

Armenia

by Aleksander Iskandaryan

Capital: Yerevan
Population: 3.0 million
GNI/capita: US\$5,870

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	5.25	5.50	5.50	5.50	5.75	5.75	5.75	5.75	5.50	5.75
Civil Society	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.75
Independent Media	4.75	4.75	4.75	5.00	5.25	5.50	5.50	5.75	5.75	6.00
Governance*	4.50	4.50	4.50	4.75	4.75	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.00	5.00	5.25	5.25	5.75
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.50	5.50	5.50	5.50	5.50
Judicial Framework and Independence	5.00	5.00	5.00	5.00	5.00	5.25	5.00	5.00	5.25	5.50
Corruption	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.50
Democracy Score	4.79	4.83	4.83	4.92	5.00	5.18	5.14	5.21	5.21	5.39

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

The initial years following Armenia's 1991 declaration of independence were marred by the territorial conflict over Nagorno-Karabakh which turned to war, leading to a blockade, energy crisis and overall collapse of Armenia's economy. By the 1994 ceasefire, over a fourth of Armenia's population had emigrated due to poverty, and the authorities were losing popularity. The reputation of the government was further weakened by tarnished elections, the 1998 forced resignation of president Levon Ter-Petrossian, and the 1999 shootings in parliament in which the Prime Minister and seven other officials were killed. At the same time, radical market reforms enabled rapid economic growth, which reached over 13 percent annually in 2003–2008. Yet, despite a growing job market in agriculture, food industry, construction, services and tourism, social expectations, especially among the urbanized educated populace, remain unmet and feed into a growing pessimism concerning politics and economics. Furthermore, while the opposition has challenged the results of every national election since 1995, they are passive between elections, poorly consolidated, and heavily reliant on personalities rather than issue-based programs.

Presidential elections held on February 19, 2008 unfurled into a major political crisis leaving the country in a state of shock and polarization. On March 1, ten people were killed and up to 200 injured when authorities used excessive force to disperse an opposition mobilized protest rally in the capital. Outgoing President Robert Kocharian declared a 20-day state of emergency. Over 100 people were arrested, and many were either convicted or were still awaiting trial by the end of 2008. By autumn, society lapsed back into apathy and the opposition became marginalized. The crisis exposed the immaturity of Armenia's democratic institutions and lack of alternatives to political elites. The authorities attempted to boost their social standing following the crisis by introducing new measures to combat corruption and increase transparency.

National Democratic Governance. Democratized under constitutional amendments in 2005, Armenia's legislation provides for pluralism and rule of law, but executive authorities continue to dominate in governance. Successes in 2008 included rapid economic growth and good progress with integration into the European Union's European Neighborhood. However, the low social standing of the government and the opposition's determination to reverse the election outcomes led to a political crisis in March 2008, followed by a 20-day emergency rule. Despite the government's efforts to consolidate society, social pessimism remains a concern. *Reflecting the fact that the government used force to handle mass protests, and*

the resulting damage to the reputation of Armenia's governance system, the rating for national democratic governance is downgraded from 5.25 to 5.75.

Electoral Process. Armenia has a progressive legislative framework for the conduct of elections. The 2008 presidential election was competitive; according to international observers, the election was mostly in line with international standards in the pre-election period and during voting hours. However, serious challenges emerged after election day. The opposition refused to recognize the official results and sustained mass protests which were dispersed by the police, leading to ten deaths and hundreds of wounded individuals. *On account of the violent post-electoral developments, and low public trust in elections, Armenia's rating for electoral process worsens from 5.50 to 5.75.*

Civil Society. The legal and political environment for NGO activity is generally favorable, civil society organizations are active and play an important role in forming public opinion. NGOs were actively involved in monitoring the 2008 election and post-electoral developments. However, NGOs remain concentrated in the capital and major cities, and largely dependent on foreign funding for their sustainability. Their social base remains narrow, and grassroots ties are weak. Furthermore, the authorities continue to perceive NGOs as hostile actors or political competitors, and have worked to oppose and undermine their efforts. *Armenia's rating for civil society worsens from 3.50 to 3.75.*

Independent Media. Broadcast media coverage of the 2008 presidential election showed technical improvements and was balanced in terms of airtime distribution, but the tone remained biased in favor of the prime minister. Print and online media were plural but failed to reach a significant sector of the society. *Given the de facto censorship imposed during the emergency rule, and the overall failure of most broadcast media to ensure fair coverage of the 2008 presidential election, the rating for independent media is downgraded from 5.75 to 6.00.*

