds of police violations during assemblies. However, the internal investigations were either terminated or completed without any consequences, thus no administrative sanctions were applied, while the criminal proceedings are still in process.¹¹² Experts believe that lack of accountability for police violations in recent years has provided enabling grounds for the unprecedented violations of law and police violence which occurred during the assemblies of May-June 2024.¹¹³ According to

¹⁰⁸ Ibid., Articles 32 and 33.

¹⁰⁹ RA Law on Police, 16 April 2001, last amended 7 February 2024, Article 31, <https://www.arlis.am/DocumentView.aspx?docid=190377>.

¹¹⁰ Ibid., Article 12.

¹¹¹ Ibid., Article 22.

¹¹² Information provided by the Ministry of Internal Affairs on 03 October 2024 in response to an enquiry by TIAC.

¹¹³ Interviews, August-September 2024.

reports on these assemblies, many participants were beaten by police officers both during their detention and then also at police stations and several protesters suffered injuries requiring medical assistance.¹¹⁴ Incidents of physical violence against journalists also took place during the rallies.¹¹⁵ A notable case of police violence in 2024 was the beating of an opposition member of parliament by a group of police officers. While this incident was filmed and published, only one police officer has been sanctioned with dismissal.¹¹⁶

Despite the violent actions and excessive use of special means on 12 June, both the Prime Minister and the President of the National Assembly have expressed positive assessments of police actions, which, according to human rights CSOs, not only serves as direct instruction to police officers to continue this misconduct, but also affects the independence and impartiality of investigations into police actions.¹¹⁷ As of November 2024, no police officer has been charged for the violent clashes and the use of stun grenades on 12 June.¹¹⁸ A CSO enquiry to the Ministry of Internal Affairs about the type of grenade used during the 12 June assembly has been rejected on the grounds of the case being in a pre-trial investigation process. However, experts find the rejection unjustified as this information (available in police protocols) should be open to the public and is of high public importance.¹¹⁹ According to investigative media reports, the police used a 'Zarya 3' stun grenade which, at the time the protest took place, was not covered in the regulation on the allowed types and standards of grenades.¹²⁰ Two weeks after the protest, however, the Minister of Health amended the order 'On setting the permissible standards for the use of special means against a person' to include this type

¹¹⁴ 'The protest participants claim that the police subjected them to violence, according to the deacon, they also mocked them', Azatutyun.am, 3 June 2024 (in Armenian), <https://www.azatutyun.am/a/armenia-clashes-opposition-police/32977123.html>; 'The National Democratic Pole is reporting that 96 supporters have been detained. UPDATED', Factor.am, 24 April 2024 (in Armenian), <https://factor.am/766304.html>; 'Red Berets' Against Human Rights, Joint Statement, Armenian Center for Political Rights, Helsinki Committee of Armenia, 31 May 2024, Yerevan, <https://armhels.com/wp-content/uploads/2024/09/Statement-Red-Berets-Against-31.05.2024.pdf>; Ad Hoc Report on the June 12th rally near the National Assembly in Yerevan and the actions of the police, Armenian Center for Political Rights, Helsinki Committee of Armenia, 20 June 2024, Yerevan, https://armhels.com/wp-content/uploads/2024/06/Joint_Ad_Hoc_Report_HCA_ACPR_20.06.2024_eng.pdf.

¹¹⁵ 'Protests in Armenia: RSF denounces deliberate police violence against reporters', Reporters Without Borders, 21 May 2024, <https://rsf.org/en/protests-armenia-rsf-denounces-deliberate-police-violence-against-reporters>.

¹¹⁶ Announcement: the authority of the police officer was terminated, 27 May 2024, Ministry of Internal Affairs (in Armenian), <https://mia.gov.am/2024/05/27/haytarutyun-3/>.

¹¹⁷ Condemnation of the Illegal Actions of the Police (Statement by CSOs), TIAC, 14 June 2024, <https://transparency.am/en/media/news/article/5123>; Statement on the events of June 12, 2024, Union of Informed Citizens, 19 June 2024, <https://uic.am/en/22509>.

¹¹⁸ 'The trial on the case of June 12 has begun', Azatutyun.am, 12 August 2024 (in Armenian), <https://www.azatutyun.am/a/hounisi-12-i-gortsov-nisty-meknarkets/33075694.html>; 'No One Charged Over Crackdown On Armenian Protesters', Azatutyun.am, 12 September 2024, <https://www.azatutyun.am/a/33117847.html>; 'They disrupted a public event': prosecutors at the court hearing in the June 12 case', Azatutyun.am, 2 December 2024 (in Armenian), <https://www.azatutyun.am/a/khapanel-en-hanrayin-mijotsarumy-datakhaznery-hunisi-12-i-gortsov-datakan-nistum/33223947.html>.

¹¹⁹ Interviews, August-September 2024.

¹²⁰ 'The police used a "Zarya 3" sound grenade against the protesters. According to the manufacturer, it is used against armed criminals', Hetq.am, 13 June 2024 (in Armenian), <https://hetq.am/hy/article/167363>.

of grenade in the appendices.¹²¹ Later in July 2024, the Minister of Internal Affairs amended the order defining the list of information classified as secret, adding to it information on the types and quantity of special means available to the police.¹²²

Overall, though police accountability has been a long-standing issue in Armenia, the deterioration seen in practice in 2024 is linked to the lack of transparency on the usage of special means, as well as the lack of prompt investigations against police officers in contrast to the ongoing court cases against protest participants. At the same time, a deterioration in this area in law has been seen due to the classification of information related to special means.

Specific recommendations in the Area are as follows:

- That the Ministry of Internal Affairs eradicates unlawful actions by police officers and applies a consistent and professional approach to the policing of assemblies;
- That the Ministry of Internal Affairs does not use special means during protests without sufficient grounds based on necessity and proportionality;
- That law enforcement bodies carry out proper examination and transparent investigations and apply the relevant sanctions in cases where police officers have abused their power in the policing of assemblies, while at the same time the political leadership does not provide any assessment of police actions before the results of official investigations are known; and
- That the Ministry of Internal Affairs declassifies the data on the types and use of special means and makes the data publicly available.

¹²¹ RA Minister of Health Order No 197-N 'On Making Amendments and Additions to the Order of the Ministry of Health of the Republic of Armenia No 09-N dated April 20, 2012', 26 June 2024 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=194494>.

¹²² RA Minister of Internal Affairs Order No. 55-L dated 12 July 2024, published on 15 July 2024, RA Ministry of Internal Affairs (in Armenian), <https://mia.gov.am/2024/07/15/55/>; 'It is noteworthy that law enforcement agencies do not deny that "Zarya 3" was used', Aravot.am, 25 July 2024 (in Armenian), <https://www.aravot.am/2024/07/25/1434503/>.

3.5 Right to Participation in Decision-Making

Overall score per area: **4.9 / 7**

Legislation: **5.4 / 7**

Practice: **4.3 / 7**

The legislation provides a variety of institutional mechanisms aimed at engaging civil society and the public in the decision-making process, including the electronic platform for public consultations, public hearings, and consultative bodies. However, participation in practice remained limited, sometimes with formal consultations lacking meaningful impact. In 2024, CSOs noted an increased trend of selective engagement at invitation-based meetings. Cases of gross violations of the procedure of public hearings on environmental matters in communities (administrative subdivisions including a settlement or a group of settlements) were reported. Issues of limited participation in early stages, as well as further revisions of draft laws remain in place. Positive developments include increased openness and engagement of CSOs and citizens by some municipalities, successful cases of participatory reforms and law-making, and an improved framework for public participation in budgeting and procurement both on national and local levels.

The lack of institutional mechanisms for engagement with the parliament challenges the overall participation framework, though some effective dialogue exists with individual National Assembly members. Strategic litigation against public participation (SLAPPs) continue to deter civic engagement, as litigation brought by mining companies against environmental activists on the basis of libel and insult accusations with compensation claims continue to take place.

Despite legal guarantees and the Law on Freedom of Information, state bodies frequently delay requests for information, with some responses being incomplete or lacking detail. Proactive disclosure of information by state bodies in practice is also often not compliant with the legal requirements. As a positive development in terms of the right of access to information, the government presented and discussed the draft Law on Public Information aimed at ensuring an open data approach in government-provided data. Though the revised draft Law has addressed CSOs' preliminary concerns, CSOs have highlighted the need for further discussions to minimise any risks related to information restrictions.

The overall score in this area, as well as most of the recommendations from 2023, remain the same. In particular, it is recommended that the government provides more effective use of existing participation tools to ensure meaningful participation, while also engaging CSOs in the early stages of decision-making, as well as in policy monitoring and implementation. The National Assembly should define mechanisms for mandatory public discussion of drafts initiated by parliament members and more actively engage CSOs in the early stages of law-making, particularly in discussions of the Standing Committees. Other recommendations address the issues related to access to information, including improving the timeliness, completeness, and quality of responses to inquiries and published information, creating an extrajudicial independent body on access to information and setting contracted timeframes for respective cases, as well as providing free public access to the key government databases.

Standard I. Everyone has the right to participation in decision-making.

According to the law, everyone has a right to participate in decision-making in Armenia and a number of opportunities are provided for the participation of citizens and CSOs. However, the accountability mechanisms for non-compliance with the participation requirements are weak.

The Constitution sets out the right of citizens to present petitions and legislative initiatives to decision-makers. In particular, at least fifty thousand citizens who have the right to vote can propose a draft law to the National Assembly.¹²³ According to the Law on Normative Legal Acts, public consultation on new legislative acts is mandatory, except for the legal drafts on ratification of international agreements. The public consultations take place continuously through an online platform (e-draft.am), while additional in-person public hearings, surveys, and discussions can also be organised at the discretion of the law-making body. The minimum duration for public consultation is fifteen days and the results of public consultations should also be published along with the revised normative legal act. In instances where draft legislation submitted to the government has not passed the public discussion, the government can return it to the submitting body.¹²⁴ These provisions, however, do not extend to draft legislation initiated by the National Assembly or presented as a result of citizen initiatives.¹²⁵ Further, legal acts related to a state of emergency or martial law are also not subject to mandatory public consultation, though these can be consulted on by the initiative of the relevant body that prepares or adopts the draft.¹²⁶

The parliamentary rules of procedure state that parliamentary hearings can be organised by the decision of the President of the National Assembly, by permanent or temporary committees, or by factions.¹²⁷ In 2024, as of 15 November, nine parliamentary hearings had been organised, mostly on the initiative of various standing committees, in comparison to four hearings organised throughout 2023.¹²⁸ Information on upcoming hearings is published on the website of the National Assembly and the hearings are broadcast live. In addition, parliamentary committees organise working discussions with CSOs and experts on an invitation basis.

At the local level, there are a number of provisions on participation of community members in local self-government. According to the law, sessions of community councils are open to the public and broadcast online in communities with more than

¹²³ RA Constitution, Article 109.

¹²⁴ RA Law on Normative Legal Acts, 21 March 2018, last amended 12 September 2023, Articles 3 and 4, <https://www.arlis.am/DocumentView.aspx?DocID=187324>.

¹²⁵ Ibid., Article 1.

¹²⁶ Ibid., Article 27.1.

¹²⁷ RA Constitutional Law on the Charter of the National Assembly, 16 December 2016, last amended 25 October 2023, Article 125, <https://www.arlis.am/DocumentView.aspx?DocID=185339>.

¹²⁸ Based on a review of the 'News' section of the National Assembly website, <http://parliament.am/news.php?lang=arm>.

3,000 residents. Public hearings are mandatory for consultation on the draft five-year community development programmes and the annual budget.¹²⁹ There are also possibilities for participation through online channels available at community websites (such as providing comments, suggestions, and proposals for participatory budgeting).

There are no administrative sanctions defined for violating the provision on mandatory public consultation. The procedure for organising and conducting public consultations states that individuals and organisations can apply to the decision-making body, as well as to the Ministry of Justice, to receive explanations in cases where violations in the process of public consultations are identified.¹³⁰

There are no legal provisions on SLAPPs. Judicial hearings on litigation brought by mining companies against environmental activists on the basis of libel and insult accusations continue and further lawsuits have been reported in 2024. CSOs qualify these lawsuits as SLAPPs, attempting to silence their criticism and activities.¹³¹ These cases also have the effect of discouraging citizens from participating in civic actions (see more in Area 8: State Duty to Protect).¹³²

In practice, CSOs report varied experiences in participation depending on the theme, specific government agency or community. Generally, government representatives are responsive to meeting invitations, open to dialogue and CSOs have the opportunity to participate in public discussions organised by the government.¹³³ For example: the Ministry of Justice initiated discussions with human rights CSOs around the anti-discrimination law in June 2024;¹³⁴ the Staff of the Prime Minister and the Ministry of High-Tech Industry organised working meetings around the draft Law on Public Information in January-February 2024;¹³⁵ and the National Assembly organised a public discussion on the draft amendments to Laws on Social Assistance and State Allowances in September 2024.¹³⁶ CSOs remark that government bodies are

¹²⁹ RA Law on Local Self-Government, 7 May 2002, revised 16 December 2016, last amended 2 May 2024, <https://www.arlis.am/documentview.aspx?docid=193988>.

¹³⁰ The Procedure of Organising and Conducting Public Consultations, Appendix to the RA Government Decision No. 1146-N dated 10 October 2018, <https://www.arlis.am/DocumentView.aspx?DocID=126002>.

¹³¹ Focus group discussions and electronic communications with environmental activists, September 2024; See also: Declaration on the abusive use of legal proceedings to silence activists in Armenia, Friends of Earth, 3 July 2024, <https://friendsoftheearth.eu/news/declaration-abusive-use-legal-proceedings-silence-activists-armenia/>.

¹³² Focus group discussions, September 2024.

¹³³ Interviews and focus group discussions, August-September 2024.

¹³⁴ 'Armenia: New draft law on antidiscrimination is now open to public discussion', CSO Meter, 31 July 2024, <https://csometer.info/updates/armenia-new-draft-law-antidiscrimination-now-open-public-discussion>.

¹³⁵ RA Government, Facebook, 19 January 2024, <https://www.facebook.com/armgovernment/posts/pfbid04jyzvzNz2QDkp6X1rbyxT4hhn7vU9vNcJwHjDBHu61W9iM7pYercBADgAiFjTXvrl>; The 2nd working meeting on the drafts of amendments and additions to the laws, Ministry of High-Tech Industry of the Republic of Armenia, 12 February 2024 (in Armenian), <https://hightech.gov.am/hy/tegekatvakan-kentron/ayl/norutyunner/draft-law-on-information>.

¹³⁶ Public debate on new family vulnerability assessment system, 13 September 2024, National Assembly of the Republic of Armenia,

particularly open to participation when the issues to be discussed are in-line with the strategies and priorities of the specific policy area.¹³⁷ For example, the anti-discrimination law has been envisaged by the Action Plan for 2023-2025 of the National Strategy on Human Rights Protection, while the Law on Public Information addresses commitments made under the Open Government Plan 2022-2024. However, large in-person public discussions are mostly initiated by CSOs or international organisations rather than by state bodies.¹³⁸ For example, in February 2024, OxYGen Foundation organised a National Forum to discuss the draft strategy and action plan for implementation of the RA Gender Policy for 2024-2028.¹³⁹ Public discussions on the draft Police Reform Strategy were organised by the Ministry of Internal Affairs in collaboration with Democracy Development Foundation, aiming to discuss the package of proposals on the strategy presented by CSOs and further implementation of the strategy through joint efforts.¹⁴⁰ Often, the government benefits from the discussions, expertise and input provided by CSOs in the framework of donor-funded projects. For example, within an EU-supported project, CSOs conducted large in-country consultations and successfully provided input on the development of a new draft Law on Youth Policy initiated by the Ministry of Education, Science, Culture and Sports.¹⁴¹ Yet, CSOs also mention that, despite the opportunities to take part in policy-making, the relevant institutions might fail to take into account CSOs' contributions without proper justification. There are also cases in which already-agreed draft documents substantially change and fail to reflect agreed contributions in the next stages of law-making, particularly during parliamentary sessions.¹⁴² CSOs note in particular the lack of meaningful participation in areas such as ecology, urban planning, territorial reforms, political and other sensitive issues, where their opinion might be neglected.¹⁴³

The lack of mechanisms mandating public discussion of parliament-initiated drafts means that the possibility of participation in legislative processes depends on the discretion and goodwill of the respective National Assembly member or committee. For example, in May 2024, National Assembly members initiated amendments to the Law on Human Reproductive Health and Reproductive Rights (which was adopted in July

http://www.parliament.am/news.php?do=view&cat_id=2&day=13&month=09&year=2024&NewsID=21054&lang=en

¹³⁷ Interviews and focus group discussions, August-September 2024.

¹³⁸ Interviews and focus group discussions, August-September 2024.

¹³⁹ National Forum on 'Observations and recommendations of CSOs on the draft strategy and action plan for implementation of the RA gender policy for 2024-2028', OxYGen, <https://oxygen.org.am/en/news/cso-national-forum-2024/>.

