

Yerevan, 12 February, 2019

OPINION
ON THE REPUBLIC OF ARMENIA GOVERNMENT PROGRAM

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On February 6 of 2019, the Republic of Armenia Government published the RA Government five-year program (hereinafter referred as the Program). After some editorial works, the latter was approved during the extraordinary session of the Government on February 8 of 2019 and was submitted to the approval of the National Assembly¹.

General observations on the Program

The Republic of Armenia Government Program for 2019 consists of 8 chapters, which are the following: “The Main Guidelines of the Government Activities”, “Insurance of Internal and External Security”, “Fight against Corruption”, “Free, Dignified and Happy Citizen”, “Competent, Competitive and Inclusive Economy”, “Territorial Administration, Local Governance and Infrastructures”, “High Technologies, Digitalization and Military Industry”, “Public Finance Management”.

As a common and complete observation, the following should be highlighted:

- The main problems and expectations of the Republic of Armenia April Democratic Movement of 2018 are demonstrated very weakly in the Program.
- The Program is based on the approaches adopted by the previous Government and does not present the achievement vision of the future democratic and post revolution society. The Program does not record development approaches: the latter is based on the approach to stabilize the current situation.
- The elaboration works of the Program did not ensure participation and recommendations on the Program submitted by the Government were left unanswered before the publishing the Program.

¹Republic of Armenia Government Program, February 2019 http://parliament.am/draft_docs7/K-010.pdf



The expansion of the Government activities, efficiency raising of public administration, capacity building of human resources, development of reliable infrastructures and accessibility expansion were separated by the Program as the main Government problems.

At the same time, it should be stated, that the sectoral problems, as well as main approaches for their solutions are not clarified and established by the Program as the main and systematic objectives of the Program.

The Program is immeasurable, unpredictable in terms of the expected outcomes and the projection of possible actions directed towards those outcomes. The latter is not a subject for efficient accountability and does not have oversight possibility.

Despite the welcoming and positive intentions of the Program authors, their possible implementation mechanisms are not presented, which does not ensure certainty in terms of implementation of the project objectives and problems. Such program does not enable the Bodies under the RA Government elaborate and ensure the action plan of the five-year Government Program, since it does not ensure concrete recommendations for the latter.

Meanwhile, the methodological guidelines for the elaboration of the RA Concept Papers, Strategies, which aim at ensuring the joint approach for strategies and actions plans².

The requirements of the above-mentioned guidelines are not ensured in terms of the format, objectives of the Government Program.

Concrete Observations on the Separate Sector of the Program

Provision related to the human rights and judiciary are reflected in “Free, Dignified and Happy Citizen” chapter in the Government Program.

The main three conditions for ensuring the independence of the Judiciary by the Program as the following:

- Exclusion of the illegal intervention to the implementation of the judges’ official duties,
- exclusion of the personal,
- exclusion of the possible personal interests demonstrated by the judges,

² Methodological guidebook for the elaboration of concept papers, strategies and projects.

https://www.e-gov.am/u_files/file/decrees/arc_voroshum/2015/01/2-5_1ardz.pdf?fbclid=IwAR2BovZTb3K2HrXB8relNq6sfU2J9TT4znqLckkbZzEolDkiMIoLBaAf3-4



- efforts directed towards the capacity building of judges.

However, the Program does not include any mention regarding the legal guarantees ensuring the above-mentioned conditions. Though, the Government excludes the illegal intervention to the implementation of the official duties of the judges, no solution at legal and institutional level is prescribed by the Program. There is no mention in the Program about the mutual constraints between the authorities and other branches of the authority, as well as about the improvement mechanisms of the internal independence of the courts and judges, measures directed towards the insurance of the social-economic independence. Similarly, provisions and possible mechanisms directed towards the efficiency raising of the judiciary are missing from the Program.

Though, the intentions to elaborate and implement of judiciary reform programs directed towards the accessibility and the insurance of its efficiency, as it has already been mentioned, neither the activities subject to concrete implementation, nor their legal grounds and deadlines are prescribed by the Government Program. Surprisingly, the links to the judicial and legal reforms for 2019-2023, the priorities and approaches on the already discussed issues are also missing from the Government Program.

For example, the Program intends to take measures directed towards the establishment of efficient mechanisms to ensure the proper implementation of the decisions of the RA Constitution Court and the verdicts made by the European Court of Human Rights. Though the objective is welcoming, the Government does not have its visions directed towards the future mechanisms, concrete activities directed towards their establishment and execution, as well as precise deadlines for the implementation of the relevant actions. The same relates also the objective of the human rights protection and insurance of the equality.

As for the development of the democracy and democratic institutes in the Republic of Armenia, the Government Program does not make a reference to the improvement of the electoral procedure, amendments to the electoral code and the law on the political parties, as well as to the improvement of the direct democracy, which was initially one of the priorities of the leading party.

At the same time, though the Government has adopted a goal to have decisive, persistent, uncompromising and intolerant fight against corruption, no activity aiming at the effective and institutional fight against corruption is prescribed by the Program. The latter exclusively contains



Government intentions, without clarifying the mechanisms to realize their implementation. Moreover, the Government contains declarative intentions, for example to return the actives removed from the Republic of Armenia, in regard to which, no approaches neither by the Program nor by the Anti-Corruption Strategy are foreseen. The solutions of the gaps and practical problems in terms of fight against corruption at institutional levels are not addressed. Particularly, the Government approach towards the existence and the activities of the Commission on Ethics of High-Ranking Officials, as well as on the formation of the corruption Prevention Commission to replace the latter at the institutional level, which, at the given stage make the Government objectives in terms of fight against corruption impracticable and inconsistent.

Taking into consideration the Government Program and its discussion at the National Assembly, we urge to:

1. Raise the problem related to the development approaches, expected outcomes, clarifications directed towards their possible activities during the presentation and discussion of the Government Program.
2. Highlight and demand to amend the Government Program as a post revolution democratic society improvement program, where the expected achievement will be recorded.