Local Democratic Governance. Armenia's local self-government is clearly defined by the legislation, instituting representative and executive bodies in each of Armenia's 930 communities. However, their authority is limited and administrative control remains strong, despite steps taken in 2008 to harmonize self-government practices with the 2005 constitutional amendments. Local elections in 2008 were highly competitive in many communities, but were marred by insufficient transparency and some unrest. *The rating for local democratic governance remains unchanged at 5.50.*

Judicial Framework and Independence. In 2008, important reforms implemented in the judicial framework were expected to ensure the transparency, professionalism and independence of the judiciary. However, arrests, investigations,

and trials in connection with the March 1 violence were marred by serious irregularities, including convictions based solely on police testimony, credible allegations of torture and politically motivated charges. Restrictive amendments made to the law on conducting meetings, assemblies, rallies and demonstrations, were later revoked under international pressure. *The rating for judicial framework and independence worsens from 5.25 to 5.50.*

Corruption. Corruption remains the major obstacle to Armenia's democratic development, and perception of corruption in Armenia worsened slightly in 2008. Based on a new anti-corruption strategy for 2008–2012, the government launched a campaign against corruption combining legislative measures and reform of public services, with an emphasis on tax and customs bodies. Yet, only mid-level officials were prosecuted on corruption charges in 2008. *As the results of the anti-corruption campaign remain to be seen, and the consistency of government measures is not obvious, Armenia's corruption rating improves only slightly from 5.75 to 5.50.*

Outlook for 2009. The main challenge for Armenia in 2009 will be the emergence of a viable opposition providing a channel for political protests and overcoming the great divide within society. The government will likely focus on sustaining economic growth and attracting investment while the global economic crisis poses the threat of reducing the investments and transfers that play such an important role in the Armenian economy. Anti-corruption efforts may succeed in some areas, but most likely, not in a consistent way. US-Russian competition in the region will enable Armenia to continue balancing among external stakeholders and achieving gradual rapprochement with Europe, but without an emphasis on resolving the conflict over Nagorno-Karabakh.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.00	5.00	5.25	5.25	5.75

The 1995 Constitution, amended in 2005, envisages democratic development and rule of law in Armenia. However, existing legislation, including the 2003 Law on Freedom of Information, has not been utilized to hold institutions of governance accountable. Instead, governance is based on consensus among the elite groups controlling political and economic resources. Public confidence in the Parliament and government—especially the president—is low. Coupled with general apathy, this has led to low public participation in decision-making. The right to create political parties is enshrined in the legislation and implemented in practice but parties remain weak and uncharismatic.

The Constitution prescribes the independence of the legislature. Parliamentary debates are open and reported on by the media. Draft and approved legislation are available to the public, and the Web site of the Parliament is functional. The Parliament seated in 2008 was elected in 2007, when the opposition party, *Heritage*, gained 7 out of 131 seats prior to the formation of the opposition political force led by former president Levon Ter-Petrossian. Adoption of laws requires consensus among various members of Parliament (MPs) who may or may not belong to the same party. Parliamentary representation, however, follows business interests rather than political party groupings; most MPs vote and lobby in favor of the large businesses they lead or represent, not according to party affiliation. In autumn 2008, Hovik Abrahamian, a major business operator recently elected to parliament, replaced long-time politician, Tigran Torossian, as the speaker of Parliament. Both were ruling party members, and it was their party leadership that lobbied for the change.

After the excessive use of force in dispersing mass demonstrations, leading to 10 deaths and a 20-day emergency rule following the 2008 spring election, authorities made efforts to boost their public standing and address acute issues. The newly appointed Prime Minister Tigran Sargsyan (no relation to the president) is a technocrat without political affiliation. His public addresses focus on anti-corruption measures and improving efficiency of public services, but while legislation is being brought in line with the Constitution and Armenia's international obligations, the efficiency of practical measures to combat corruption remain to be seen.

Veterans of the war over the area of Nagorno-Karabakh have an important though decreasing presence in Armenian politics and economics. In 2008, the Yerkrpah Union (association of war veterans) split in connection with the

presidential election, with the majority siding with presidential candidate Levon Ter-Petrosian. Three leading Yerkrpah figures, including two MPs and one former Deputy Prosecutor General, were jailed in connection with the March 1 unrest, and the Head of Yerkrpah, Manvel Grigorian was dismissed from his post of Deputy Defense Minister on April 1, 2008. The Yerkrpah Union all but dissolved in mid-2008.