¹⁴⁰ 'Public discussion of the draft police reform strategy', Democracy Development Foundation, 22 July 2024, <https://demdev.org/2024/07/22/public-discussion-of-the-draft-police-reform-strategy/>; 'Arpine Sargsyan discussed the strategic plan of police reforms for 2024-2026 with the youth', Ministry of Internal Affairs of the Republic of Armenia, 16 August 2024 (in Armenian), <https://mia.gov.am/2024/08/16/dilijan/>.

¹⁴¹ Youth Organizations Union of Armenia, Facebook, 30 July 2024 (in Armenian), <https://www.facebook.com/YOU.Armenia.NGO/posts/pfbid02ytT3JenVL7kaFSRMZoSzGD83oW4EmnDehvcSUb3VoErC6atcj99GPwp4SEfRiY4yHI>.

¹⁴² Interviews and focus group discussions, August-September 2024.

¹⁴³ Ibid.

following consecutive readings), but CSOs were unable to have any input in spite of extensive efforts to do so.¹⁴⁴ Generally, though the proposed drafts are published on the website of the National Assembly, correspondence from CSOs containing suggestions on the draft laws or amendments often receive no response.¹⁴⁵

The scope and effectiveness of local-level participation and dialogue often depends on the availability of resources for participation and the expert capacities of local CSOs to communicate and provide meaningful input, as well as the personal attitudes of community leaders. Often, public hearings on community budgets and development plans are conducted as a formality with no meaningful participation. At the same time, CSOs note more openness by local governments to engage CSOs and listen to their input, for example, incorporating CSOs' suggestions in community development programmes, or jointly working to address social issues of the displaced people from Artsakh.¹⁴⁶ A positive example of participation at the local level was the adoption of the Alaverdi Youth Policy in the Alaverdi community, which was initiated by youth organisations and developed through a participatory process. The policy includes activities on establishing a local youth council, providing space for youth council meetings, and the community allocated one per cent of the annual budget to the implementation of youth projects.¹⁴⁷

CSOs and citizens face challenges when participating in local public hearings on environmental issues. Public hearings are mandated by law in communities which might have their environment impacted from a proposed project, such as, among others, construction, production, or mining projects.¹⁴⁸ In July 2024, the police prevented citizens and activists from entering a community hall in the village of Ginevet to participate in a hearing on a mining project. Those who had been able to enter the hearing were not allowed to speak after expressing criticism of the project. The municipality violated both legal requirements and the Aarhus Convention,¹⁴⁹ specifically in regard to advance notice and allocation of sufficient space for all interested citizens.¹⁵⁰

Standard II. There is regular, open and effective participation of CSOs in developing, implementing and monitoring public policies.

¹⁴⁴ Interview, September 2024; History of the draft, National Assembly of the Republic of Armenia (in Armenian), http://www.parliament.am/draft_history.php?id=15068.

¹⁴⁵ Consultation with CSO Meter Hub Members, September 2024.

¹⁴⁶ Interviews and focus-group discussions, August-September 2024.

¹⁴⁷ 'Alaverdi already has a youth policy. The document was approved by the Council of Elders' (video), Citizen's Voice, 22 September 2024 (in Armenian), <https://cvmedia.am/page2-5536--88->.

¹⁴⁸ RA Law on Environmental Impact Assessment and Examination, 21 June 2014, last amended 3 May 2023 (in Armenian), <https://www.arlis.am/documentview.aspx?docid=178468>.

¹⁴⁹ UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Aarhus, Denmark, 25 June 1998, <https://unece.org/DAM/env/pp/documents/cep43e.pdf>.

¹⁵⁰ 'Anti-democratic hearings in Ginevet: Oleg Dulgaryan', 10 July 2024, Citizen's Voice (in Armenian), <https://cvmedia.am/page2-5054--88->; 'Discussion on "Non-public hearings in Ginevet settlement of Vedi community"', 12 July 2024, Factor.am (in Armenian), <https://factor.am/791995.html>; Focus group discussions, September 2024.

The legislative framework defines several mechanisms for open and regular public participation in developing public policies. These mechanisms include, in particular, the publishing of legal drafts on the unified platform for public comments, the organisation of public hearings, and the setting up of consultative bodies.

According to government procedure, public consultations on draft normative legal acts developed by a government agency should take place through publication of the draft on the official website of the given agency, as well as on the Unified Website for Publication of Draft Legal Acts administered by the Ministry of Justice (www.e-draft.am).¹⁵¹ The legislative drafts are published with descriptions and justification and the platform allows submission of proposals which are made public together with the feedback from the responsible agency. CSOs consider the platform to be a useful source of information and a possibility to provide suggestions, but highlight several shortcomings of the platform such as the lack of publication of the revised versions of drafts, the absence or delay of feedback to proposals, insufficient justifications in case of rejecting proposals, and the short period available for providing proposals. Most importantly, the final adopted draft can be significantly different from the version posted for public comments, with no possibility provided for public input in the revised versions.¹⁵²

According to the procedure on public consultations, public hearings and surveys are optional. CSOs state that in-person discussions should take place in advance of the development of the draft in order for them to be able to provide meaningful input. The practice of organising in-person discussions in the early stages of legal drafts depends on the body initiating the draft. However, even when consultations do take place, CSO input is often not taken into account, thus negatively affecting further motivation and trust in the process. CSOs mention that they have noticed a selective approach to the engagement of participants in invitation-based discussions. Those who express critical or dissenting opinions might be not invited to further meetings.¹⁵³ In addition, in-person consultations are usually held in Yerevan without the possibility of joining online, which makes the participation of regional CSOs less feasible.

Often, dialogue with the government is effective on an interpersonal level, depending on the personality of the representative engaging with CSOs. Personal relationships and motivation are especially decisive in cases of participatory initiatives in the National Assembly, as several CSOs report successful experiences of collaborating with individual National Assembly members.¹⁵⁴ Though positive, these experiences also

¹⁵¹ The Procedure of Organising and Conducting Public Consultations, Appendix to the RA Government Decision No. 1146-N dated 10 October 2018.

¹⁵² Interviews and focus-group discussions, August-September 2024.

¹⁵³ Focus group discussions, September 2024.

¹⁵⁴ Focus group discussions, September 2024.

highlight the lack of institutional mechanisms and sustainability in CSOs' participation with the National Assembly.

The government ministries' charters include a provision on public councils to be set up to ensure civil society participation in the implementation of the objectives and functions of the ministries.¹⁵⁵ The public councils are established through an announcement and are open to all citizens and organisations with experience in the relevant areas. The final decision on the council composition is signed by the respective minister who also chairs the council. However, in practice, these councils are not always functional and often described by CSOs as a formality. According to information published on ministries' official websites, in 2024 (as of November), public councils had been formed in seven out of twelve ministries, while actual meetings were convened in only three of them.¹⁵⁶

The government's Public Administration Reform Strategy and the Roadmap for strategy implementation in 2023-2025 acknowledged the impediments to participatory governance and proposed a number of actions on improving public participation, including the formation of an institutional mechanism for the monitoring and maintenance of participatory management procedures and advancing online and offline tools and mechanisms for participatory governance.¹⁵⁷ In the framework of Public Administration Reform, the government developed a draft decree on the government's strategic governance system. According to the draft, during the process of strategy development, the stages of problem analysis and priority setting should necessarily include documented discussions with interested stakeholders.¹⁵⁸ Once adopted, this requirement will partly address the issue of initiating public consultations in the early stages of legislation.

Based on the Open Government Partnership (OGP) Action Plan 2022-2024,¹⁵⁹ the government planned to create a special institutional unit in the Prime Minister's Office to promote participatory governance processes;¹⁶⁰ however, the unit is not functional as of November 2024. The government also collaborates closely with CSOs and

¹⁵⁵ RA Government Decision No. 337-N 'On Amendments and Additions to a Number of Decisions by the Government of the Republic of Armenia', 31 March 2016 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=104665>.

¹⁵⁶ Official websites of the 12 ministries, listed on the website of the RA Government, <https://www.gov.am/en/structure/>.

¹⁵⁷ RA Government Decision No. 691-L 'On approving the strategy of public administration reforms, the roadmap and result framework for 2022-2024, the list of persons providing monitoring and coordination of the strategy implementation', 13 May 2022, amended on 11 August 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docID=181462>.

¹⁵⁸ RA Government Decision 'On approving Government's strategic governance system', Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/7524/about>.

¹⁵⁹ 'Armenia approves fifth OGP Action Plan 2022-2024', CSO Meter, 17 October 2022, <https://csometer.info/updates/armenia-approves-fifth-ogp-action-plan-2022-2024>.

¹⁶⁰ RA Government Decision No. 1568-L 'On approving the Open Government Partnership Action Plan of the Republic of Armenia for 2022-2024', 06 October 2022, amended on 9 November 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=185253>.

international organisations around improving public participation and participatory governance.¹⁶¹ For example, the USAID-funded Civil Society in Action programme¹⁶² has initiated consultations around and developed recommendations on the improvement of public council regulations. Based on the CSO Meter and other research, TIAC has developed and presented recommendations on amendments to the Law on Normative Legal Acts to improve participatory mechanisms in lawmaking. USAID's Strategic Communications Support Activity, implemented by Chemonics International, also supports the government to build streamlined and citizen-centred strategic communications.¹⁶³

According to the most recent Open Budget Survey for 2023, Armenia has low scores in public participation in the different stages of the budget process, scoring 11 out of 100.¹⁶⁴ However, progress is noted versus the previous report (2021) when the respective score was 6 out of 100, due to regulations adopted on public engagement in the budget formulation by executive bodies.¹⁶⁵ In 2024, government bodies have been more actively engaging participation in the public consultations of budget drafts and the announcement and outcomes of the discussions are published on a special platform by the Ministry of Finance. Although all government agencies are mandated to implement public consultations on budget drafts, only five out of 32 bodies succeeded in collecting inputs from the public.¹⁶⁶ The challenges linked with the public consultations include lack of awareness and low levels of interest and motivation from CSOs and citizens.¹⁶⁷

At the local level, public participation is stipulated by law for consultation on community development programmes, annual budgets, and subsidy programmes presented to the government for funding from state budgets. The Law on Local Self-Government provides an opportunity for citizens to include a discussion issue on the agenda of community council sessions if supported by a petition with a certain number of signatures.¹⁶⁸ CSOs and experts note that some improvements are visible in terms of increased openness and collaboration with civil society in some communities, but in many instances public consultations in communities are still a formality, with a lack of genuine participation and incorporation of suggestions in decisions.¹⁶⁹

¹⁶¹ Interviews, August-September 2024.

¹⁶² Projects-Armenia, Civil Society in Action, Counterpart International, <https://www.counterpart.org/project/civil-society-in-action-armenia/>.

¹⁶³ 'Improving Strategic Communications in Armenia', Chemonics International, <https://chemonics.com/projects/improving-strategic-communications-in-armenia/>.

¹⁶⁴ Armenia: Open Budget Survey 2023, International Budget Partnership, <https://internationalbudget.org/open-budget-survey/country-results/2023/armenia>.

¹⁶⁵ RA Prime Minister Decision No 35-A 'On starting the Process of Republic of Armenia's 2022 Budget', 18 January 2021 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docID=149254>.

¹⁶⁶ Public consultations on budgeting, Ministry of Finance of the Republic of Armenia, https://minfin.am/hy/page/hy_government_list_1.

¹⁶⁷ Interviews, August-September 2024.

¹⁶⁸ RA Law on Local Self-Government, 7 May 2002, revised 16 December 2016, Article 14.

¹⁶⁹ Interviews, August-September 2024.

Based on the OGP Action Plan 2022-2024, four communities piloted participatory budgeting in 2023 through providing citizens with an opportunity to suggest and vote for projects to be funded from local budgets. Eleven more communities also voluntarily joined this initiative in 2024, allocating budget to the citizens' project ideas that would receive the most votes from community members and local CSOs.¹⁷⁰ In 2024, following a government decision providing a procedure to allocate subventions to local governments that apply participatory budgeting,¹⁷¹ 500 million AMD (around 1.2 million EUR) was allocated from the state budget to the four pilot communities with a plan to extend this opportunity to other communities in the coming years.¹⁷² The presentation of project ideas and subsequent voting by community residents is implemented through community websites. However, there are several associated challenges, such as lack of awareness and motivation of citizens to participate, while, in the case of participatory budgeting initiatives within the subsidy projects, the major hindering factor is the identification requirement (sign-in through ID cards), which is not accessible to a large part of the community population not having such ID cards.¹⁷³

There is no legal enforcement of participation in policy implementation and monitoring. The practice of engaging CSOs in the stages of implementation, monitoring and evaluation of state policies and programmes is limited, and often depends on the proactiveness of CSOs and the availability of donor-funded programmes. Working groups, committees and multi-stakeholder groups that have been set up for specific policy areas, drafts, or programmes demonstrate successful experiences of collaboration, but remain limited in scope and impact. A government decision in May 2024 provided an opportunity for CSOs to engage in the monitoring of public procurement. Specifically, CSOs and media organisations registered in Armenia can participate in the process of accepting the deliverable of the procurement contract together with the respective state department (if procurements do not contain state secrets), based on their application and respective certification by the Ministry of Finance.¹⁷⁴ As of August 2024, three CSOs have been certified to enable them to monitor the deliverables of public procurements.¹⁷⁵

Standard III. CSOs have access to information necessary for their effective participation.

¹⁷⁰ 'Participatory budgeting introduced in 15 communities', Armenpress, 6 September 2024, <https://armenpress.am/en/article/1199186>.

¹⁷¹ RA Government Decision No. 1890-N 'On approving the procedure for providing subventions to RA communities from the RA State Budget 2024 for implementing participatory budgeting projects in the communities', 2 November 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docID=184645>.

¹⁷² 'Participatory budgeting', Ministry of Finance of the Republic of Armenia, https://minfin.am/en/page/en_participatory_1.

¹⁷³ Focus group discussions, September 2024.

¹⁷⁴ RA Government Decision No. 732-N 'On Amendments and Additions to Decision No. 526-N dated May 4, 2017', 23 May 2024 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=193122>.

¹⁷⁵ Interview, September 2024.

Armenian legislation provides clear procedures on access to information, including the requirement for state bodies to disclose information related to the decision-making process. Access to information is guaranteed by the Constitution.¹⁷⁶ According to the Law on Freedom of Information, responses to written information requests should be submitted to the applicant within five days of receipt, but in cases where additional effort is required to provide the information, this timeline extends to 30 days.¹⁷⁷ Restrictions on information provision exist in relation to national security, professional confidentiality, private information, copyrighted data, and data on preliminary examination of criminal proceedings not subject to publication, as well as information that contains state, banking, commercial secrets or official information of limited distribution.¹⁷⁸ The latter concept of ‘official information of limited distribution’ was introduced by the Law on State Secrecy which entered into force in January 2024. It refers to information that is not classified as secret, but should be restricted as its dissemination can harm the country’s ‘protection, foreign relations, political and economic interests, [or] protection of the legal system’.¹⁷⁹

The fee charged by public administrations and LSGBs, public institutions and organisations for providing information includes only the technical costs of providing such information, with no charges associated with printing or copying information that is ten pages or less, providing information by email, or responding to written inquiries.¹⁸⁰ The Code on Administrative Offences sets fines for information holders that illegitimately do not provide information equal to 30,000-70,000 AMD (around 72-169 EUR), while the same violation repeated within a year is subject to a fine of 100,000-150,000 AMD (around 241-362 EUR).¹⁸¹ The government’s Unified Platform for Electronic Inquiries at www.e-request.am¹⁸² serves for submitting and tracking online applications, requests or complaints to state authorities. Some of the state databases require fees for obtaining specific information. For example, the fee for accessing information about any organisation from the State Register Agency is 3,000 AMD (around 7 EUR),¹⁸³ which is burdensome for CSOs engaged in watchdog and monitoring activities.¹⁸⁴ The law also envisages the disclosure of information by the government. State agencies, regional administrations and LSGBs are required to

¹⁷⁶ Constitution of the Republic of Armenia, 5 July 1995, amended on 6 December 2015, Article 51.

¹⁷⁷ RA Law on Freedom of Information, 23 September 2003, last amended 1 March 2023, Article 9, <https://www.arlis.am/documentview.aspx?docid=175858>.

¹⁷⁸ RA Law on Freedom of Information, 23 September 2003, Article 8.

¹⁷⁹ RA Law on State Secrecy, 1 March 2023, <https://www.arlis.am/DocumentView.aspx?docid=175793>.

¹⁸⁰ RA Law on Freedom of Information, 23 September 2003, Article 10.

¹⁸¹ RA Law on Amendments to the Code on Administrative Offences, 14 September 2022, <https://www.arlis.am/documentview.aspx?docid=169101>.

¹⁸² The procedure for registration, classification and maintenance of information developed by or delivered to the information holder, Appendix to the RA Government Decision No. 1204-N dated 15 October 2015, last amended 26 November 2020, <https://www.arlis.am/DocumentView.aspx?DocID=147567>.

¹⁸³ RA Law on State Duty, 27 December 1997, Article 20.