As the conflict over Nagorno-Karabakh remains unresolved, Armenia maintains an army out of proportion to its size (over 40,000 for a population of 3 million) causing economic disparities: in January–August 2008, military expenses accounted for 16.4 percent of Armenia’s budget spending, as compared to 5.7 percent spent on healthcare.¹ The Constitution, backed by several laws, prescribes civilian control over the military via the Parliament and civil society groups. In 2008, the Human Rights Defender (Ombudsman) and several NGOs, including the Soldiers’ Mothers and the Helsinki Association of Armenia, were active in this sphere. In October 2008, Parliament approved the first draft of a new Law on Defense, which ensures better civilian control over the military.

Armenia’s government controls the entire territory of the country with the exception of a small exclave, Artsvashen, which has been occupied by Azerbaijan since 1992. This unresolved territorial conflict has led to economic problems, mostly resulting from blocked borders with Azerbaijan and Turkey. Efforts to resolve the conflict remained futile in 2008, with neither party willing to compromise, and pressure from external actors, including Russia and the US, insufficient to upset the military and political balance.

Armenia continues to implement a complementary foreign policy, maintaining positive relations with both Russia and the West. A series of small steps were taken in 2008 towards establishing diplomatic relations between Armenia and Turkey, which culminated in September 2008 with an informal visit by Turkey’s President, Abdullah Gul, to a soccer match in Armenia’s capital city, Yerevan.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.25	5.50	5.50	5.50	5.75	5.75	5.75	5.75	5.50	5.75

The Constitution and electoral framework enshrines the principal of universal and equal suffrage by secret ballot and provides for regular, free and fair elections. Public trust in the electoral process is low, but the struggle over votes at all levels is genuine, sometimes leading to unrest and violence.

In 2008, for the first time since independence, Armenia’s incumbent president stepped down after two consecutive presidential terms. The subsequent presidential election differed from the 2007 parliamentary election in which the main competitors representing competing political elites, used various administrative resources and

rendered the competition non-ideological. The ruling Republican Party won the 2007 election due to its access to greater resources, and the fact that its leader, Serzh Sargsyan had become Prime Minister just prior to the election following the sudden death of his predecessor. The population appeared chiefly indifferent to the 2007 election; in fact, the parliamentary polls served as primaries to the 2008 presidential race, making Sargsyan the nominee of the political establishment.

In September 2007, Levon Ter-Petrossian, president of Armenia from 1991–1998, resurfaced after ten years of political seclusion as a potential presidential candidate, upsetting the ruling party's hope for a smooth transition of leadership. Lacking resources to compete against Sargsyan, Ter-Petrossian used his skills as an orator to mobilize various social protests based on a radicalized agenda. Ter-Petrossian himself declined all offers of a televised debate with other presidential candidates, and conducted his campaign mainly through door-to-door activities and street rallies.

The 2008 presidential race was highly competitive. Of the nine candidates, Ter-Petrossian and Sargsyan were clear favorites. The political and business establishment resented Levon Ter-Petrossian; only one major businessman supported his campaign. Many local government officials actively campaigned for Prime Minister Sargsyan, some whilst performing official duties. Accounts surfaced of local government employees and public-sector workers being obligated to attend Prime Minister Sargsyan's campaign events, and media bias was evident. This approach may have backfired. According to the Ombudsman, "Ter-Petrossian's political revival was largely facilitated by mass media propaganda against him."²

The Central Election Commission announced that Sargsyan won the election with 52.8 percent of the vote, while Ter-Petrossian received 21.5 percent, with 69 percent voter turnout.³ The preliminary statement of the Organization for Security and Co-Operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission (EOM) asserted that the election was administered mostly in line with OSCE and Council of Europe commitments and standards. According to a political tradition established since 1995, Ter-Petrossian refused to recognize his defeat and encouraged his supporters to hold peaceful protests to demand a new election.

On March 1, a poorly organized police attempt to disperse a protest rally led to violent clashes between protestors and police who were not trained to handle street violence. Ten people were killed and some 200 were injured; the dead and wounded included police and army officers and civilians. President Kocharian declared a state of emergency in Yerevan, imposed a ban on rallies and gatherings, and introduced restrictions on media freedom. Subsequently, 130 persons were arrested and some 100 criminal cases were opened, with arrests, investigations and trials giving rise to concerns over judicial process and independence. The Constitutional Court heard two appeals against the election results filed by Ter-Petrossian and another candidate, and confirmed Sargsyan's victory.

While the preliminary statement of international observers declared that the 2008 presidential elections mostly met OSCE standards, the final report high-

lighted serious challenges to some commitments that emerged especially following Election Day.