¹⁸⁴ It should be noted that mass media have been exempted from this fee since 2020.

publish information specified by law on their websites annually.¹⁸⁵ Armenia has ratified the Council of Europe Convention on Access to Official Documents, which sets out a strict framework for limitations on the right to information access and provides minimum standards to be applied in the processing of requests for access to official documents.¹⁸⁶ Though the Convention stipulates access to an expeditious and inexpensive review procedure, Armenia does not have any independent, specialised extrajudicial body to oversee the implementation of access to information legislation and examine disputes in this field, while the court procedure does not set any contracted timelines for settling cases related to access to information.

In February 2024, the Ministry of High-Tech Industry published a draft of a new Law on Public Information, as well as amendments and additions to related laws, for public discussion.¹⁸⁷ According to the government, this law should serve as a basis for implementing an open data policy, and, in particular, enable public oversight of the performance of the state bodies and of LSGBs. The new draft took into account concerns raised by CSOs at the beginning of 2024 related to the draft amendments to the Law on Access to Information through treating open data regulations separately from the regulations on access to information, dismissing the possibility of longer timeframes for providing certain information and revising the powers of the authorised state body.¹⁸⁸ However, media CSOs have mentioned that some of their concerns had not been taken into account in the revised version of the draft and that due to possible misinterpretations some provisions may lead to the restriction (classifying) information that is not currently restricted.¹⁸⁹ As of November 2024, the draft Law has not yet been approved by the government.

In practice, according to experts and CSOs, access to information has deteriorated in recent years. State bodies and municipalities often fail to publish complete and timely information, while the published information is usually in non-machine-readable PDF formats and does not comply with the open data and accessibility principles. As in the previous reporting year, CSOs cite increased difficulties in obtaining responses to enquiries, which are often delayed, rejected, or sometimes not provided at all. Often, CSOs need to follow-up by contacting the relevant institution to receive a response.

¹⁸⁵ RA Law on Freedom of Information, 23 September 2003, Article 7.

¹⁸⁶ 'Armenia ratified the Council of Europe Convention on Access to Official Documents and the Additional Protocol to the Convention on the Prevention of Terrorism', Council of Europe, 4 May 2022, <https://www.coe.int/en/web/human-rights-rule-of-law/-/armenia-ratifies-the-council-of-europe-convention-on-access-to-official-documents-and-the-additional-protocol-to-the-convention-on-the-prevention-of-t>.

¹⁸⁷ On the Law of the Republic of Armenia on Public Information and Amendments and Additions to the Related Laws, Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/6936/about>.

¹⁸⁸ See more information at: 'Armenia: New draft law on public information to improve open data management and access', CSO Meter, 27 March 2024, <https://csometer.info/updates/armenia-new-draft-law-public-information-improve-open-data-management-and-access>; 'Armenia: Draft law on access to information criticised by CSOs', CSO Meter, 30 January 2024, <https://csometer.info/updates/armenia-draft-law-access-information-criticised-csos>.

¹⁸⁹ Statement of media organisations on the revised draft Law on Public Information, MediaLab, 4 November 2024 (in Armenian), <https://medialab.am/290409/>.

CSOs note that local governments and regional government bodies are particularly unresponsive to enquiries, including due to technical problems, though this experience varies depending on the specific community.¹⁹⁰ One of the most serious problems, also highlighted by studies in the field, is the low quality of the provided information, as responses are often incomplete, or provide very general information without addressing the points raised. Further, state bodies sometimes abuse the possibility to delay a response by 30 days, without proper justification. These issues are especially typical for requests related to sensitive topics; law enforcement, military and security bodies might reject enquiries, or not provide responses at all.¹⁹¹ According to a monitoring report by the Committee to Protect Freedom of Expression, 101 cases of violations of right to access to information were reported by media and journalists from January to September 2024 (106 cases were reported for the same period in 2023).¹⁹² The report also mentions the failure of the Datalex court information platform as a serious challenge for the media and human rights CSOs in terms of following court cases and properly exercising public control.¹⁹³

Due to the court procedure's long duration and bureaucracy, the process of appealing the responses to information requests in court is considered ineffective. Even in cases of successful appeals, the information subsequently provided is often outdated or no longer relevant.¹⁹⁴

CSOs expect that the quality of published information will improve as the government takes steps to improve its official websites and sets standards for published information. Further, the government has requested an organisation specialised in the area of freedom of information to organise training for state servants on the issue of access to data.¹⁹⁵ Based on the OGP Action Plan for 2022-2024, three government agencies have implemented self-assessment in the area of freedom of information and

¹⁹⁰ Interviews and focus group discussions, August-September 2024.

¹⁹¹ Interviews and focus group discussions, August-September 2024; 'Access to Information Right of Journalists in Armenia-2024' research, Freedom of Information Center of Armenia, 27 June 2024, <https://foi.am/en/researches/36104>; 'Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June, 2024)', Committee to Protect Freedom of Expression, 25 July 2024, <https://khosq.am/en/reports/quarterly-report-of-cpfe-on-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-april-june-2024/>; 'Observance of provisions under the RA Law on Freedom of Information by state organizations, territorial administration and local government bodies according to data obtained from information requests of HCA Vanadzor in 2023', Helsinki Citizens' Assembly-Vanadzor, 1 March 2024, <https://hcav.am/en/report-01-03-2024/>.

¹⁹² Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (July-September, 2024), Committee to Protect Freedom of Expression, 24 October 2024, <https://khosq.am/en/reports/quarterly-report-of-cpfe-on-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-july-september-2024/>.

¹⁹³ Ibid.

¹⁹⁴ 'Fundamental Issues Pertaining to Freedom of Information in Armenia: Summary', Law Development and Protection Foundation, <https://ldpf.am/uploads/files/9500207ca102c1da986ffcbcd8863aaa.pdf>.

¹⁹⁵ Interviews, September 2024.

have published their freedom of information request statistics for 2023 based on a single template recommended by the Freedom of Information Center.¹⁹⁶

Standard IV. Participation in decision-making is distinct from political activities and lobbying.

CSOs are not restricted in engaging in public policy activities. At the same time, public organisations cannot set statutory objectives that are reserved for other organisational types, such as political parties.¹⁹⁷ The goals of political parties are defined as ‘participation in referendums, elections of national and local government, and other forms of participation in public and state political life with the purpose of contributing to the formation and expression of the people's political will’.¹⁹⁸ There is no legislation on lobbying activities in Armenia. However, the government's Anti-Corruption Strategy and its 2023-2026 Action Plan highlight the necessity for regulating transparency in interactions with lobbyists and envisage relevant legal measures by the end of 2025.¹⁹⁹

In practice, CSOs are free to engage in the policy-making process and advocacy activities without the need for a special status or registration. CSOs are not harassed or persecuted for views supporting or contrary to the interests of political parties. However, on an individual level, people can be subject to hate speech and verbal attacks for their political views (see also Area 6: Freedom of Expression).

Specific recommendations in this Area are as follows:

- That state bodies utilise the available institutional mechanisms of participation and ensure meaningful participation through:
 - engaging CSOs in the early stages of policy development;
 - addressing the drawbacks of the e-draft platform;
 - providing sufficient time for consultations;
 - organising more frequent face-to-face consultations, including in the regions;
 - maintaining statistics on participation activities and the incorporation of comments by state bodies; and

¹⁹⁶ Interviews, August-September 2024; Freedom of Information Center Facebook post, 6 August 2024 (in Armenian), <https://www.facebook.com/FOICenterArmenia/posts/pfbid036CHtxEsmhhSCAJ9LgNXYNJJfPUdyFonEo55cGqHPqV5GyDM3UJMxzH4QeDY9fh27I>; Statistics on Inquiries, The Government of the Republic of Armenia (in Armenian), <https://www.gov.am/am/Statistics/>; Statistics of information requests, Ministry of Labour and Social Affairs of the Republic of Armenia (in Armenian), <https://www.mlsa.am/statistic-information-requests>; Summary Information on information requests received by the RA Ministry of Economy in 2023 (in Armenian), <https://mineconomy.am/media/27701/Ardir-harcum.pdf>.

¹⁹⁷ RA Law on Public Organisations, 16 December 2016, Article 3.

¹⁹⁸ RA Constitutional Law on Political Parties, 16 December 2016, last amended on 14 July 2022, Article 2 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=166242>.

¹⁹⁹ Anti-Corruption Strategy of the Republic of Armenia, RA Ministry of Justice, <https://www.moj.am/en/page/583>.

- considering and incorporating well-founded and evidence-based suggestions to the maximum possible extent;
- That the National Assembly establishes mechanisms for mandatory public consultation on draft legislation produced by National Assembly members and for CSO engagement in both the early stages of legal drafts and during the final revision of the drafts received by the government (including through engagement at the level of Standing Committees);
- That the government and the National Assembly envisage legal consequences for non-implementation of the provisions related to public consultations and the activities of consultative bodies (e.g. the possibility to recognise a legal act as invalid);
- That state bodies respond to CSO enquiries in a timely and comprehensive manner and ensure timely publication and continuous updating of information on official websites;
- That the government and the National Assembly provide legislative measures to improve access to information through:
 - establishing an extrajudicial independent body on access to information;
 - setting contracted timeframes for examining cases pertaining to the protection of access to information to enable effective protection of this right; and
 - dismissing amendments to the Law on Freedom of Information adopted in 2023 and the notion of ‘official information of limited distribution’ is removed from the Law on State Secrecy;
- That the Ministry of Justice provides free public access to the registry data available on the website of the State Register, as well as other databases managed by the state to promote public participation and oversight; and
- That the government widens CSO engagement in the policy implementation and monitoring stages by establishing institutional mechanisms and ensuring engagement after the adoption of laws, policies, and strategies.

3.6 Freedom of Expression

Overall score per area: **4.8/7**

Legislation: **5.2/7**

Practice: **4.3/7**

Freedom of expression is guaranteed by Armenian legislation and can be restricted only by law for a narrow set of purposes. According to the law, media practitioners and journalists act freely on the basis of principles of equality, lawfulness, freedom of expression and pluralism. Censorship, coercion, hindrance to professional activities, and discrimination are prohibited. Media organisations can implement their activities without registration and licensing, except for TV and radio companies.

Based on the pluralistic media environment and lack of media blocking incidents in 2024, Armenia has improved its scores in the Freedom on the Net and Press Freedom indices. The government and CSOs continue their joint work on developing a concept paper on media reforms, following the Memorandum of Understanding (MoU) signed between media organisations, the government and the National Assembly in 2022. Unlike in the previous reporting year, in 2024 the government has demonstrated an open and collaborative approach in consulting with civil society and media stakeholders on the new media-related legislative initiatives and implementing respective programmes. In particular, discussions were held on the draft amendments to the RA Law on Mass Media and the RA Civil Code, which, among other provisions, aim to establish media self-regulatory mechanisms. The government also implemented several measures to improve media literacy and tackle disinformation under the National Concept of the Struggle against Disinformation adopted at the end of 2023 with significant involvement from and collaboration with CSOs.

Among negative issues, numerous cases of physical violence and hindering activities of media representatives were reported in 2024, most of these being reported during the protests of April-June 2024. As in previous years, journalists and activists face multiple lawsuits claiming compensation for defamation and insult; however, a growing tendency for officials to settle issues through extrajudicial measures was reported in 2024. The provisions of the Criminal Code on sanctioning hate speech and public calls to violence are implemented, albeit with a selective approach. According to CSOs and media reports, law enforcement bodies tend to protect government officials rather than CSOs and social groups targeted by hate speech, harassment and insults.

Based on the positive trends of collaboration, tackling disinformation, and use of extrajudicial mechanisms to resolve defamation claims, the practice score in the area of Freedom of Expression has increased (from 4.2 in 2023 to 4.3 in 2024) and consequently the overall score in this area has improved (from 4.7 in 2023 to 4.8 in 2024). Recommendations in this area include urging the government to continue its collaborative approach in developing media-related legislation and implementing measures against disinformation, as well as to address issues of hate speech and calls to violence in a consistent, non-discriminatory manner.

Standard I. Everyone has the right to freedom of opinion and expression.

Armenian legislation guarantees everyone's right to freedom of expression and opinion. According to the Constitution, everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and ideas without interference from the state or LSGBs, irrespective of state borders. Freedom of expression may be restricted only by law to protect the fundamental rights and freedoms of public security, public order, health or morals, or the dignity and reputation and the rights and liberties of others. Freedom of the press, radio, television, and other means of information is also guaranteed.²⁰⁰

According to the Law on Mass Media, media practitioners and journalists act freely on the basis of principles of equality, lawfulness, freedom of expression and pluralism. Censorship, coercion, hindrance to professional activities, and discrimination are prohibited. The Law restricts the dissemination of information that is considered secret information, or information advocating criminally-punishable acts, as well as information violating the right to privacy of one's personal or family life.²⁰¹ Mass media is not exempted from liability in cases of citing information from 'non-identified' sources.²⁰²

Media outlets are issued and distributed without prior or current state registration, licensing, declaration or notice to any state body.²⁰³ The requirement for licensing of mass media refers exclusively to radio and television companies. The Law on Audiovisual Media regulates the activities of broadcasting media, including their authorship, licensing, rights, and responsibilities.²⁰⁴

Based on the MoU between media organisations, the relevant National Assembly Standing Committee, and the Ministry of Justice signed in 2022, a concept paper on media reforms is in development.²⁰⁵ In particular, it sets out the media self-regulation system which served as a basis for draft amendments to the RA Law on Mass Media and the RA Civil Code, developed by the Ministry of Justice in collaboration with Freedom House and published for public consultation in November-December 2023.²⁰⁶ The draft was further discussed with CSOs at an open public hearing organised by the respective

²⁰⁰ Constitution of the Republic of Armenia, 5 July 1995, amended on 6 December 2015, Article 42.

²⁰¹ RA Law on Mass Media, 13 December 2003, last amended 25 May 2022, Article 7 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=164454>.

²⁰² A 'non-identified source' is defined by law as a domain registered on the internet, a web hosting site, or an account or channel on a website or application, whose owner identification information is absent, obviously false, or incomplete, which makes it impossible to identify the owner of the source.

²⁰³ RA Law on Mass Media, 13 December 2003, Article 4.

²⁰⁴ RA Law on Audiovisual Media, 16 July 2020, last amended 2 May 2024 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=193040>.

²⁰⁵ Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June, 2024), Committee to Protect Freedom of Expression, 25 July 2024, *op. cit.*

²⁰⁶ RA Law on Amendments and Additions to the Law on Mass Media, Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/6552/about>.

National Assembly Standing Committee in April 2024.²⁰⁷ The draft is aimed at harmonising Armenia's media framework with international standards and enhancing the accountability and integrity of media outlets through setting self-regulation mechanisms. As of November 2024, the draft has not yet been approved.²⁰⁸

Multiple cases of physical violence towards media workers and journalists were reported in 2024, including during the assemblies of April-June 2024. In particular, deliberate police violence resulting in physical injuries and other violations such as illegal detentions, destroying equipment, and impeding journalists' professional activities have been reported by local and international organisations.²⁰⁹ During the protests of 12 June, it was reported that the police threw grenades at journalists and camera operators with at least ten media workers receiving injuries as a result of the grenades and general clashes.²¹⁰

Standard II. The state facilitates and protects freedom of opinion and expression.

The current legislation facilitates and protects freedom of opinion and expression mostly in accordance with international law. The Law on Mass Media states that media practitioners and journalists are not obliged to disclose their source of information, except in cases where there is a court decision on disclosure aimed at uncovering serious crimes.²¹¹ The confidentiality of whistle-blowers' identities is also protected by the Law on Whistleblowing.²¹² A problematic provision in the Law on Mass Media is that it allows state bodies to terminate a journalist's accreditation if they have violated the rules of procedure of that agency for the second time within a year.²¹³

Defamation and libel were decriminalised in Armenia in 2010. Libel and insult, as well as maximum compensation rates, are regulated by the Civil Code of the Republic of Armenia, which sets compensation of up to 3 million AMD (around 7,250 EUR) for insult and 6 million AMD (around 14,500 EUR) for defamation. The Civil Code specifies that the court has to take into account the property of the defendant when defining the compensation amount.²¹⁴ According to a monitoring report by CPFE, in January-

²⁰⁷ 'It is proposed to reform legislation regulating media sphere', National Assembly of the Republic of Armenia, 29 April 2024 (in Armenian),

http://www.parliament.am/news.php?cat_id=2&NewsID=20501&year=2024&month=04&day=29&lang=eng.

²⁰⁸ Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (July-September, 2024), Committee to Protect Freedom of Expression, 24 October 2024, *op. cit.*

²⁰⁹ 'Protests in Armenia: RSF denounces deliberate police violence against reporters', Reporters Without Borders, 21 May 2024, *op. cit.*; Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June, 2024), Committee to Protect Freedom of Expression, 25 July 2024, *op. cit.*

²¹⁰ Statement, Committee to Protect Freedom of Expression, 13 June 2024, <https://khosq.am/en/2024/06/13/statement-123/>.

²¹¹ RA Law on Mass Media, 13 December 2003, Article 5.

²¹² RA Law on Whistleblowing, 9 June 2017, last amended 7 December 2022 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=172131>.

²¹³ RA Law on Mass Media, 13 December 2003, Article 6.

²¹⁴ RA Civil Code, 5 May 1998, last amended 10 September 2024, Article 1087.1.

October 2024, 35 lawsuits were filed against journalists and media outlets, all of them on the grounds of defamation and insult (compared to 30 lawsuits in the same period for 2023).²¹⁵ At the same time, the report mentions a positive trend that politicians, and particularly representatives of the ruling party, try to settle information disputes extrajudicially through the media ethics body. The process entails requesting that the Media Ethics Observatory (an independent self-regulated initiative engaging 85 media and 8 journalists' associations)²¹⁶ makes consultative decisions on disputes and, if the claim is deemed justified, recommends that the responsible media refutes the information.²¹⁷

Hate speech is covered in the Armenian Criminal Code. Article 329 imposes liability for any public speech aimed at inciting or promoting hatred, discrimination, intolerance or enmity against a person or group of persons on the grounds of their racial, national, ethnic or social origin, religion, political or other opinions or other circumstances of a personal or social nature, as well as for distributing materials or objects for that purpose. The sanctions range from a fine of 20,000 AMD (around 50 EUR) up to four years' imprisonment in case of aggravating conditions. Article 330 imposes liability for public calls to and public justification of or preaching violence, with sanctions ranging from a fine to up to three years' imprisonment in case of aggravating conditions. For both Articles, the aggravating conditions include cases in which the misconduct was committed by a group of persons with prior agreement, using official powers or influence, or through public channels and/or communication technologies.²¹⁸

As in previous years, high levels of misinformation and hate speech remain a concern and this is highlighted in reports by international organisations such as Amnesty International and Reporters Without Borders.²¹⁹ CSOs state that the legislation aimed at tackling hate speech and calls to violence is selectively applied and that law enforcement bodies tend to protect government officials rather than CSOs and social groups targeted by hate speech, harassment and insults (these include LGBTQ+ groups, environmental activists, human right defenders and journalists).²²⁰ According to media, 36 out of the 38 cases initiated on the grounds of an alleged 'call to violence' are

²¹⁵ Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (July-September, 2024), Committee to Protect Freedom of Expression, *op. cit.*; Annual Report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia-2023, Committee to Protect Freedom of Expression, 23 January 2024, <https://khosq.am/en/reports/annual-report-of-cpfe-on-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2023/>.

²¹⁶ Self-Regulation Initiative: Media Ethics Observatory, Yerevan Press Club, <https://ypc.am/self-regulation/media-self-regulation-initiative/>.

²¹⁷ Quarterly report of CPFE on Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia (April-June, 2024), Committee to Protect Freedom of Expression, 25 July 2024, *op. cit.*

²¹⁸ RA Criminal Code, 5 May 2021, last amended 5 April 2024, Articles 329 and 330 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=194397>.

²¹⁹ Armenia 2023, Amnesty International, <https://www.amnesty.org/en/location/europe-and-central-asia/eastern-europe-and-central-asia/armenia/report-armenia/>; Armenia (2024), Reporters Without Borders, <https://rsf.org/en/country/armenia>.

²²⁰ Interviews and focus group discussions, August-September 2024.

against politicians or social media users who made comments about the Prime Minister or his supporters.²²¹ In March 2024, two reporters from the Antifake.am news website were detained for a two-month pre-trial detention on the grounds of hooliganism after using expletives to criticise the Prime Minister and other officials.²²² Without questioning the legal basis for the charges, experts note the selective approach to prosecuting swearing only when it targets an official.²²³ It should be noted that when the same website disseminated smear campaigns against CSOs, the CSOs' claim in court was denied in 2022-2023 and this was considered a lack of effective judicial investigation by an independent information disputes body.²²⁴

In 2024, no conventional or online media has been blocked and publications on the internet do not require special permission or compliance with specific administrative regulations applicable to traditional media. There are no cases of journalists convicted or media sites raided by the police in order to uncover sources of information.²²⁵ Due to this, Armenia improved its rating in the Freedom on the Net 2024 report.²²⁶ Armenia's rank in the Press Freedom Index also advanced by 6 points (from 49th to 43rd out of 180 countries). However, the Press Freedom Index report states that, despite a pluralistic environment, Armenian media remains polarised, while insufficient protection of freedom of the press by the legal framework and high levels of disinformation and hate speech remain major problems.²²⁷

The National Concept of the Struggle against Disinformation 2024-2026, developed jointly by the Freedom of Information Center of Armenia and the government's Public Relations and Information Centre was adopted in December 2023.²²⁸ The Concept and its action plan cover three strategic directions, including: strengthening the capabilities of state institutions of Armenia to detect, analyse and expose disinformation; improving cooperation and mobilising the private sector to tackle disinformation; and raising awareness and the level of education on media freedoms and media literacy by

²²¹ '95% of calls to violence examined in court are addressed to Pashinyan and his supporters', Lusine Hakobyan, Hetq.am, 26 January 2024 (in Armenian), <https://hetq.am/hy/article/163786>.

²²² 'Armenia detains two podcast hosts for insulting Pashinyan', OC-Media, 25 March 2024, <https://oc-media.org/armenia-detains-two-podcast-hosts-for-insulting-pashinyan/>.

²²³ Interviews, August-September 2024.

²²⁴ See more at: CSO Meter Armenia 2023 Country report, TIAC, ECNL, 2023, https://csometer.info/sites/default/files/2024-01/Armenia%202023%20CSO%20Meter%20Country%20Report%20ENG_0.pdf;

'Case #95: "Vanadzor office of Helsinki Civic Assembly" NGO against "Antifake.am" website', Information Disputes Council (in Armenian), <https://idcarmenia.am/conclusion/95/>.

²²⁵ Interview, October 2024.

²²⁶ Freedom on the Net 2024: Armenia, Freedom House, <https://freedomhouse.org/country/armenia/freedom-net/2024>.

²²⁷ Reporters Without Borders, 2024 World Press Freedom Index, <https://rsf.org/en/index>.

²²⁸ National Concept of the Struggle against Disinformation 2024-2026, Freedom of Information Center of Armenia, 28 December 2023, <https://foi.am/en/news-events/33149>.

constituting societal resilience towards disinformation.²²⁹ Several steps have been taken towards implementation of the Concept in 2024, including establishing a working group to coordinate activities related to improving media literacy, capacity building events for state servants, coordination meetings with state agencies to plan and implement communication strategies, and the development of partnerships with private media companies to conduct awareness campaigns.²³⁰

Specific recommendations in this Area are as follows:

- That the government continues to maintain its commitment to consulting with CSOs and media organisations on media-related legislation in its early stages and implements media reforms based on the concept jointly developed with civil society;
- That law enforcement bodies apply a fair and indiscriminate approach when treating criminal cases on the basis of hate speech and calls to violence; and
- That the government implements the National Concept of the Struggle against Disinformation in an effective and transparent manner with engagement from CSOs.

3.7 Right to Privacy

Overall score per area: **4.9/7**

Legislation: **5.8/7**

Practice: **3.9/7**

The right to privacy is protected by Armenian legislation, though there is a need for improvement taking into account modern technologies and related risks in relation to personal data management and security. In 2024, the Personal Data Protection Agency (PDPA) launched an online course on personal data protection for civil servants, aiming to address the issue of lack of awareness and knowledge.

Some legal drafts published in 2024 did not comply with personal data protection principles, such as the draft amendments to the Law on Police allowing permanent police access to cameras owned by private establishments (see more information below). Among the legislative developments relevant for the area is the draft package of the Law on Public Information, which includes amendments to the Law on the Protection of Personal Data. These amendments revise the authorities of

²²⁹ RA Prime Minister Decree N 1319-L 'On approving the RA Concept on the Struggle Against Disinformation and Deriving Action Plan for 2024-2026', 27 December 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=187979>.

²³⁰ Information checks with representatives of Freedom of Information Center of Armenia and the government's Public Relations and Information Centre, October 2024.

PDPA in terms of the data security oversight and oblige state oversight bodies to agree drafts that are relevant to personal data protection in advance with the PDPA.

Lack of oversight of the lawfulness of surveillance activities provides grounds for distrust towards the ability of the government to protect the right to privacy in practice. In this context, the draft amendments to the Law on Police and related laws, mandating shops and other businesses with public access (such as cafes and restaurants) to install video surveillance systems at all sides of their premises, with 24/7 livestream access provided to police, raised a number of concerns. CSOs and international organisations have highlighted the disproportionality of such measures, the vague definition of data collection purposes, and the lack of guarantees for the proper and safe processing of data, among other issues. The government recalled the draft before its second reading in the National Assembly, citing the need for further discussions and a step-by-step introduction of surveillance measures.

The scores in the area of Right to Privacy have not changed from 2023. The recommendations on more careful handling of data to protect the right to privacy, ensuring that the legislation on surveillance activities is designed and implemented in line with a human rights approach and transparent and accountable measures of oversight remain in place.

Standard I. Everyone enjoys the right to privacy and data protection.

Armenian legislation guarantees the right to privacy and adequate protection against interference or attacks on privacy. The Constitution acknowledges the right of every person to the inviolability of their private and family life, honour, and reputation, which may be restricted only by law: for the purposes of state security, the economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.²³¹ The Criminal Code sets out liability for the use, realisation or disclosure of information constituting personal or family secrets of a person without their consent, or acquisition or storage of that information with the aim of using, realising or disclosing that information in violation of the manner established by law.²³² However, the Civil Code does not provide for compensation of non-material damage persons suffering from the violation of the right to privacy in private relationships.²³³

A separate provision in the Constitution mentions the right to the protection of personal data: the processing of personal data shall be carried out in good faith, for the purpose prescribed by law, with the consent of the person concerned or without such consent in case there is another legitimate ground prescribed by law.²³⁴ The Law on the Protection of Personal Data regulates the procedure and conditions for the handling of personal data and exercising state oversight of these data. According to the Law, the

²³¹ RA Constitution, 5 July 1995, amended on 6 December 2015, Article 31.

²³² RA Criminal Code, 5 May 2021, Article 204.

²³³ Analysis of the judgements of the European Court of Human Rights finding violation of Article 8 of the ECHR, Law Development and Protection Foundation, 2022 (in Armenian), <https://ldpf.am/uploads/files/d70768ed98487c0018d16b3639493d04.pdf>.

²³⁴ RA Constitution, 5 July 1995, amended on 6 December 2015, Article 34.

processing of personal data must pursue a legitimate aim, and the means to achieve this aim must be appropriate, necessary, and moderate.²³⁵ The Code on Administrative Offences sets out a number of administrative sanctions for violating the provisions of the Law on Personal Data Protection, including fines from 50,000 up to 500,000 AMD (around 120-1,200 EUR), in cases where the violation is not subject to criminal liability.²³⁶

The PDPA, established under the Ministry of Justice in 2015, is authorised to oversee the implementation of the legal requirements for the protection of personal data, maintain a registry of organisations processing personal data and provide protection of the relevant rights. The PDPA provides consultations, initiates administrative proceedings on the basis of citizens' applications, provides opinions on the compatibility of laws and legal drafts on the principles of processing personal data, as well as organises trainings and awareness-raising events and publishes guides and information materials for citizens on how to protect their privacy.²³⁷

Although the Law on the Protection of Personal Data contains enabling provisions in line with international law, its enforcement and remedy mechanisms are weak, thus in practice these provisions are hardly met, and instances of violations take place. In May 2024, the PDPA launched an online course on personal data protection for civil servants,²³⁸ aiming to address the issue of lack of awareness and knowledge.

All new legislative acts and amendments undergo examination by state bodies, including the PDPA. At the same time, several legal drafts published in 2024 did not comply with personal data protection principles, such as the draft amendments to the Law on Police allowing permanent police access to cameras owned by private establishments (see more information under Standard 2 below).²³⁹ One of the legislative developments in the area were the draft amendments to the Law on the Protection of Personal Data included in the draft package of the Law on Public Information (consulted on with CSOs at the beginning of 2024). According to these amendments, some of the PDPA's responsibilities are delegated to the body responsible for overseeing data security, while the oversight bodies shall agree in advance with the PDPA the drafts or activities that are relevant to personal data protection.²⁴⁰ This provision may contribute to enforcing better compliance of further draft legislation and activities initiated by oversight bodies with personal data protection standards.

²³⁵ RA Law on the Protection of Personal Data, 18 May 2015, last amended 14 June 2023, Article 5 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=183134>.

²³⁶ RA Code on Administrative Offences, 6 December 1985, Article 189.17.

²³⁷ See the Public Activity Report on 2023 of the PDPA, Ministry of Justice (in Armenian), <https://moj.am/storage/uploads/REPORT-2023%20PDPA.pdf>.

²³⁸ 'The online course on Personal Data protection for civil servants and the official website is now available', PDPA, 17 May 2024, <https://pdpa.am/en/post/view/12>.

²³⁹ Interviews, August-September 2024.

²⁴⁰ 'On the Law of the Republic of Armenia on Public Information and Amendments and Additions to the Related Laws', Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/6936/about>.

Standard II. The state protects the right to privacy of CSOs and associated individuals.

The legislation complies with the right to privacy of CSOs; however, there are concerns with its implementation in practice. The reporting requirements for public organisations and foundations do not contain any provisions on disclosing the names of their staff, except for the executive head. The reporting form for foundations also requires the publication of the names of the founders and members of the Board of Trustees, if they received any assets and services from the foundation during the reporting year.²⁴¹

The Law on Police sets out regulations on the use of surveillance technologies to ensure proper notification on the use of such equipment and the protection of personal information. Warning signs must be visible about stationary video and photo equipment placed in public places. When using mobile equipment, police officers must transport it in a visible manner, except in cases when surveillance is being conducted for special investigative purposes. The resulting videos or photos may be used to investigate crimes or violations of public order, to investigate complaints about officers' actions, to promote the protection of individuals' rights and legitimate interests, or to publicise the case of disciplinary violation or its absence by a police officer after the completion of an investigation, without disclosing or only minimally identifying other persons' identities. Use of videos or photos by the police for other purposes (including publishing) is prohibited. The list of police officers having access to the archive and the procedure for using the data is defined by the Order from the Chief of Police.²⁴² Though the law prohibits using personal technical means by police officers, according to CSO reports, during the 12 June protest some police officers were filming the demonstrators with their mobile phones, which raises concerns about further possible unlawful processing of data and relevant accountability measures.²⁴³

Police officers can use facial recognition systems in real time to verify the similarity of a citizen to the person wanted for an alleged crime. At the same time, the law states that the image of the persons in the view of the equipment cannot be recorded, saved or processed in any other way.²⁴⁴

The Ministry of Internal Affairs presented draft amendments to the Law on Police, the Law on Electronic Communications, and related laws, aiming to combat street crime. The draft package requires shops, cafes, restaurants and other businesses to install high-quality video surveillance systems at the entrance and on all sides of their premises, with 24/7 livestream access provided to police. Despite its negative

²⁴¹ RA Law on Foundations, 26 December 2002, Article 39.

²⁴² RA Law on Police, 16 April 2001, Article 22.

²⁴³ Ad Hoc Report on the June 12th rally near the National Assembly in Yerevan and the actions of the police, Armenian Center for Political Rights, Helsinki Committee of Armenia, 20 June 2024, Yerevan, https://armhels.com/wp-content/uploads/2024/06/Joint_Ad_Hoc_Report_HCA_ACPR_20.06.2024_eng.pdf.

²⁴⁴ RA Law on Police, 16 April 2001, Article 22.

assessment by the PDPA and the Human Rights Defender of Armenia, the draft was approved by the government in April 2024 and passed on its first reading in the National Assembly in June 2024.²⁴⁵ CSOs have highlighted a number of issues related to the draft, including disproportionality, the vague definition of data collection purposes, and the lack of guarantees for the proper and safe processing of data, among others.²⁴⁶ In particular, permanent police access to cameras might enable video surveillance of CSO activists, tracking their everyday activities and business meetings, allowing disclosure of media information sources, as well as providing such information to third parties (as this possibility is provided for by the draft laws). Human Rights Watch has criticised the draft, stating that it is unjustified and interferes with privacy and other rights.²⁴⁷ Based on stakeholder concerns, the Ministry of Internal Affairs recalled the draft, noting that it was driven exclusively from considerations of public interest and security but, given the lack of a broad public consensus on the initiative, it would pursue a step-by-step approach with readiness for further discussions on the issues with stakeholders.²⁴⁸ In response, welcoming this development, CSOs have stated that it is important in such initiatives to conduct a proper study of relevant legislation and practices in the field and involve the public, civil society and the professional community in the process.²⁴⁹

Searches of the premises of CSOs or surveillance of their communications can only be carried out based on a court decision, except for in urgent cases when a delay may lead to actions of terrorism or threaten state security. In such cases, the National Security Service (NSS) can carry out surveillance within a 48-hour period before a court decision is secured.²⁵⁰

In practice, experts and CSOs are doubtful about the legitimate use of surveillance powers by the NSS and law enforcement bodies as there are no oversight and accountability mechanisms for surveillance activities, or transparent investigations of data leaks. There were no reported cases of law enforcement breaking into CSOs' premises or accessing CSOs' documents without due judicial authorisations during the reporting period.