The post-electoral tensions somewhat subsided by autumn 2008, once again leaving society disillusioned with elections and in a state of political apathy. The March 1 tragedy exposed two of the most important deficiencies of Armenia's ruling system: excessive concentration of power in the president's hands and the inefficiency of a system relying on elite groups and business interests. In an efficient system of checks and balances the outgoing president should be prevented from making decisions such as the use of force against election result protesters.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.75

Civil society in Armenia is relatively well developed by post-Soviet standards. The activities of over 4,000 non-governmental organizations—of which only about 10 percent are active—are regulated by three laws, the Law on Public Organizations, the Charity Law, and the Law on Foundations. The majority of NGOs are concentrated in Yerevan and in large cities in the north of Armenia. This is probably the result of more skilled staff and funding opportunities in major cities, but also of the centralized NGO registration procedure. Civil society is rather active in human rights protection, election observation and environmental issues.

Most NGOs continue to rely on foreign donor support for financial sustainability, which has an impact on their agendas and personnel recruitment policies: an average NGO worker must be able to speak English and have fund-raising skills in order to survive on the Western donor funding market. NGOs receive little support from local businesses. Government assistance comes to NGOs in the form of small grants, or through funding trickled down from foreign governments and redistributed to civil society. Foundations are allowed to engage in income-generating activities, but are subject to taxation on a par with businesses. Progress with adopting a Law on Volunteers, which would ease taxation and improve access to donor funding for NGOs stalled in 2007 and was not resumed in 2008. Separate agreements grant VAT exemption to a few, large international organizations, and for some organizations, to the activities they support in Armenia. However, this involves time-consuming formalities with the Ministry of Finance for every VAT-free purchase.

NGOs dealing with political issues tend to focus on anti-corruption agendas or support for freedom of speech, and to form political partisanship based on an interpretation of independence as opposition to authority. While it is typical for NGOs and media in post-Soviet countries to fulfill some of the functions normally performed by political parties, in Armenia this is aggravated by the zero-sum nature of opposition politics, and as a result NGOs may become de facto political groups.

This may be a positive development for democratically oriented NGOs, monitoring or rights protection groups, but can be detrimental in the case of groups working on non-political issues.

Civil society groupings focusing on extremist, nationalist or xenophobic agendas are almost nonexistent, as this type of sentiment is concentrated in political parties and is marginal for Armenia. The Order of Armenian Arians regularly makes statements containing ultra nationalistic and anti-minority sentiment; its leader was jailed for two months in 2005 on a charge of propaganda against Jews and the Yezidi, an ethnic minority in Armenia.

Educational, public relations and fundraising support to civil society is often insufficient, especially in the provinces, whereas competition for decreasing foreign funding is strong and growing constantly.

Publicly, NGOs are sometimes regarded as businesses established for the purpose of generating income. Hostility toward civil society can be based on the perception that it implements a foreign agenda and acts as an agent of foreign influence that may be detrimental to national traditions or values. However, according to USAID's 2007 NGO Sustainability Index, the public image of NGOs in Armenia has improved in recent years.

Aside from officially registered NGOs, Armenia has many traditional citizen associations formed on an ad hoc basis for practical activities, such as renovation of common spaces in high-rise buildings or creation of mutual support funds in local communities. Associations of this kind exist throughout the country and do not rely on external funding; they are not institutional, and the actors are not aware that they are engaging in civil society activities. Institutionalization of some of these grassroots associations would enrich the gamut of Armenia's NGOs, and increase public trust in the positive role and grassroots nature of civil society.

The government does not interfere with NGO activity conspicuously and certainly much less than with the media. Members of leading NGOs are often protected by their reputation in the West; and more so in Yerevan than in the provinces. The social status of many civil society actors is rather high. Activists are often invited to speak on television, are interviewed by newspapers and generally have a strong impact on public opinion. Authorities often perceive NGOs as hostile actors or political competitors, and try to oppose them by conducting media monitoring or simply accusing NGOs of political bias. A public chamber was created in 2008 to found a pro-government, or non-oppositional, civil society group. However, the low social standing of authorities contributed to the chamber's relative unpopularity and many independent actors refused invitations to join. The chamber will most likely remain non-functional.

On May 20, 2008 human rights defender Mikael Danielian, chair of the Helsinki Association of Armenia, was assaulted in Yerevan by Tigran Urikhanian, former leader of the Armenian Progressive Party. Following an argument, Urikhanian shot Danielian with an air gun causing light wounds, and later denied that the victim's human rights work had been the motive for the attack. "The circumstances of the attack on Mikael Danielian suggest that his prominence as a human rights defender

was a motive,” said Holly Cartner, Europe and Central Asia director at Human Rights Watch. “Given this, the Armenian authorities must consider it as part of a thorough and objective investigation into the attack.” Investigation of the case has been inconclusive.