²⁴⁵ The Law of the Republic of Armenia on Amendments to the Law 'On Police', First Reading (in Armenian), <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=74577>; The Law of the Republic of Armenia on Amendments to the Law 'On Electronic Communication', First Reading (in Armenian), <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=74642>.

²⁴⁶ 'Position regarding the draft laws on making additions to the law 'On Police' and related laws: CyberHUB, dpHUB', CyberHUB, 22 August 2024 (in Armenian), <https://cyberhub.am/hyRights/blog/2024/08/22/position-on-police-surveillance-law/>.

²⁴⁷ 'Armenia: Surveillance Bill Threatens Rights', Human Rights Watch, 31 October 2024. <https://www.hrw.org/news/2024/10/31/armenia-surveillance-bill-threatens-rights>

²⁴⁸ Announcement, RA Ministry of Internal Affairs, 11 November 2024 (in Armenian), <https://mia.gov.am/2024/11/11/հայտարարություն-41/>.

²⁴⁹ 'NGO's Statement on Ministry of Internal Affairs' Video Surveillance Initiative in Armenia', TIAC, 12 November 2024 (in Armenian), <https://transparency.am/hy/media/news/article/5195>.

²⁵⁰ RA Law on Operational Intelligence, 22 October 2007, last amended 7 February 2024, Articles 32 and 34 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=190391>.

Specific recommendations in this Area are as follows:

- That the government implements necessary measures for more careful handling of data to protect the right to privacy and exclude the possibility of any data leaks; and
- That the government ensures that the legislative framework on surveillance activities is developed in accordance with international law and in consultation with CSOs, while its provisions are followed in practice, with transparent and accountable measures in case of non-compliance.

3.8 State Duty to Protect

Overall score per area: **4.5/7**

Legislation: **5.2/7**

Practice: **3.8/7**

The legal guarantees and mechanisms for protection of CSOs and their beneficiaries are in place, including access to domestic and international courts. However, in practice the protection of CSOs and their affiliated persons by law enforcement is not sufficient. As in previous years, CSOs working in sensitive areas are subjected to harassment and threats. SLAPPs aimed at silencing environmental activists, as well as harassment and pressure against them, continued in 2024 with an increased number of attacks on social media and defamatory media narratives.

CSOs are provided with legal mechanisms to protect their rights and present public interests in the courts on environmental issues and on the rights of people with disabilities. However, a number of complicated preconditions significantly restrict the exercise of this right in practice, particularly in the case of lawsuits related to environmental issues. The government plans to extend the right of a public organisation to represent public interests and CSOs initiated discussions around this issue in 2024 to ensure effective implementation of this right.

CSOs are increasingly aware of the requirement to declare the UBOs of legal entities; however, the purpose of this declaration, and the relevant administrative and financial costs of updating data, create confusion and burden.

The scores in the area of State Duty to Protect have not changed from 2023. The recommendations of the previous CSO Meter report remain relevant, including those on extending CSOs' right to present public interest cases in the courts, dismissing the fees for updating data on UBOs, and providing more effective protection of CSOs, including through anti-SLAPP measures.

Standard I. The state protects CSOs and individuals associated with CSOs from interference and attacks.

According to the law, the state ensures the protection of the rights and lawful interests of public organisations.²⁵¹ In accordance with its charter objectives, a public organisation has the right to represent and defend the rights and lawful interests of its members, beneficiaries, and volunteers in other organisations, in the courts, in the state bodies and in LSGBs.²⁵² A foundation also has the right to act as a claimant or defendant in court.²⁵³ The Administrative Procedure Code states that each individual or legal entity has the right to apply to the administrative court if they consider that their rights and freedoms have been violated or may directly be violated by the state or a local government body, including when they have encountered impediments to exercise these rights and freedoms, or have not been provided with the necessary conditions to do so.²⁵⁴ This includes decisions on the registration of organisations and, when registration is rejected, founders can appeal this decision in the administrative court within two months.²⁵⁵ Decisions of the administrative court can be appealed to the courts of appeal and then to the Court of Cassation. Mechanisms of international legal protection for the right to freedom of association are available for members and founders of CSOs via UN treaty bodies and the European Court of Human Rights.

Public organisations can present public interest cases in court on matters of environmental protection and disability rights, if the organisation applying to the court complies with a number of requirements. In particular, in the case of environmental issues, the application should be based on the goals of the organisation as defined in its charter, the applicant should either have participated in public consultations related to the disputed issue or present evidence that it had not been given a chance to participate in such public consultations. Finally, the applicant should have been active in the environmental protection area for at least two years before filing the application.²⁵⁶ These requirements are considered as complicated (such as presenting evidence that the organisation has participated in relevant consultations or was not able to participate) and restrict the practical implementation of this right. Environmental organisations have only been able to make the court proceed their lawsuits in 2022 based on a decision of the Court of Appeal, following a lengthy campaign.²⁵⁷

The requirement to have the respective goals in the organisation's charter also applies when a CSO is seeking to represent the rights of persons with disabilities, as does the

²⁵¹ RA Law on Public Organisations, 16 December 2016, Article 9.

²⁵² Ibid., Article 16.

²⁵³ RA Law on Foundations, 26 December 2002, Article 3.

²⁵⁴ RA Administrative Procedure Code, 5 December 2013, Article 3.

²⁵⁵ RA Administrative Procedure Code, 5 December 2013, Article 72.

²⁵⁶ RA Law on Public Organisations, 16 December 2016, Article 16.

²⁵⁷ CSO Meter Armenia 2022 Country Report, TIAC, ECNL, 2023, https://csometer.info/sites/default/files/2023-10/2022%20Armenia%20CSO%20Meter%20Country%20Report%20ENG_0.pdf.

requirement to have been active in the field for at least two years prior to the lawsuit. Additionally, a simple majority of the organisation's members need to be persons with disabilities.²⁵⁸

Based on the Action Plan for 2023-2025 of the National Strategy on Human Rights Protection, adopted by the government in 2023, CSOs' right to appeal to the court on issues of public importance will be expanded taking into account the principle of *actio popularis* (any member of the public being able to bring a lawsuit or legal action to enforce a public right or address a harm to the community).²⁵⁹ In 2024, in the framework of the CSO Meter project, the Law Development and Protection Foundation has initiated discussions around the issues and needs related to the implementation of *actio popularis*.

In recent years, CSOs and associated persons have been repeatedly subjected to harassment, hate speech, and attacks by third-party organisations and groups. Most often, it is organisations working in the areas of LGBTQ+ rights, environmental activism or watchdog activities that face threats and harassment from third parties, but do not receive sufficient protection by law enforcement.²⁶⁰ The court processes initiated by mining companies against environmental activists (mostly on the grounds of defamation and insult)²⁶¹ continued and new lawsuits were filed in 2024. According to CSOs and international organisations, these lawsuits are aimed at silencing and stalling environmental protests, imposing significant financial and psychological burden on activists, and deterring others from speaking out against rights abuses²⁶² (see also Area 5: Right to Participation in Decision-Making). Armenia is a member of the Council of Europe and therefore the government is obliged to follow the recommendations of the Council made in April 2024 on countering the use of SLAPPs.²⁶³

Attacks and hate speech against environmental activists on social media intensified in 2024 after the publication of a statement signed by 118 Armenian CSOs and 57 citizens raising concerns around the controversial Amulsar gold mining project. Apart from lawsuits, activists have faced smear campaigns in the media, being accused of wanting

²⁵⁸ RA Administrative Procedure Code, 5 December 2013, Article 216.6.

²⁵⁹ Action Plan for 2023-2025 Deriving from the National Strategy on Human Rights Protection, approved by the RA Government Decision No. 1674-L 'On changes and additions to the Decision of the Government of the Republic of Armenia N 1978-L adopted on December 26, 2019', 28 September 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=183444>.

²⁶⁰ Focus group discussions, September 2024.

²⁶¹ Defamation and insult are regulated by the RA Civil Code, which sets compensation of up to 3 million AMD (around 7,250 EUR) for insult and 6 million AMD (around 14,500 EUR) for defamation. The Civil Code stipulates that the court has to take into account the property of the defendant when defining the compensation amount (see: RA Civil Code, 5 May 1998, last amended 10 September 2024, Article 1087.1).

²⁶² Policy Brief: Suppression of Environmental Activists in Armenia, Araminta, Democracy Development Foundation, September 2024, <https://demdev.org/wp-content/uploads/2024/10/Policy-Brief-Suppression-of-Environmental-Activists-in-Armenia.pdf>; Focus group discussions, September 2024.

²⁶³ Council of Europe Committee of Ministers, Recommendation CM/Rec(2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs), <https://rm.coe.int/0900001680af2805>.

to hinder Armenia's economic growth and being affiliated with Azerbaijan, with calls to investigate them. One such media article quoted the Deputy Minister of the Ministry of Territorial Administration and Infrastructure as saying that 'there are public organisations whose activities we do not know whose mill they are pouring water into'. The Deputy Minister was further quoted as saying that the government was looking into the matter.²⁶⁴ CSOs made a statement against the pressure on environmental activists, environmental organisations, human rights activists, as well as residents of affected communities, manifested through hate speech, defamatory publications, fake user attacks, with as well as speeches and interviews by state officials.²⁶⁵ However, no specific actions were taken or statements made by government officials or law enforcement bodies for the protection of the activists.

The Criminal Code specifies hatred, intolerance or hostility based on racial, national, ethnic or social origin, religion, political or other views, or other personal or social circumstances as an aggravating condition for a number of offences.²⁶⁶ The law does not specifically include sexual orientation and gender identity as a basis for additional protection. In 2024, the Ministry of Justice discussed with stakeholder CSOs the draft Law on Ensuring Equality and Protection Against Discrimination²⁶⁷ that aims to address discrimination and establish a Council on Discrimination Issues to ensure protection from any type of discrimination. The draft defines discrimination, its types, and legal protections against it, but fails to identify sexual orientation, gender identity, health conditions, or family status in the list of protected grounds, despite recommendations from CSOs and international organisations.²⁶⁸ The adoption of the Law will be a significant step forward towards protection against discrimination and will improve the legal environment for CSOs working to protect people from discrimination. As of November 2024, the draft has not been approved by the government.

The Constitution envisages principles of proportionality and certainty applicable to all restrictions on fundamental rights and freedoms and allows to temporarily suspend or restrict specific rights and freedoms under a state of emergency or martial law.²⁶⁹ There was no state of emergency or martial law in Armenia in 2024.

²⁶⁴ 'International groups stand in solidarity with Armenian environmental and human rights defenders facing defamation and criminalization'. Coalition for Human Rights in Development, 20 February 2024, <https://rightsindevelopment.org/news/armenia-environmental-defenders-defamation/>.

²⁶⁵ 'Statement of Civil Society Organizations on Suppression of Environmental Organizations, Individual Activists, Human Rights Defenders, Anti-democratic Processes and De-democratization Attempts in Armenia', Helsinki Citizens' Assembly-Vanadzor, 7 February 2024, <https://hcav.am/en/statement-07-02-2024/>.

²⁶⁶ RA Criminal Code, 5 May 2021.

²⁶⁷ A package of the draft law of the Republic of Armenia 'On Ensuring Equality and Protection Against Discrimination' and related laws, Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/7408/about>.

²⁶⁸ Interviews and focus group discussions, August-September 2024; see also: 'Armenia: New draft law on antidiscrimination is now open to public discussion', CSO Meter, 31 July 2024, <https://csometer.info/updates/armenia-new-draft-law-antidiscrimination-now-open-public-discussion>.

²⁶⁹ RA Constitution, amended on 6 December 2015, Articles 76-79.

Standard II. Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on association, assembly, and expression.

Armenian legislation provides targeted, proportionate regulations for fighting terrorism, money laundering and corruption in line with the risk-based approach. The Law on Combating Money Laundering and Terrorism Financing²⁷⁰ requires reporting entities (such as banks, credit organisations, notaries, and the State Register Agency) to carry out customer due diligence, introducing risk management procedures that identify and evaluate potential or existing risks and ensure that adequate measures are taken and to report any relevant risks that are identified to the state-authorized body. CSOs have noted that banks sometimes require grant contract documentation or a list of donors for opening a bank account or receiving donor funds, but did not state that this has hindered their operations.²⁷¹

All legal persons, including non-profit organisations, are required to register their UBOs.²⁷² The sanctions for failure to report or non-compliance with the reporting procedures include warnings and fines from 30,000 to 100,000 AMD (around 72 to 240 EUR),²⁷³ up to involuntary dissolution of the organisation by court decision in cases of not declaring for over three years.²⁷⁴ As in previous years, some CSOs expressed uncertainty on what information they should provide in the UBO declaration, and continue to find the term ‘real beneficiaries’ confusing (this term is used in Armenian legislation to denote the concept of beneficial owners). Most CSOs which participated in the CSO Meter interviews and focus group discussions had reported the executive heads of their organisations as the UBO (based on consulting with legal companies); however, they consider the requirement of UBO declaration a formality as the executive heads are in any case registered in official documentation.²⁷⁵ Though the declaration of UBOs and confirmation of UBO data in the beginning of each year is free of charge, organisations have to pay 10,000 AMD (around 24 EUR) each time for registering changes to UBOs’ data (such as names, addresses, or passport data). This is a disproportionate burden for CSOs, especially taking into account that the same changes (relating to an executive head) are also required to be reported in the CSO’s registration

²⁷⁰ RA Law on Combating Money Laundering and Terrorism Financing, 26 May 2008, last amended 7 February 2024, <https://www.arlis.am/DocumentView.aspx?docid=190391>.

²⁷¹ Interviews and focus group discussions, August-September 2024.

²⁷² RA Law on State Registration of Legal Entities, Separate Subdivisions of Legal Entities, Institutions and Private Entrepreneurs, 3 April 2001, Chapter 12.1.

²⁷³ RA Code on Administrative Offences, 6 December 1985, Article 169.29.

²⁷⁴ RA Law on State Registration of Legal Entities, Separate Subdivisions of Legal Entities, Institutions and Private Entrepreneurs, 3 April 2001, Article 60.5.

²⁷⁵ Interviews and focus group discussions, August-September 2024.

documentation with a fee of 5,000 AMD (around 12 EUR), thus CSOs have to make double payments.²⁷⁶

Specific recommendations in this Area are as follows:

- That the National Assembly makes the necessary legislative changes to expand the possibilities for CSOs to represent public interests in the courts on cases within the scope of their goals and ensures that they can use this right in practice through alleviating any excessive requirements and related bureaucratic procedures;
- That the state provides adequate protection for CSOs, including through:
 - adopting anti-discrimination laws and establishing an anti-discrimination body;
 - taking legislative and practical measures against SLAPPs in line with the Council of Europe's recommendations adopted in April 2024;
 - issuing public statements in support of CSOs that are targeted by third parties;
 - ensuring proper investigation of attacks against CSOs and activists within a reasonable timeframe; and
- That the Ministry of Justice and the State Register Agency dismiss the fees for updating UBO information for non-profit organisations and provide possibilities for automatic updating of the data.

3.9 State Support

Overall score per area: **4.1/7**

Legislation: **4.3/7**

Practice: **3.9/7**

State funding is allocated to CSOs by several ministries, mostly through competitive grant provision mechanisms set by the governmental procedure on providing state subsidies and grants to legal entities. As a rule, most state funding is provided for social, educational, cultural and sport projects. The electronic platform of state procurements is used for submitting grant applications; however, CSOs report that the platform is complicated and contains technical issues. In 2024, the Ministry of Finance continued with the development of the Financial Management Information System, which will include a new electronic platform for public procurements. In contrast to state bodies, local governments provide limited funding to CSOs, often on a discretionary basis, without any monitoring or accountability of the initiatives that are funded by them.

CSOs enjoy tax exemptions for the goods, work and services provided by them free of charge, as well as for charitable projects. Charitable status is provided for eligible projects on the basis of government decisions but requires a long and complicated

²⁷⁶ RA Law on State Duty, 27 December 1997, Article 16.

procedure. There are no tax benefits for economic activities of CSOs and for individual donors, while corporate donor benefits are limited. In 2024, CSOs continued dialogue with the authorities regarding the issues of grant taxation and tax incentives for charitable activities and donations.

The Law on Volunteer Work that entered in force in October 2023 has regulated the concept of volunteering and introduced provisions for protecting the rights of volunteers. However, in practice, CSOs report several technical difficulties, particularly regarding volunteer agreements.

The score in this area has not changed in 2024 from 2023. The recommendations from previous years on improving transparent and competitive mechanisms for state and local budget funding and creating a more favourable tax environment for CSOs and their donors remain in place. In addition, it is recommended that the government addresses issues related to the legislation on volunteering and its application in practice in consultation with CSOs.

Standard I. There are a number of different and effective mechanisms for financial and in-kind state support to CSOs.

According to the procedure for providing subsidies and grants to legal entities from the state budget, the organisation receiving a grant is selected as a result of a competition, while the subsidy is allocated on the basis of a subsidy agreement between the state body and the organisation.²⁷⁷ The funding provided to CSOs is predominantly done in the format of grants for a one-year period based on the annual budget of the grant-giving body. As a rule, most state funding is provided for social, educational, cultural and sport projects. For example, many social services are outsourced to CSOs in the competition-based grant format. The practice of outsourcing services to CSOs through procurement contracts is very limited.

Local governments can also allocate funding to CSOs through a separate budget line. Most often, municipalities provide funding to social and youth organisations, mostly in the format of monetary assistance to an organisation or its representatives. The practice of outsourcing services to CSOs by local governments is still limited; however, there are a growing number of successful cases of CSOs managing to obtain funds or co-funding from the community budget for their social projects. For example, for the first time, the Child Development Foundation has received support from the Jermuk municipality to cover the salary of a child psychologist in their children's center located in this community.²⁷⁸ In-kind support to CSOs at the local level is mostly limited to the allocation of a space in a community-owned building.²⁷⁹

²⁷⁷ RA Government Decision No. 1937-N 'On approving the procedure for providing subsidies and grants to legal entities from the state budget of the Republic of Armenia', 24 December 2003, last amended 6 August 2021 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=155096>.

²⁷⁸ Focus group discussions, September 2024.

²⁷⁹ Interviews and focus-group discussions, August-September 2024.

Standard II. State support for CSOs is governed by clear and objective criteria and allocated through a transparent and competitive procedure.

State support at the national level is provided on a competitive basis and is regulated through a detailed procedure and criteria. However, support from local budgets is discretionary and lacks accountability.

The procedure on providing state subsidies and grants to legal entities regulates the grant announcement process and organisation of activities of the grant selection committee in detail, including provisions on conflict-of-interest issues, transparency in the selection process, and setting the selection criteria, which were based on the suggestions provided by CSOs during the consultations on the draft procedure. The engagement of CSO representatives in the selection committee is not mandated but left to the discretion of the state body providing grants. This procedure also specifies that grant competitions, contracting, and reporting should be conducted through an electronic system.²⁸⁰ The Electronic Public Procurement System at www.armeps.am is used for submitting grant applications and publishing information about grant contracts. The Ministry of Finance has published guidelines for users and organisers of grant competitions on its website.²⁸¹ However, the contracts are published in a non-machine-readable PDF format, while the search filters do not allow for easy identification of the CSOs that have received grant funding or procurement from the state budget, since all types of recipients are displayed under each type of procurement procedure (and the grant tenders are technically treated as a type of procurement procedure). This does not allow for effective monitoring of grant contracts.

Though the procedure on providing state subsidies and grants stipulates that the results of the competition, the protocol of the selection committee and other related competition-related documents, as well as grant project reports, are published on the official website of the state body, the state bodies do not always provide timely and complete information as required. For example, the Ministry of Labour and Social Affairs publishes the reports of all the CSOs that have received grant projects from this Ministry but there is no section on grant competition results on the Ministry's website, while the Ministry of Education, Science, Culture and Sport provides the documentation from the grant competition on their website but there are no CSO reports available.²⁸²

Many CSOs interested in state grants find the procurement platform complicated and burdensome, full of technical terminology and requirements that can only be

²⁸⁰ RA Government Decision No. 1937-N 'On approving the procedure for providing subsidies and grants to legal entities from the state budget of the Republic of Armenia', 24 December 2003.

²⁸¹ Guides, Manuals, Ministry of Finance of the Republic of Armenia (in Armenian), https://www.minfin.am/hy/page/uxecuyc_dzernark/.

²⁸² Based on a review of the websites of major grant-giving ministries (all in Armenian): the Ministry of Education, Science, Culture and Sport (<https://escs.am/am/category/grantsprograms>), the Ministry of Labour and Social Affairs (<https://www.mlsa.am/reports/1274>) and the Ministry of Health (<https://www.moh.am/#1/990>).

practically dealt with by procurement specialists. Several CSOs mentioned technical issues with submissions of documentation which resulted in the non-consideration of their proposals, while those who have accumulated experience across previous years do not face difficulties.²⁸³ The Ministry of Finance is currently in the process of developing a new Government Financial Management Information System, which will include a new electronic platform for public procurements.²⁸⁴ The new platform will address the current technical issues and is expected to help increase the transparency and searchability of grant funding information.

There is no competitive mechanism for local level funding and the allocations from municipalities are mostly provided on a discretionary basis, based on the applications they receive. CSOs cite a lack of transparency in the process, as well as the lack of a mechanism for monitoring and accountability of the funded initiatives. In-kind support, such as allocation of an office space, is also carried out in a discretionary manner by local government.

Standard III. CSOs enjoy a favourable tax environment.

Overall, the tax legislation is generally not favourable to CSOs, although there are a few available benefits. According to the Tax Code, assets, works, and services received gratuitously by non-profit organisations are not profit-taxed.²⁸⁵ At the same time, in-kind donations are taxed with VAT, with the tax calculation base accounting for eighty per cent of the value of the donated assets.²⁸⁶ The law provides VAT exemptions for the goods, works and/or services that are provided by public, charitable and religious organisations free of charge. VAT exemptions are also provided for subsidies, subventions or grant projects in cases where such projects are implemented within inter-government agreements or have a preliminary approval from the relevant government commission.

CSOs pay income tax for their staff in the same manner as private companies. There are no tax incentives for CSOs' economic activities, and, in cases of direct entrepreneurship, CSOs cannot enjoy the simplified tax regimes that are available to small businesses (see also Area 2: Equal Treatment). Non-profit organisations are obliged to charge VAT on their goods and services in instances where their annual turnover from all types of activities exceeds 115 million AMD (around 277,000 EUR).²⁸⁷ Starting in 2023, CSOs have engaged in dialogue with the government to raise their concerns regarding treatment of grant income as subject to VAT and find possible

²⁸³ Interviews and focus-group discussions, August-September 2024.

²⁸⁴ 'Description of the Business Processes of the GFMIS', Ministry of Finance of the Republic of Armenia, updated 20 June 2024, https://minfin.am/en/page/gfmis_implementation_reports/.

²⁸⁵ RA Tax Code, 4 October 2016, Article 108.

²⁸⁶ Ibid., Article 62.

²⁸⁷ Ibid., Article 59.

solutions; however, the solutions proposed by the government during the meetings did not yet resolve the possible risks.²⁸⁸

According to the Law on Charity, benefits such as tax exemptions, duties, and mandatory payments are provided to charitable projects in the manner prescribed by law.²⁸⁹ The government decision on charitable projects sets out the procedure for qualifying projects as ‘charitable’, as well as relevant procedures on presenting applications, making decisions, oversight of charitable projects, and revising the charitable qualification.²⁹⁰ Charitable status is provided for specific projects throughout their duration, but can be revised in cases where issues are identified during the implementation, for example, false information in project documentation or legal infringements.²⁹¹ Where a project is given charitable status, the organisation has to provide an annual report on its activities to the authorised body.²⁹²

In practice, monetary donations to CSOs are not profit-taxed as provided by law. VAT is taxed for economic activities in cases where the organisation’s annual income surpasses the threshold set by law. The procedure for obtaining the status of charitable project and further tax exemptions is complicated and time-consuming, which is especially problematic in cases of emergency response projects. In collaboration with international organisations, CSOs have been engaged in dialogue with the government and the National Assembly to revise the current legislation on charity to make it more enabling for charity activities and to stimulate philanthropy.²⁹³ In particular, a policy paper by NGO Center proposes to introduce tax incentives for individual donors, review the threshold for tax deductions of charitable contributions by businesses, introduce one per cent tax designation mechanisms, and exempt in-kind donations, SMS donations, and charity advertising services on social networks from VAT.²⁹⁴

²⁸⁸ ‘Armenia: Treatment of grant projects as economic activity threatens CSOs’ access to funding’, CSO Meter, 11 December 2023, <https://csometer.info/updates/armenia-treatment-grant-projects-economic-activity-threatens-csos-access-funding>.

²⁸⁹ RA Law on Charity, 8 October 2002, last amended 7 February 2024, Article 16 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=190380>.

²⁹⁰ RA Government Decision No. 66-N ‘On Charitable Projects’, 16 January 2003, last amended 31 January 2019 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=128100>.

²⁹¹ The Procedure of Qualifying and Registering Charitable Projects, Appendix 1 to the RA Government Decision No. 66-N ‘On Charitable Projects’, 16 January 2003, Article 28.

²⁹² The authorised body that makes decisions and carries out other relevant functions as per the Procedure of Qualifying and Registering Charitable Projects is the Deputy Prime Minister’s Office, which should make the decision based on the recommendation of the Advisory Commission on the Coordination of Charitable Projects. See: RA Prime Minister’s Decree No. 1111-A ‘On Establishing the Charter and Composition of the Advisory Commission on Coordination of Charitable Projects and Revocation of the RA Prime Minister’s Decree No. 205 of 14 March 2001’, 21 August 2018, last amended 19 December 2022 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=171857>.

²⁹³ Interviews and focus-group discussions, August-September 2024; Dialogue4Progress: ‘Legal Regulation Mechanisms and Needs of the Charitable Sector: Why Regulate the Charitable Sector?’, NGO Center, 18 September 2024, <https://ngoc.am/en/dialogue4progress-2/>.

²⁹⁴ Policy Paper on Reform of the Charity Sector in Armenia, NGO Center (in Armenian), https://ngoc.am/hk_resource_center/ppp-paper/.

There is a growing trend in CSOs' usage of crowdfunding platforms. However, the tax legislation creates additional challenges for intermediate organisations providing crowdfunding platforms. Specifically, these organisations have to pay VAT on each donation, which reduces funds for the beneficiary CSOs. As a solution, they organise direct transfers of donations to beneficiary CSOs (through transit bank accounts) to ensure the money reaches the beneficiary in full.²⁹⁵

Standard IV. Businesses and individuals enjoy tax benefits for their donations to CSOs.

The tax benefits provided for donations are insufficient for stimulating large and frequent donations. The tax benefit provided for corporate donations is the following: assets, work or services provided to non-profit organisations are deducted from the taxable base of profit taxpayers, but not more than in the amount of 0.25 per cent of the gross income of the reporting year.²⁹⁶ As mentioned above, in-kind donations by companies are taxed with VAT (if there is no special governmental decision on VAT exemption), with the tax calculation base accounting for eighty per cent of the value of the donated assets.²⁹⁷ In practice, there are a number of business entities that allocate funds to CSOs for social, educational, healthcare, and environmental issues; however, they prefer not to apply for the tax deduction to avoid the associated time-consuming and complicated procedures.²⁹⁸

Standard V. Legislation and policies stimulate volunteering.

The Law on Volunteer Work, which entered into force in October 2023, sets out the legal basis of volunteering and volunteer status, judicial protection of the rights of volunteers, the right to reimbursement of additional expenses arising from volunteer work, health and safety guarantees and other provisions to ensure the protection of rights of volunteers. There is no prohibition on the engagement of volunteers in CSOs' entrepreneurial activities. The Law defines a volunteer as a person that has signed a volunteer work agreement with the organisation. In case of voluntary work performed without an agreement, this work is considered illegal, and the organisation can be subject to fines. At the same time, the Law includes a definition of 'one-time action' and indicates that signing a contract on voluntary work is not mandatory in cases of participation in a 'one-time action', as well as in cases when voluntary work is not performed through an organisation.²⁹⁹

²⁹⁵ Interview, August 2024.

²⁹⁶ RA Tax Code, 4 October 2016, Article 123.

²⁹⁷ Ibid., Article 62.

²⁹⁸ Focus group discussions, September 2024; 'Assessment of Private Sector Funding Opportunities for Civil Society Organizations in Armenia', Final Report, CIVITTA, 2023, <https://www.counterpart.org/publication/assessment-of-private-sector-funding-opportunities-for-civil-society-organizations-in-armenia/>.

²⁹⁹ RA Law on Volunteer Work, 14 June 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=180260>.

In practice, CSOs largely engage volunteers in their work, and there is a widespread acknowledgment of volunteering as a concept, especially among youth. Volunteering experience is often acknowledged by employers and universities. Based on legal provisions, volunteers have the right to receive a certificate evidencing their experience, which can be further used to assist them in obtaining a job or a university place. Certain CSOs that participated in focus-group discussions observe that the adoption of the Law has stimulated an inflow of new volunteers and enabled them to provide travel compensation without additional taxation. The availability of the contract encourages volunteers' commitment to comply with the terms and work hours. However, CSOs also mention a number of difficulties they have faced in the implementation of the new Law. First of all, the requirement to sign an agreement, regardless of the length of the volunteer's involvement, presents administrative difficulties. Apart from the need to sign a contract with each volunteer, which creates administrative overload for organisations managing hundreds of volunteers, the Law requires that a specific contract duration is stated, which is often impossible due to the inherent flexibility of working with volunteers. Further, the Law requires that the volunteer's social security card number be specified in the contract, which is not possible for volunteers from abroad. The volunteer's right to compensation for expenses creates misunderstanding among CSOs and potential volunteers, who sometimes expect to be remunerated for their work. There are also CSOs (particularly small grassroots organisations that do not have accounting or legal specialists) that experience difficulties in preparing the relevant documentation.³⁰⁰ Therefore, there is a need for additional guidance and adjusting legal regulations to current realities in order to ensure that the new Law enables rather than hinders volunteering activities.

Specific recommendations in this Area are as follows:

- That the government: enlarges the scope of funding to CSOs, including increasing the number of state authorities providing state funding and increasing the grant funding and service outsourcing amounts and practices; ensures transparent, competitive and accountable funding allocation at both the national and local levels, including through modernising the electronic platform for grants to ensure its smooth and effective use; adopts regulations mandating transparent and competitive allocations from local budgets; and improves the grant administration and monitoring skills of relevant civil servants;
- That the government (particularly the Ministry of Finance) and the National Assembly create a more favourable tax environment to improve CSOs' possibilities to seek funding and in-kind support from diverse sources, including from individual and business donations and direct entrepreneurship activities. In particular:

³⁰⁰ Interviews and focus group discussions, Additional information check with volunteer-based organisations, August-September 2024.

- Simplify the procedures for charity tax exemptions to allow timely and efficient transactions for charitable purposes;
- Provide more beneficial taxation schemes for CSOs engaged in economic activities to encourage their efforts towards self-sustainability;
- Consider best international practices to stimulate CSO activities through more favourable taxation measures;
- Provide meaningful tax deductions for individual and business donations³⁰¹ and dismiss the VAT taxation requirement for in-kind donations to CSOs; and
- That the government and the National Assembly address the existing issues in the legislation on volunteering in consultation with CSOs and provide accessible guidance/templates for volunteer-related paperwork.

3.10 State-CSO Cooperation

Overall score per area: **4.0 / 7**

Legislation: **4.3 / 7**

Practice: **3.6 / 7**

There is no specific policy or strategy on CSO development or state-CSO cooperation. Cooperation between the state and CSOs is covered by the legislation on participation in policymaking and government decisions on the set-up and activities of various consultative bodies and joint groups. Further, the importance of collaboration with and engagement of CSOs is reflected in various national plans and strategies.

The Public Council provided for by the Constitution as an advisory body to the government has not been active in recent years. The functionality and effectiveness of public councils and other consultative bodies established in public institutions varies. In 2024, some improvement was noted in the activity of public councils of the ministries; however, most of the ministries still have not convened council meetings, while challenges related to meaningful dialogue and genuine impact on decision-making remain. Joint working groups and councils, as well as the monitoring groups engaged in public oversight in closed establishments, allow more tangible engagement of CSOs in policy implementation and monitoring.

The overall score in the area of State-CSO Cooperation remained the same as in 2023. The recommendations from the previous CSO Meter report on addressing specific issues relating to the CSO enabling environment and to fully utilise the potential of consultative bodies and working group formats remain in place.

³⁰¹ For example, in Poland, Bulgaria, and Czechia, corporate donations are tax deducted to up to 10 per cent of the tax base, see: 'Tax Benefits Stimulating Philanthropy: Comparative Research', ECNL, May 2021, <https://ecnl.org/sites/default/files/2021-07/Final%20ECNL%20Tax%20benefits%20stimulating%20philanthropy%20July.pdf>.

Standard I. State policies facilitate cooperation with CSOs and promote their development.

State-CSO cooperation is not regulated by any policy or strategy in Armenia, and there are no state strategies on CSO development which assist more effective partnerships and joint efforts towards the growth of the CSO sector. The state-CSO cooperation framework is covered by several laws and strategies setting out participation opportunities for CSOs. The Roadmap for implementation of the Public Administration Reform Strategy in 2023-2025 and a results framework for the strategy, adopted in August 2023, contain provisions on the formation of an institutional mechanism for the monitoring and maintenance of participatory management procedures, advancing online and offline tools and mechanisms for participatory governance, and set indicators on improving public awareness on reforms and input in policy-making.³⁰²

Provisions on collaboration with CSOs are included in the Anticorruption Strategy, the Strategy for the Implementation of Gender Policy, the National Strategy for Human Rights Protection, as well as legislation regulating the establishment and activities of multi-stakeholder committees and joint working groups. These documents were developed with CSO participation, with various levels of implementation and monitoring. In 2024, the government has widely discussed with CSOs the draft Strategy and Action Plan for the Implementation of the RA Gender Policy for 2024-2028³⁰³ and the draft package of the Law on Youth Policy and relevant laws,³⁰⁴ which envisage activities to be implemented in cooperation with the civil society sector.