The free activity of trade unions is guaranteed by legislation, but in reality, trade union activity is extremely low and labor protection remains a grave concern for Armenia.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.75	4.75	4.75	5.00	5.25	5.50	5.50	5.75	5.75	6.00

Freedom of expression is guaranteed in the Armenian Constitution. In practice, media freedoms have come under threat in recent years, and in 2008 these threats appeared most directly from self-censorship by media owners and editors.

Radio and television coverage of the 2007 and 2008 electoral campaigns played a primary role in the formation of public opinion, but was highly problematic, even if more balanced than in previous elections. Local and international monitoring missions pointed out that during the 2008 official presidential campaign, i.e. in the 28 days directly preceding the election, the coverage was “rather balanced” in terms of airtime distribution. Furthermore, they noted that contestants did not encounter obstacles acquiring free-of-charge promotion, but coverage was biased. According to the OSCE ODIHR EOM, the coverage of Ter-Petrosian’s campaign by the main broadcast media was selective, distorted and mostly negative in tone. A local EOM also pointed out that the campaign for the 2008 election had in fact lasted at least five months, and that within the first four of these months, coverage was grossly biased in favor of Serzh Sargsyan in terms of both airtime distribution and tone, giving him an unfair advantage over other candidates.⁴

With the exception of the public broadcaster, all TV stations countrywide are privately owned by individuals or companies. From more than 50 TV stations in Armenia, only Gala TV Company, broadcasting in the second largest city, Gyumri, is openly pro-opposition. Furthermore, it was the only station subject to direct tax pressure in 2007–2008. All other stations, though competing against each other and in some cases de facto supporting a particular political party in violation of the Armenian Law on Television and Radio, were prepared to cater to the authorities. In 2008, as in recent years, government pressure on media was exercised primarily through financial leverage by discouraging companies from advertising with non-loyal media. The media subsequently censored themselves, eliminating the need for interference from government agencies.

Armenia’s print media are pluralistic rather than independent; they vary greatly in content, political bias, and style—from pro-opposition, *Chorrord Ishkhanutyun*

(Fourth Estate) to nationalist, *Hayoc Ashkhar* (Armenian World). Since the majority of the printed press relies on political patronage for survival, reporting in print tends to be biased, leading to a limited information sphere, poor journalism and small (between 1,000 and 10,000) print runs. Politically neutral, self-sustaining print media are so far almost nonexistent.

The impact of online publications in Armenia is limited as the number of internet users was estimated at 6 percent in 2008, but is expected to grow with the competitiveness of the market for Internet services and the computer literacy of the population. Major print media also publish online. Some international online publications, such as *Caucasus Knot* and *IWPR*, regularly write about Armenia.

The biggest obstacle to media freedom in 2008 was the 20-day emergency rule imposed after street violence on March 1, which included, for the first time in Armenia, an attempt to control the internet. Access was barred to some media websites, including those of RFE/RL, the pro-opposition A1+, and YouTube where people were posting footage of the March 1 events. The emergency rule served to raise public awareness of the internet as a free information realm. The barely emerging Armenian blogosphere went through a boom in March 2008 when the number of active blogs on *livejournal.com* alone surged from 800 to 5000 in a week. Shortly thereafter, the blogosphere followed the tendency prevailing in Armenian media and society and split into two nearly isolated spheres; one pro-government and one pro-opposition.

Television stations remained very cautious following the lifting of the emergency rule. By autumn 2008, government critics began to appear more frequently on TV talk shows and in political debates, although a clear bias favoring incumbent actors remains in place.

On June 17, 2008, the European Court of Human Rights ruled that Armenia's repeated denial of a broadcasting license to the independent A1+ television station, forced off the air in 2002, violated Article 10 of the European Convention on Human Rights. The Armenian government was ordered to pay the station €20,000 (US\$30,000) in damages. Following the ruling, the Parliamentary Assembly of the Council of Europe and other European and international bodies recommended that A1+ be allowed to compete for a new license on fair grounds. However, on September 10, 2008 the National Assembly adopted amendments to the Law on Television and Radio Broadcasting foreseeing the digitalization of broadcasting by 2015, and prescribing, *inter alia*, that no competitions for licenses will be held until 2010. Opposition actors and media organizations in Armenia criticize the digitalization project as having been initiated especially to prevent opposition actors from gaining access to television frequencies. Article 19, an international NGO campaigning for free expression, also expressed its concern with the amendments, and the OSCE Representative on Freedom of the Media, Miklos Haraszti asked the Government of Armenia to review the amendments, saying that "Digitalization should not be allowed to reduce diversity and plurality or preserve a lack thereof. If the broadcasting landscape in a country is not sufficiently pluralistic and diverse, it would be appropriate to delay digitalization and undertake other reforms first."⁵

In 2008, cases of intimidation and attacks against journalists were reported during the campaign for the presidential election, including an arson attempt in Asparez Journalists Club in Gyumri, and cases of physical harassment of journalists. Problems persisted even after the election. August 2008 was especially rich in violence against journalists, with five such cases reported by media organizations.