Standard II. The state has special mechanisms in place for supporting cooperation with CSOs.

The Constitution includes a provision on the establishment of a Public Council (Public Chamber) as an advisory body to the government.³⁰⁵ The functions of this body include representing the interests of different sections of society in policy-making and implementation, facilitating civil society participation in public administration processes, and identifying public opinion on issues of public interest, including laws and other normative legal acts, state programmes, strategies, concepts and their drafts.³⁰⁶ The Law on the Public Council regulates the key principles of the operation and membership of the Public Council. The candidacy for the chairman of the Public

³⁰² RA Government Decision on Amendments to the RA Government Decision No. 691-L of May 13, 2022, 11 August 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=181429>.

³⁰³ Draft of the RA Government Decision 'On Approving the Strategy and Action Plan for Implementation of the RA Gender Policy for 2024-2028', Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/6821/about>.

³⁰⁴ Drafts of the Law 'On Youth Policy' and related laws, Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/7351>.

³⁰⁵ Constitution of the Republic of Armenia, 5 July 1995, amended on 6 December 2015, Article 161.

³⁰⁶ RA Law on the Public Council, 7 March 2018, last amended 9 June 2022, Article 2 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=165007>.

Council is proposed by the Prime Minister and approved in the government session.³⁰⁷ In June 2021, the chairman of the Public Council resigned to take part in snap parliamentary elections.³⁰⁸ Subsequently, no new chairperson has been appointed and the Public Council has not implemented any activities.

Based on the OGP Action Plan 2022-2024, the government planned to create a special institutional unit in the Prime Minister's Office to promote participatory governance processes.³⁰⁹ However, this unit has not been established as of November 2024.

In order to ensure civil society participation in the implementation of the objectives and functions of the ministries, public councils adjunct to the ministers were set up in 2016.³¹⁰ Based on a government decision, a clause pertaining to public councils was restated in the new exemplary charter for public administration bodies in 2018.³¹¹ According to the standard rules of procedures, the councils have to be established in a transparent manner and meet at least on a quarterly basis. In practice, according to information published on the official websites of ministries, in 2024 (as of November), meetings of public councils had convened only in three out of twelve ministries, with two or three meetings in each.³¹² This is a slight improvement from 2023, although still far off the full implementation of the respective regulations. According to CSOs, even when the ministries do convene meetings and pay attention to their opinions, the impact of the CSO input is questionable, as there are no mechanisms for enforcing consideration of CSOs' recommendations.³¹³ A major challenge restricting the participation of regional CSOs in the public councils is the difficulty of travelling to Yerevan, as there is no possibility to join through online channels and no funding provided to cover travel expenses.

In contrast to public councils of the ministries, the governance councils of inspection bodies have more tangible decision-making functions and thus report better collaboration and impact.³¹⁴ Other area-specific councils and committees have been established in recent years by decision of the Prime Minister, or by ministries and other

³⁰⁷ Ibid., Article 5.

³⁰⁸ 'Styopa Safaryan submitted an application for resignation from the position of the chairman of the Public Council. He will participate in the elections', Armtimes.com, 25 May 2021 (in Armenian), <https://www.armtimes.com/hy/article/214665>.

³⁰⁹ RA Government Decision No. 1568-L 'On approving the Open Government Partnership Action Plan of the Republic of Armenia for 2022-2024', 6 October 2022, amended on 9 November 2023 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=185253>.

³¹⁰ RA Government Decision No. 337-N 'On Amendments and Additions to a Number of Decisions by the Government of the Republic of Armenia', 31 March 2016.

³¹¹ RA Government Decision No. 1552-L 'On Amendment to the Decision No. 624-L of the Government of the Republic of Armenia dated May 22, 2018', 27 December 2018 (in Armenian), <https://www.e-gov.am/gov-decrees/item/31320/>.

³¹² Source: Official websites of 12 ministries, listed on the website of the RA Government, <https://www.gov.am/en/structure/>.

³¹³ Interviews and focus-group discussions, August-September 2024; Analysis of the commitment 'Development of the State's Strategic Communication Architecture' undertaken by the Republic of Armenia within the Open Governance Partnership (OGP) Initiative, Public Assembly, Yerevan 2024 (unpublished).

³¹⁴ Ibid.

government agencies, including the Anticorruption Policy Council, the Council on Constitutional Reforms, the Council on Women’s Affairs, the Council on Ethnic Minority Affairs, and the Child Protection National Committee. The State Revenue Committee administers a public council engaging CSOs and business entities.³¹⁵ The Human Rights Defender of Armenia has also established several consultative bodies. In addition, consultative bodies are created under regional and local government bodies. The regularity and effectiveness of their operations depend on the body in question, as well as on the area covered. For example, joint commissions engaging local social service departments and CSOs note successful cooperation and productive meetings.³¹⁶ Most of the consultative bodies, however, do not have transparent principles on member selection and operation, and the relevant administration bodies most often do not publish any information about the meetings and decisions taken that would enable monitoring of their activities.

Multi-stakeholder working groups have been set up within international initiatives to ensure the commitment to participatory practices within the framework of the OGP³¹⁷ and the Extractive Industries Transparency Initiative.³¹⁸ A number of joint working groups are formed on an ad hoc basis around specific legal drafts or the development and implementation of strategies. For example, the Coordination Council of the Human Rights Protection Strategy for 2023-2025 convened several times in 2024 after a long pause.³¹⁹

Further, monitoring groups established by government bodies implement public oversight in closed establishments. These groups include the Penitentiary Monitoring Group exercising public control over penitentiary institutions and related bodies³²⁰ and a monitoring group overseeing the work of institutions providing treatment and care of people with mental health problems.³²¹ These groups face challenges in securing funds for regular activities. The monitoring group overseeing institutions providing care services for children, the elderly, and people with disabilities, established based on the order of the Minister of Labour and Social Affairs in 2018,³²² was dismissed in 2024 by the Ministry through declaring the abovementioned order invalid. This decision

³¹⁵ Public Council on Revenue Administration Reforms, State Revenue Committee (in Armenian), <https://www.src.am/am/getMenusContents/2018>.

³¹⁶ Focus-group discussions, September 2024.

³¹⁷ Group Members, Open Government Partnership Armenia, <https://ogp.gov.am/en/about-the-group>.

³¹⁸ MSG Composition, Extractive Industries Transparency Initiative (EITI) Armenia, <https://www.eiti.am/en/MSG-composition/>.

³¹⁹ Electronic platform on National Human Rights Strategy, Ministry of Justice of the Republic of Armenia (in Armenian), <http://www.e-rights.am/?app=AppSiteDocument&companyDocumentCategoryID=9>.

³²⁰ RA Law on Detention of Arrested and Detained Persons, 6 February 2002, last amended 1 March 2023, Article 47 (in Armenian), <https://www.arlis.am/documentView.aspx?docid=175842>; Order of RA Minister of Justice No. 126-N, 20 March 2020 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=140628>.

³²¹ RA Minister of Health Order No. 3757-A, 28 December 2017 (in Armenian), <https://www.moh.am/images/legal-106.pdf>.

³²² RA Minister of Labour and Social Affairs Order No. 112-A/1, 16 October 2018 (in Armenian), <https://old.mlsa.am/wp-content/uploads/2017/05/112-A-1-hraman.pdf>.

was justified by the absence of a respective legislative regulation.³²³ The amended Law on Social Assistance, adopted by the National Assembly in October 2024, addresses this legislative gap through incorporating a provision on public oversight by CSOs of institutions providing care.³²⁴ However, CSOs that were engaged in the monitoring group consider that the reason for dismissing the group was the group's critical reports in 2023 on grave human rights violations in a children's support centre.³²⁵

Specific recommendations in this Area are as follows:

- That the government implements measures aimed at improving the enabling environment for civil society through joint work with CSOs and international organisations; and
- That state bodies fully and effectively utilise the potential of consultative bodies and working groups, organising regular meetings as required by law, with the possibility for distance participation, improving their transparency, allowing a larger scope of powers in decision-making processes and providing effective feedback mechanisms.

3.11 Digital Rights

Overall score per area: **4.5/7**

Legislation: **4.9/7**

Practice: **4.0/7**

The protection of digital rights is provided by regulations covering freedom of expression, right to privacy, freedom of information, and other relevant legislation. In 2024, the National Assembly adopted amendments to the Criminal Code and the Criminal Procedure Code to clarify the scope of cybercrimes. Further, the government presented and discussed with stakeholders a draft law on cybersecurity aimed at improving prevention of and protection against cyber incidents.

In current legislation, the use of technology for surveillance purposes is regulated in detail and restricted for a narrow set of purposes. However, the government has proposed a draft package that includes amendments to the Law on Police, Law on Electronic Communications and other relevant drafts, which enlarges the scope of camera surveillance by police and contains risks in terms of disproportionality and vague surveillance purposes. Ultimately, the government recalled the draft, planning further discussions and step-by-step solutions to the issue. In practice,

³²³ 'Joint statement on the termination of the activity of the observation group in care institutions', Disability Rights Agenda, 31 May 2024 (in Armenian), <https://dra.am/hy/articles/announcement/joint-announcement-on-the-termination-of-the-monitoring-group-in-care-institutions>.

³²⁴ RA Law on Social Assistance, 24 October 2024 (in Armenian), <https://www.arlis.am/DocumentView.aspx?docid=199657>.

³²⁵ 'Joint statement on the termination of the activity of the observation group in care institutions', Disability Rights Agenda, 31 May 2024 (in Armenian), *op. cit.*

CSOs report several incidents of the use of spyware both by government and out-of-country actors, in which civil society representatives and journalists have been targeted by spyware such as Predator and Pegasus.

Social media companies freely operate in Armenia. A number of digital platforms are established to facilitate access to government-held information, provide participation opportunities, and allow the possibility of submitting electronic enquiries and complaints.

The government has continued its implementation of the Digitalisation Strategy and Action Plan for 2021-2025, taking steps towards increased media literacy, internet accessibility, and digitalisation. Many CSOs are engaged in media education and fact-checking activities. Due to the lack of incidents of blocking websites or social media platforms, affordable internet connection, and implementation of the Concept and Action Plan of the Struggle against Disinformation 2024-2026, Armenia has improved its score in the Freedom on the Net report for 2024.

The overall score for the area of Digital Rights has not changed from 2023. The recommendation to tackle cybersecurity issues and provide protection against unlawful spyware might be addressed once the legislation on cybersecurity is adopted and put into practice; however, it remains relevant at present. The recommendation on the lawful usage of surveillance technologies remains in place, while the legislative initiative on surveillance cameras needs to be revised to exclude the risks of disproportional treatment and human rights violations.

Standard I. Digital rights are protected, and digital technologies are compliant with human rights standards.

Armenia's legislation lacks a concept of digital rights, but assumes a number of related obligations based on international conventions and relevant human rights-related laws. Armenia has ratified the Convention on Cybercrime, which sets out certain responsibilities of the state related to the protection of rights in the cyberspace.³²⁶ The protection mechanisms in the national legislation are covered in the constitutional provisions, laws and regulations on, among others, freedom of expression, freedom of information, right to privacy, personal data protection, and cybercrime. The Constitution envisages principles of proportionality and certainty applicable to all restrictions on fundamental rights and freedoms and allows the restriction of specific rights and freedoms under a state of emergency or martial law.³²⁷

There is no specific regulation on artificial intelligence (AI). The Criminal Code establishes liability for cyber offences in accordance with the principles declared in the Convention on Cybercrime.³²⁸ As mentioned in Area 6 (Freedom of Expression) above, public speech aimed at inciting or promoting hatred, discrimination, intolerance or enmity, as well as distributing materials or objects for that purpose, public calls to and public justification or preaching violence, including in online platforms, are also

³²⁶ The Budapest Convention (ETS No. 185) and its Protocols, Council of Europe, <https://www.coe.int/en/web/cybercrime/the-budapest-convention>.

³²⁷ RA Constitution, amended on 6 December 2015, Articles 76-79.

³²⁸ RA Criminal Code, 5 May 2021, Chapter 38, Articles 359-365.

subject to criminal liability. In October 2024, the National Assembly adopted amendments to the Criminal Code and the Criminal Procedure Code, which aim to tackle the increase of cybercrime. In particular, the amendments include the list of cybercrimes updated in accordance with emerging issues (e.g. violation of copyright and related rights, child pornography, and hate speech with use of ICT; computer network penetration and changing data; data phishing or theft, computer fraud, and others) which will enable their clear identification at inter-state and inner-state level.³²⁹

Following the OGP commitment on data policy development, the government developed a draft Law on Cybersecurity and amendments in respective legislation, aiming to ensure cybersecurity in information systems and key information infrastructures providing vital services. The draft defines the procedure for detection, notification, prevention and resolution of cyber incidents in information systems and key information infrastructures providing vital services, identifies the state administration bodies responsible for cybersecurity and the scope of their powers, including implementing control over compliance with the Law and cybersecurity audits.³³⁰ According to the Area Expert, the introduction of this Law is important for the country to cover the gaps in the area of cybersecurity; however, there is a need for a more specific definition of 'key information infrastructures' that would ensure limited interference with freedom of expression (for example, for media organisations), as well as more balanced powers of the authorised body, which is provided with 'super powers' in the current draft.³³¹ The draft has not been approved as of November 2024.

The Law on Personal Data Protection provides relevant regulations on the use and processing of personal data. The right to freedom and secrecy of correspondence, telephone conversations and other means of communication is guaranteed by the Constitution. Restrictions on this right can be provided only by law, for the purposes of state security, the economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals, or the basic rights and freedoms of others. The secrecy of communication may be restricted only by court decision, except where it is necessary for the protection of state security and is conditioned by the particular status of communicators prescribed by law.³³²

According to the Law on Operational Intelligence, surveillance of electronic communications can be carried out only by a court decision, except for urgent cases when a delay may lead to actions of terrorism or threaten state security. In these cases,

³²⁹ RA Law on Amendments to the RA Criminal Code, 24 October 2024, <https://www.arlis.am/documentview.aspx?docid=199586>.

³³⁰ RA Law 'On Cyber Security', On Amendments to the Law 'On Personal Data Protection, On Amendments to the Law 'On Electronic Document and Electronic Digital Signature', On Amendments and Additions to the Law 'On National Security Bodies', On Amendments to the Code on Administrative Offences of the Republic of Armenia, Unified Website for Publication of Draft Legal Acts (in Armenian), <https://www.e-draft.am/projects/6970/about>.

³³¹ Interview, September 2024.

³³² RA Constitution, amended on 6 December 2015, Article 33.

the NSS can carry out surveillance within the forty-eight-hour period prior to a court decision being secured.³³³ The Criminal Procedure Code also states that interference with a person's correspondence, telephone conversations and other forms of communication during proceedings can be carried out solely via a court decision.³³⁴ However, if there is evidence suggesting that a person has committed an alleged crime, investigators can request the details of this person's electronic communication with the approval of the supervising prosecutor.³³⁵ At the same time, there is a lack of clear and detailed procedures for the storage and destruction of materials obtained as a result of surveillance, and no mechanisms are established for independent and effective external control (including public oversight) of the operation of the surveillance system.³³⁶

The use of digital technologies by law enforcement bodies is covered by the regulations on using technical means for operational intelligence, which contain safeguards against the violation of the right to privacy. Further, a government decision authorises the development of technical tools, both software and hardware, specifically designed to capture information in computer systems and computer networks, and to intercept all forms of electronic communication, including text, voice, and multimedia content.³³⁷ The Law on Electronic Communications obliges all telecommunications operators to provide law enforcement and national security representatives with access to communication equipment and similar devices in accordance with the legal provisions and procedure to support them in the implementation of operational intelligence.³³⁸ However, the Law does not impose any obligation on the bodies implementing the operational intelligence activities to present the authorising court decision to telecommunications operators in advance (or post-factum in urgent cases), which allows for a high risk of abuse of powers and unauthorised interference with the communications of individuals.³³⁹

In 2024, the government approved and the National Assembly passed on its first reading the draft package of legal amendments mandating shops, cafes, restaurants and other businesses to install high-quality video surveillance systems at the entrance

³³³ RA Law on Operational Intelligence, 22 October 2007, Articles 32 and 34.

³³⁴ RA Criminal Procedure Code, 30 June 2021, last amended 11 July 2024, Article 26, <https://www.arlis.am/DocumentView.aspx?docid=195774>.

³³⁵ *Ibid.*, Article 232.

³³⁶ Analysis of the judgements of the European Court of Human Rights finding violation of the Article 8 of ECHR, Law Development and Protection Foundation, *op. cit.*

³³⁷ RA Government Decision No. 810-N 'On setting list of special technical means for conducting operational intelligence', 31 July 2008 (in Armenian), <https://www.arlis.am/documentview.aspx?docID=45845>.

³³⁸ RA Law on Electronic Communications, 8 July 2005, last amended 7 December 2022, Article 50 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=172158>.