On November 17, 2008, prominent journalist Edik Bagdasaryan, President of the Investigative Journalists' Association, was attacked by three men and sustained serious head injuries following a series of publications targeting officials and businessmen. The OSCE Representative on Freedom of the Media expressed his concern over the attack, noting that lack of progress in investigating assault on journalists could provoke further violence.

Several defamation and libel cases were filed against news media, including one by a police officer against *Aravot Daily*, and one by the municipality of the city of Ijevan against the Investigative Journalists' Association.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.50	5.50	5.50	5.50	5.50

In the 1990s, independent Armenia faced the task of completely reinventing local self-governance since community initiatives had been nearly eradicated in the Soviet years. Armenia has a constitutional and legislative framework for local self-government, but practical implementation has been hampered by a lack of citizen incentives, poor funding and over-centralized administrative control. Armenia is subdivided into 930 communities managed by self-government bodies, grouped into 10 regions overseen by regional governors. Each of the 930 communities has a representative body composed of 5 to 15 persons called the Council of Aldermen, and an executive body (municipality) led by the Community Head (equivalent to a mayor). The community elects members to the Council of Aldermen and community heads for 3-year terms. Community heads are accountable to the Council of Aldermen, who can approve laws, although implementation procedures are often lacking. Regional governments have strong control over most aspects of local governance, and very little authority is left to self-government bodies. Measures were taken in 2008 to harmonize self-government practices and by-laws with the 2005 constitutional amendments, giving local bodies more control over tax collection and local budgets.

Yerevan is designated as a community, but contrary to 2005 constitutional amendments, its mayor is appointed by the President. In December 2007, Parliament adopted a draft Law on Local Self-Government and Territorial Management in Yerevan, under which the mayor of Yerevan will be elected by a Council of Aldermen (city parliament) composed of 65 members elected by proportional ballot. The mayor will appoint district heads in Yerevan, who are currently elected by the

population. In 2008, the draft law was reviewed by Council of Europe experts and was expected to come into effect in January 2009.

Local elections held in May–November 2008 in Armenia were accompanied by tension and unrest. While voter turnout remained at an average of 25 percent in Yerevan, it was much higher in the provinces, reaching 84 percent in a community where the competition was especially intense. One the whole, the 2008 elections showed local self-government plays a much more important role in provincial and rural areas than in the capital city.

Political parties do not have the right to propose candidates in local elections, but a candidate's political affiliation, or lack thereof, is mentioned on the ballot. The role of political parties in local elections has increased over time. Almost 75 percent of the winners of the 1999–2000 local elections were independent candidates. In 2008, members of the ruling Republican Party won in about half of the communities, while the opposition remained very passive with regard to local elections. Since opposition parties in Armenia are mostly groups of intellectuals based in the capital, they have no resources to act in the provinces on a permanent basis. The ruling Republican Party has resources and personnel networks to infiltrate rural communities, but as a result of low trust in the ruling party, they often lose local elections. Hence, a significant portion of local election winners are non-partisan local actors, usually businessmen. Furthermore, in 2008, several incumbent community heads lost to independent candidates; independent candidate Karen Grigorian (son of the leader of the Yerkrpah Union of War Veterans) was supported by the opposition and won the election in Echmiadzin.

Irregularities were observed during and in connection with the 2008 local elections. Local elections in Armenia generally have had a more positive election observation evaluation than national elections. However, Council of Europe observers at local elections in Yerevan in September 2008 were concerned that lack of transparency and tensions at a number of locations overshadowed the continuing development of local democracy in Armenia. Observers noted a lack of transparency in both voting and counting procedures. In October 2008, a group of individuals was charged with preventing the lawful, professional activity of a journalist in connection with protests in the village of Gegamabak village after the June 22 re-election of the local community head who has held the post for nine consecutive years.

Data on the candidates and the results of local elections are promptly posted on the website of the Central Electoral Commission, but is only available in Armenian.

The public is entitled to full access to information on the decisions and laws adopted by communities, yet local bodies and citizens are often ignorant of this obligation, or insufficiently funded to fulfill it. On October 14, 2008, the Administrative Court began hearings on a suit brought by the Freedom of Information Center against the municipality of Hrazdan city for failure to comply with its legal obligation to provide information. During the trial, the defendant fulfilled one of the plaintiff's demands by providing copies of decisions from 2007 made

by the Council of Aldermen and the mayor of Hrazdan. However, the Freedom of Information Center insists that the municipality make legal acts adopted by the Council of Aldermen available to the public, and to pay a fine of about €120 (about US\$180).

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.00	5.00	5.00	5.00	5.00	5.25	5.00	5.00	5.25	5.50

The constitution of Armenia provides for an independent judiciary, but in practice courts are vulnerable to pressure from the government. The judicial framework of Armenia is being revised in accordance with constitutional amendments adopted in 2005. A new judicial code came into effect from January 1, 2008, subsequently putting a new court system in place. Alongside the general jurisdiction courts, specialized civil courts and criminal courts were instituted. An administrative court, instituted in 2008 and first convened in January, handles litigations between citizens and the state, and is intended to better protect citizens' rights. The fact that the new system is based on case law is expected to make it more transparent and give it more independence from the executive powers. It is the role of the court of cassation to ensure the consistent implementation of case law by courts of appeal throughout the country. A school of judges instituted in 2008 is expected to compensate for the poor legal training of judges, which remains a major concern.

The new legislative framework underwent a practical test after the post-electoral unrest in March 2008. Arrests on various charges began on March 1 and continued throughout the 20-day emergency rule. According to authorities, 116 persons were detained in relation to these events. The staff of the Ombudsman of Armenia received over 60 complaints and collective statements on behalf of over a thousand people, reporting politically motivated charges against individuals, unlawful police custody, failures to provide a defense lawyer to detainees, and illegitimate restrictions of liberty and personal immunity rights. Of 110 detainees visited in custody by the Ombudsman, 70 considered themselves political prisoners and 20 complained of having been beaten at the time of arrest or while in custody.

Investigation and court proceedings in connection with the March 1 events were marred by irregularities, including credible allegations of torture and the fact that 19 persons were convicted solely on the basis of police testimony.

On March 17, 2008, upon the government's proposal, the National Assembly adopted a series of amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations, which considerably limited the right of freedom of assembly and gave great discretionary powers to the authorities to prohibit political rallies and demonstrations. The amendments were generally seen as a way to de facto extend the emergency rule after March 20.

On April 17, 2008 the Parliamentary Assembly of the Council of Europe (PACE) adopted Resolution 1609 (2008) on the functioning of democratic institutions in Armenia, calling for the revocation of the March 17 amendments to the Law on meetings. PACE demanded an immediate, independent, transparent and credible inquiry into the events on March 1, 2008 and the circumstances that led to them, and that all persons detained on seemingly artificial and politically motivated charges who did not personally commit violent acts or serious offences should be released. The Resolution also called for a dialogue among political forces on reforms with regard to the political system, electoral process, freedom and pluralism of the media, freedom of assembly, judicial independence and police behavior.

Following Resolution 1609, the March 17 amendments to the Law on Meetings were amended by the National Assembly in line with Council of Europe standards, and an ad hoc committee was established within the National Assembly of Armenia to conduct an inquiry into the events of March 1, 2008 as well as the circumstances that led to them. However, progress with implementation of other demands expressed in Resolution 1609, including those concerning the release and trials of detainees, was considered insufficient by the PACE Monitoring Committee. In June 2008, PACE adopted Resolution 1620 (2008), urging the government to implement PACE requirements. On October 2, 2008 the PACE Monitoring Committee stated that “only limited progress has been achieved regarding key demands of the Assembly” and invited the Human Rights Commissioner to return to Yerevan and report back to the Committee at its meeting in Paris on December 17, 2008.

In November 2008, the Council of Europe’s human rights commissioner, Thomas Hammarberg visited Yerevan on a fact-finding mission and expressed his general dissatisfaction with the course of the investigations, trials, methods of interrogating witnesses, and with ‘political detainees’ and other issues. He suggested that depriving Armenia of its voting right at the PACE was a serious prospect unless the country’s government addressed the situation before January of 2009.

After the December 17 meeting in Paris, PACE’s Monitoring Committee stated that the Armenian authorities had failed to comply with PACE resolutions in full and recommended that the voting rights of the assembly’s eight Armenian members be suspended until the authorities “have clearly demonstrated their political will to resolve this issue.” The Monitoring Committee recommended sanctions against Yerevan while welcoming President Serzh Sargsyan’s decision to form a new, supposedly independent body tasked with investigating the postelection violence.