³³⁹ Analysis of the judgements of the European Court of Human Rights finding violation of the Article 8 of ECHR, Law Development and Protection Foundation, *op. cit.*

and on all sides of their premises, with 24/7 livestream access provided to police.³⁴⁰ This draft was criticised by local and international CSOs for disproportionality and interfering with human rights, citing the vague definition of data collection purposes, the lack of guarantees for the proper and safe processing of data, possible risks in using AI tools without regulations covering such systems, and other issues that highlight the lack of a human rights-based approach to the deployment of technologies.³⁴¹ Based on these concerns, the Ministry of Internal Affairs recalled the draft, planning a step-by-step approach and declaring openness to further discussions of the issue with stakeholders.³⁴²

In practice, several CSOs and some experts noted that they do not exclude the possibility of unlawful surveillance by law enforcement and the NSS.³⁴³ In recent years, several instances of the use of spyware both by government and out-of-country actors have been reported, and several civil society representatives and journalists have been targeted by two kinds of advanced spyware: Predator and Pegasus.³⁴⁴ A number of incidents of website hacking or distributed denial-of-service (DDoS) attacks by Russian hackers were also reported, including against government websites.³⁴⁵

According to the Freedom on the Net 2024 report by Freedom House, Armenia improved its score from 72 in 2023 to 74 in 2024 and is assessed as 'free' in terms of internet freedom. The report cites, among other positive developments, the lack of incidents of websites or social media platforms being blocked, affordable internet connection, and implementation of the Concept and Action Plan of the Struggle against Disinformation 2024-2026. The report also refers to several problematic issues in the online environment, including the large spread of disinformation both by pro-government and third actors, incidents of arrests or detentions for individuals' online activity, such as the detention of Antfake.am reporters on the grounds of hooliganism (see Area 6: Freedom of Expression), electronic surveillance by state authorities based

³⁴⁰ RA Law on Amendments to the Law 'On Police', First Reading (in Armenian), <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=74577>; RA Law on Amendments to the Law 'On Electronic Communication', First Reading (in Armenian), <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=74642>.

³⁴¹ 'Position regarding the draft laws on making additions to the Law 'On Police' and related laws: CyberHUB, dpHUB', CyberHUB, 22 August 2024 (in Armenian), <https://cyberhub.am/hy/blog/2024/08/22/position-on-police-surveillance-law/>; 'Armenia: Surveillance Bill Threatens Rights', Human Rights Watch, 31 October 2024, <https://www.hrw.org/news/2024/10/31/armenia-surveillance-bill-threatens-rights>.

³⁴² Announcement, RA Ministry of Internal Affairs, 11 November 2024 (in Armenian), <https://mia.gov.am/2024/11/11/huyunupwnpjni-41/>.

³⁴³ Interviews, August-September 2024.

³⁴⁴ Armenia Digital Threat Landscape: Civil Society & Media, Internews, CyberHUB, October 2023, <https://mdi.am/wp-content/uploads/2023/12/Armenia-Digital-Threat-Landscape-Report.pdf>.

³⁴⁵ 'Russian Hacking Group Targets Armenia as Relations Sour Between Former Allies', CyberHUB, 20 June 2024, <https://cyberhub.am/en/blog/2024/06/20/russian-hacking-group-targets-armenia-as-relations-sour-between-former-allies/>; 'Russian Hacking Group Cyber Volk Threatens Armenian Government', CyberHUB, 22 September 2024, <https://cyberhub.am/en/blog/2024/09/22/russian-hacking-group-cyber-volk-threatens-armenian-government/>.

on the lawful interception powers of the NSS and the possibility of surveillance without a court order for up to 48 hours when national security is imminently threatened.³⁴⁶

Social media companies freely operate in Armenia. There are no specific national regulations allowing citizens to seek the government's protection in case their rights are violated on social media.

Standard II. The state creates conditions for the enjoyment of digital rights.

As previously mentioned, the legal framework for the enjoyment of digital rights is covered by various relevant laws. Armenia's Digitalisation Strategy and Action Plan for 2021-2025 envisages a number of measures for the digital transformation of the government, the economy, and society, including: the introduction and development of innovative technologies, cybersecurity, data policy and e-services and e-government systems; the coordination of digitalisation processes; the creation of common standards and a digital environment, initiatives promoting the use of digital technologies in the private sector and by the public; and providing better protection of personal data and intellectual property.³⁴⁷ In 2024, the Ministry of High-Tech Industry published a report on the implementation of the Strategy, providing information on the activities implemented in 2023.³⁴⁸ These activities included the development of legislation on cybersecurity and public data, consulted on with CSOs.

The internet is widely accessible and affordable in Armenia, particularly for mobile users, as the vast majority (99.5 per cent) of settlements have mobile internet access, while broadband (fixed) internet is provided in 72.4 per cent of settlements (as of the end of 2023), up from 69.7 per cent reported in the previous year.³⁴⁹

There are a number of digital platforms in Armenia facilitating access to government-held information, providing participation opportunities, and allowing the possibility of submitting electronic complaints. These platforms include e-register.am, providing information on registration and registered entities, as well as the ability to register online (for business entities only); e-gov.am, providing information on government decisions, reports, registers, etc.; arlis.am, a database of all legal acts; and e-petition.am, for submitting and joining public petitions. A new national identification platform 'YES EM' has been launched in 2024, providing online access to state services after

³⁴⁶ Freedom on the Net 2024: Armenia, Freedom House, <https://freedomhouse.org/country/armenia/freedom-net/2024>.

³⁴⁷ RA Government Decision No. 183-L 'On approval of Armenia's digitalisation strategy, its activities programme and results indicators', 11 February 2021 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=149957>.

³⁴⁸ 'Digitalisation strategy progress report', 1 April 2024, RA Ministry of High-Tech Industry (in Armenian), <https://hightech.gov.am/hy/tegekatvakan-kentron/financial/reports/report411758>.

³⁴⁹ 'Analytical statement on the activities to provide fixed connection penetration in the settlements of the Republic of Armenia', Public Services Regulatory Commission of the Republic of Armenia, 2024 (in Armenian), <https://www.psrc.am/uploads/files/Էլեկտրոնային%20հաղորդակցություն/Ցանցերի%20հասանելիություն/Ardir.pdf>.

completing an identification process.³⁵⁰ The main concern related to the use of these platforms is related to the lack of public awareness on some of them. Further, in case of some platforms (e.g. e-petition) there is the requirement to have an ID card and electronic signature to use them, while only a minority of the population can fulfil these requirements. Experts cite the need to establish a comprehensive e-government system, in place of the existing array of diverse, scattered platforms.³⁵¹

Armenian legislation does not regulate the principle of net neutrality, although the national authority, the Public Services Regulatory Commission, has made several announcements about technological neutrality being an important principle of regulation.³⁵² According to the Resolution of the Commission, telecom operators and service providers must publish and inform their subscribers if they do not support certain protocols or prioritise specific traffic. The Resolution also enshrines that the tariffs for services and conditions should be fully accessible to the public, excluding any discriminatory or discretionary approach to their provision.³⁵³

Armenian legislation allows for the protection of violated rights either in an offline or online environment through the filing of a lawsuit, complaint or application to the court, law enforcement body, the supervising body of the respondent, or specialised institutions such as, for instance, the PDPA or the Office of the Human Rights Defender. According to the Law on the Protection of Personal Data, if anyone considers that their personal data has been processed in violation of the legal requirements or of their rights and freedoms, they can appeal to the PDPA or to the court and request compensation for damages.³⁵⁴

A number of fact-checking initiatives have been implemented by CSOs to minimise the spread of false news and to raise public awareness on the practices of identifying disinformation.³⁵⁵ A positive development in 2024 was that CivilNet, an Armenian news organisation, has joined Meta's third-party fact-checking programme and currently implements the fact-checking of Armenian-language content on Facebook and Instagram.³⁵⁶ CivilNet has been publishing fact-checking news on a daily basis since 2021 and the partnership with Meta has provided the possibility for it to identify

³⁵⁰ 'Armenia launches state job and ID platforms 'e-work.am' and 'YES em'', EU4Digital, 8 May 2024, <https://eufordigital.eu/armenia-launches-state-job-and-id-platforms-e-work-am-and-yes-em/>.

³⁵¹ Interviews, August-September 2024.

³⁵² 'Understanding digital rights and their importance in the information society', David Sandukhchyan, Media Diversity Institute Armenia, Yerevan 2021, https://mdi.am/wp-content/uploads/2020/10/research_on_digital_rights_in_Armenia.pdf.

³⁵³ Resolution of Public Services Regulatory Commission 471-N 'On approval of the procedure of publication of tariffs and terms for data transmission and internet access services', 3 September 2008, last amended 25 July 2012 (in Armenian), <https://www.arlis.am/DocumentView.aspx?DocID=77489>.

³⁵⁴ RA Law on the Protection of Personal Data, 18 May 2015, Article 17.

³⁵⁵ See, for example, Fact Investigation Platform (FIP), Union of Informed Citizens, <https://fip.am/en/>; Fact Radar, Public Journalism Club, <https://pjc.am/landing/?lang=en>; Verified, media.am, <https://media.am/hy/category/verified/>; InFact Facebook group by Investigative Journalists NGO, <https://www.facebook.com/groups/pastatsi/>.

³⁵⁶ 'CivilNet Joins Meta's Third-Party Fact-Checking Program in Armenia', 2 July 2024, CivilNet, <https://www.civilnet.am/en/news/784132/meta-announces-third-party-fact-checking-program-in-armenia/>.

about 15-20 posts per month that are labelled as disinformation and/or fake news on Meta platforms.³⁵⁷ CSOs also continue digital rights education and media literacy initiatives to address the current gaps in digital awareness and media literacy, which is especially important in the context of widespread disinformation. The Ministry of Education, Science, Culture and Sports actively collaborates with CSOs to promote media literacy and facilitate the introduction of a new school subject ‘Digital Literacy and Computer Science’ in schools.³⁵⁸ However, there is still scope for more organised coordination of activities in this area on the part of the government.³⁵⁹

Specific recommendations in this Area are as follows:

- That the government provides the necessary measures to improve cybersecurity and protect against unlawful spyware;
- That the government and National Assembly ensure the new legal regulations are in line with a narrow and proportional scope for surveillance; and
- That law enforcement ensures the lawful usage of surveillance technologies, in line with the requirements set by the Law on Personal Data Protection and the Law on Police and conducts transparent and effective investigations into cases of illegal surveillance.

³⁵⁷ Information check with CivilNet, October 2024; CivilNetCheck, CivilNet, <https://www.civilnet.am/civilnetcheck/>.

³⁵⁸ Interview, September 2024; Media Program in Armenia, Media Initiatives Center, <https://mediainitiatives.am/en/projects/media-program-in-armenia/>.

³⁵⁹ ‘Media Literacy in Armenian Schools’, Media Initiatives Center, March 2024 (in Armenian), <https://mediainitiatives.am/studies/>.

IV. KEY PRIORITIES

Overall, there has been no significant change in the CSO environment in Armenia in 2024 compared to 2023, and the overall country score remains at 4.8. However, specific changes have been reported in some areas, and these have particularly affected the scores in the areas of Freedom of Assembly (deteriorated from 5.3 in 2023 to 5.2 in 2024) and Freedom of Expression (improved from 4.7 in 2023 to 4.8 in 2024).

The main positive achievements that supported the civil society environment reported in 2024 are related to the efforts of advancement of legislation in regard to tackling disinformation, providing anti-discrimination measures, establishing an open data policy, planning cybersecurity measures, and the improvement of participation opportunities in the early stages of lawmaking. However, most of these initiatives are still at the draft stage, with their adoption expected by the end of 2024 or in 2025. The new Law on Police Guards (and related amendments) provides potential ground for tackling the practical issues related to freedom of assembly. The lack of enabling taxation legislation, insufficient provisions for mandatory public consultations by the National Assembly, and the absence of any government strategy or concept on the CSO sector remain the main problems in the law dimension of the CSO Meter.

In practice, the civil society environment has been improved mainly through enhanced collaboration and the participatory approach taken in some policy areas and by specific local governments, as well as the initiation or continuation of state-CSO dialogue on issues related to, among other issues, participation, tax incentives, media reforms, and the representation of public interests in the courts. Among the major problems that still persist and require further measures to be addressed are the violent and unlawful treatment of peaceful protestors by police during assemblies, flaws in the practical implementation of participation mechanisms and ensuring access to information, the lack of oversight and accountability mechanisms for surveillance activities, as well as selective and insufficient state protection for CSOs.

Some progress has been identified in regard to the CSO Meter 2023 recommendations in the areas of Freedom of Expression and Digital Rights. In the area of Freedom of Expression, unlike in the previous year, the government showed its commitment to participatory practices in media reforms, while the adoption and implementation of the National Concept of the Struggle Against Disinformation includes steps by the government and CSOs towards media literacy and tackling disinformation. In the area of Digital Rights, the legislative initiative on providing measures to ensure cybersecurity addresses a recommendation of the CSO Meter 2023 calling for improvements in cybersecurity and protections against unlawful spyware. The adoption of the legislative package and its implementation have yet to be seen, however.

In light of this, the following seven recommendations out of total number of 36 recommendations in 11 areas are identified as key priorities:

1. That the Ministry of Finance provides the definition of 'grant' in accordance with best international practices and in consultation with CSOs, and does not treat grant projects or other non-profit activities as economic activities;
2. That law enforcement bodies carry out proper examination and transparent investigations and apply the relevant sanctions in cases where police officers have abused their power in the policing of assemblies, while at the same time the political leadership does not provide any assessment of police actions before the results of official investigations are known;
3. That the National Assembly establishes mechanisms for mandatory public consultation on draft legislation produced by National Assembly members and for CSO engagement in both the early stages of legal drafts and during the final revision of the drafts received by the government (including through engagement at the level of Standing Committees);
4. That the National Assembly makes the necessary legislative changes to expand the possibilities for CSOs to represent public interests in the courts on cases within the scope of their goals and ensures that they can use this right in practice through alleviating any excessive requirements and related bureaucratic procedures;
5. That the government ensures that the legislative framework on surveillance activities is developed in accordance with international law and in consultation with CSOs, while its provisions are followed in practice, with transparent and accountable measures in case of non-compliance;
6. That the state provides adequate protections for CSOs, including through: adopting anti-discrimination laws and establishing an anti-discrimination body, taking legislative and practical measures against SLAPPs in line with the Council of Europe's recommendations adopted in April 2024; issuing public statements in support of CSOs that are targeted by third parties, and ensuring proper investigation of attacks against CSOs and activists within a reasonable timeframe; and
7. That the government (particularly the Ministry of Finance) and the National Assembly create a more favourable tax environment to improve CSOs'

possibilities to seek funding and in-kind support from diverse sources, including individual and business donations and direct entrepreneurship activities.

V. METHODOLOGY

The CSO Meter supports regular and consistent qualitative and quantitative monitoring of the environment in which CSOs operate in the Eastern Partnership (EaP) countries. It consists of a set of standards and indicators in 11 different areas to measure both law and practice. It is based on international standards and best practices. The CSO Meter was developed by a core group of experts from ECNL and local partners from the six EaP countries.

The country partners, together with other CSOs part of the CSO Meter Hub, conducted the monitoring process and drafted the narrative country reports. They also established Advisory Boards in each country, composed of expert representatives of key local stakeholders. The members of the boards have two main tasks: to review the narrative reports and to assign scores for every standard based on the narrative reports.

This country report covers the period of January – November 2024.

Monitoring process

The monitoring process in Armenia has been conducted through qualitative methods, including desk research, interviews and focus group discussions. The desk research covered relevant legislation, available reports in the area, media and CSO publications, and state responses to enquires. CSO Meter Hub members were consulted through the report writing process. Fourteen interviews with experts, government, and CSO representatives and additional data checks with 12 CSOs and state representatives have been carried out.

Two in-person and two online focus group discussions were conducted with the participation of thirty Yerevan-based and regionally-based CSO representatives engaged in social, educational, youth, environmental, human rights, capacity-building, community development activities and other areas of activity. The opinions presented by the experts and CSOs who participated in the research are not fully representative and cannot cover all of the challenges and achievements of the relevant CSO environment. However, the issues presented by the monitoring participants reflect the major developments in the CSO environment in Armenia, complemented by the findings from various reports and analyses.

The draft country narrative report was reviewed by the Advisory Board members in Armenia via online communication and at the in-person meeting held in October 2024.

Based on the recommendations of the Advisory Board members, the findings and recommendations were further revised and finalised.

Scoring process

The country researchers and 10 Advisory Board members in Armenia assessed the **Standards in the eleven areas of the CSO Meter tool in Legislation and Practice which noted significant changes as compared to the previous year's report**. For the scoring procedure, a 7-point scale is used. The final score of each standard was then calculated according to a formula in which the researchers score participates with 50 per cent, and the Advisory Board members' average score with 50 per cent. The score of each area is then calculated as the average value of the final scores of each standard and calculated and rounded with one decimal for presentation purposes.

The extreme values of the scale are conceived as the extreme/ideal situation or environment. For example, (1) is an extremely unfavourable (authoritarian) environment for civil society, while (7) is an extremely favourable (ideal democratic) environment for CSOs. For more information on the CSO Meter tool, the scoring process and its calculation please visit: <https://csometer.info/>.

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