Of all persons charged in connection with the March 1 unrest, 52 persons were sentenced to prison terms by the end of 2008, 38 were put on probation, 5 sentenced to fines and 5 were acquitted— including 2 political party leaders, 1 former Vice-Speaker of the parliament and former Deputy Head of National Security. Twenty-six cases were dropped and one case was dismissed “on the grounds of reconciliation with the plaintiff.”⁶ Furthermore, on December 19, court hearings began in what became known as the Case of the Seven, brought against seven activists of the opposition charged under articles 300 (usurpation of state

power) and 225 (mass disorder).

A number of persons are still wanted in connection with the March 1 investigation, including businessman Khachtur Sukiassian who partly financed Ter-Petrosian's campaign, and Nikol Pashinian, one of Ter-Petrosian's spokespersons and campaign leaders.

Proceedings in connection with March 1 have demonstrated that legislative improvements have failed to translate into judicial practices, which remain strongly influenced by the executive authorities, nontransparent and generally leaving citizens unprotected against political manipulation.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.50

Corruption is one of the most deeply rooted problems in Armenia. Throughout the period of Armenia's independence, corruption has been perceived by Armenian citizens as having an overall negative impact on their lives. All Armenian governments have faced strong domestic and international pressure to address corruption, but by 2008 they have grossly failed to achieve tangible results. The Transparency International Corruption Perception Index for Armenia remained unchanged in 2003–2007, but in 2008 Armenia's rating worsened from 3 to 2.9 on a scale of 1 to 10, with Armenia rating 109th among 180 countries surveyed.

In 2003 a government campaign was launched against corruption that served to improve the legislative framework for anti-corruption activity, but failed to improve practices or public perceptions. In the 2007 Global Integrity Index, Armenia scored 82 out of 100 points for its anti-corruption legislation, sharply contrasting with its 34 points for law enforcement, indicating a core problem. According to public perceptions, corruption permeates nearly every aspect of Armenian society.

Following the political crisis in March 2008, the new government strongly emphasized its measures to combat corruption in an effort to consolidate the population which had been polarized by violent postelection developments. The 2008 campaign against corruption was based on a newly adopted government strategy for combating corruption in 2008–2012. Rather than promote legislative reform, the campaign aims to focus on the implementation of existing laws, and is based on the assumption that the worst problems are concentrated in the spheres of taxation and customs, and targets these areas.

In 2008, the taxation and customs services were dissolved, and a government Committee on State Revenues was established in their stead. Customs regulations were amended, and businesses countrywide underwent tax inspections. Dozens of employees within the tax service, customs and law enforcement agencies were dismissed in summer–autumn 2008. Over 40 officials were dismissed from the Real Estate Cadastre Committee alone.

In July 2008, efforts were made to reform the Passport and Visa Department of the Police, a public service which faced criticism in recent years for corrupt practices, including deliberate procrastination and bribery. The head of the department, Alvina Zakarian was dismissed in July 2008, and steps were made to ensure the department fully complies with laws and regulations foreseeing simple and transparent procedures for issuing passports, visas and permits.

Corruption in the education system is widespread and especially detrimental to the younger generation as it involves young Armenians in corruption networks at the outset of their professional lives. In 2008, as in previous years, school graduation exams and entrance exams to Armenia's many universities were marred by mass corruption. In an effort to curb these practices in the transition from high school to university, Armenia has introduced centralized, written exams with tabulated results. With university admission based on the results of standardized tests, university officials have fewer opportunities to accept or exhort bribes. By 2009 all exams, with the exception of artistic competitions, will be centralized. Ongoing harmonization of Armenia's education system with Bologna process requirements is also expected to reduce corruption opportunities and practices. However, the impact of educational reforms remains to be seen.

In December 2007, the government proposed a draft law prescribing the use of traffic cameras as the main means of establishing violations of traffic rules. The law was reviewed several times during 2008 and two drafts were adopted, but final approval was postponed.

According to official statistics, just 51 corruption suits were filed in the first six months of 2008, meaning that corruption-related offenses only accounted for 1 to 1.5 percent of the overall number of crimes committed in Armenia, whereas their true number is supposedly many times greater.⁷ It is a matter of concern that despite the widely advertised dismissals and reform of public services, only mid-level officials were formally charged with corruption in 2008. Opposition and civil society groups, including Transparency International, have expressed their doubts concerning the sincerity of the government's intent to combat corruption. The campaign is seen by many as an apparent attempt to boost the government's low popularity and improve ratings rather than a consistent effort to address a societal concern.

■ AUTHOR: ALEKSANDER ISKANDARYAN

Alexander Iskandaryan is the Director of the Caucasus Institute, a think-tank and educational center in Yerevan, Armenia. He also lectures and publishes on politics, democracy and transition.

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