

REPORT



2018•2019•2020•2021•2022



Report

2018

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2022

Welcoming remarks

Almost 4 years ago, in May-June 2018, we unified our efforts and founded the Law Development and Protection Foundation to contribute to the establishment of an independent judicial system, the development of democratic institutions, and the protection of human rights. The LDPF is engaged in identifying the main problems of the legal system in Armenia and finding solutions.

The foundation of the organisation coincided with the Velvet Revolution in Armenia, which opened doors to a new format of cooperation with the Government. Furthermore, it was also supposed to be a real opportunity to ensure the independence of the judiciary. Lack of justice was one of the main causes of the revolution, thus, efforts to restore it should have been a priority. Although the Government brought the question of vetting to the public agenda, later it gave preference to softer instruments. However, we remain committed to the position that vetting is the only efficient measure to address

problems of the judiciary systematically. We do believe that a truly independent judiciary can serve as a guardian of human rights, free and fair elections, and democracy.

The main areas of our activities are human rights, the judiciary, and elections. During these four years we focused our efforts on these areas. We conducted studies on freedom of information, labor law, and implementation of the judgments of the European Court of Human Rights against the RA. A number of our recommendations have been taken into account by the relevant bodies leading to the respective changes. However, we continue working on the issues of concern in the given spheres.

We hope you will enjoy reading our report.

Genya Petrosyan

Director of the LDPF



Who we are, and what we do

The Law Development and Protection Foundation was established in the beginning of June 2018. This was a result of long standing and fruitful cooperation of a group of specialists (mostly lawyers, advocates, and active citizens) who, working together for several years on various projects aimed at protection of human rights and establishment of rule of law, made a decision to join efforts and create an organisation, which would adopt an institutional approach to their activities directed to the establishment and promotion of democratization and rule of law in Armenia, as well as the drastic reform of the judiciary.



Co-Founders

Genya Petrosyan is a co-founder and director of the Law Development and Protection Foundation. She holds a Master's degree in Law from both Yerevan State University and the American University of Armenia. She has a long-standing experience in working at the Human Rights Defender Office, where she held the position of the 1st Deputy Human Rights Defender of Armenia (2014-2015). Genya is a practicing attorney engaged in civil and administrative cases, experienced in strategic litigation. Her research interests include human rights and constitutional law. She is a co-author and editor of different manuals and research papers. As a legal expert, she has been involved in several international projects.



**Genya
Petrosyan**



***Arusyak
Julhakyan***

Arusyak Julhakyan is a co-founder of the Law Development and Protection Foundation. She received her first education in the field of public governance. Arusyak graduated from the Faculty of Law at the Warsaw University (Poland) with Human Rights specialization in 2010. She read Law at the State Engineering University of Armenia. Also, she was involved in several human rights programs. Currently she is a member of Parliament.



***Davit
Gyurjyan***

Davit Gyurjyan is a co-founder of the Law Development and Protection Foundation. He is an attorney specialized in criminal, civil, and administrative cases. Davit has submitted a number of applications to the European Court of Human Rights and the Constitutional Court of the Republic of Armenia. He holds a Bachelor's degree in Law from Russian-Armenian (Slavonic) State University. He is also a member of the monitoring work group created by the RA Prime Minister Decision aimed at contributing to the proper investigation of the criminal cases concerning deaths recorded during military service. His research interests include criminal law.

Dianna Atoyán is a lawyer and co-founder of the Law Development and Protection Foundation. She holds a Bachelor's degree both in International Relations and Law, as well as Master's degree in Law. Previously Diana was engaged in civic cases. Currently she works at the National Assembly of Armenia as an assistant to MP.



***Dianna
Atoyán***

Yeranuhi Tumanyants is a co-founder of the Law Development and Protection Foundation. She is a lawyer specialized in civil and administrative cases. She has submitted a number of applications to the European Court of Human Rights and the Constitutional Court of the RA. She received PhD in Law in April 2019. As an expert and a lawyer, she was involved in the projects of the Law Development and Protection Foundation. On 30 September, 2021, Yeranuhi was appointed as a Deputy Minister of Justice of the RA.



***Yeranuhi
Tumanyants***



***Elina
Gyurjyan***

Elina Gyurjyan is a lawyer and practicing attorney specialized in civil and administrative cases. She studied Law at Yerevan Hrachya Adjaryan University from 2006-2010 and received a Bachelor's degree. In 2012 she got a Master's degree from the National Academy of Sciences of the Republic of Armenia. Her professional interests include a right to freedom of information and a right to a fair trial.



***Rima
Grigoryan***

Rima Grigoryan is a co-founder of the Law Development and Protection Foundation. She holds a Master's degree in Armenian Philology from Yerevan State University. She carries out her professional activity as a researcher and editor. As a data linguist, she was involved in "UD_Armenian_Brusov Syntactic Treebank" project (Brusov State University). In the meantime, she works in the sphere of communications.

Sergey Grigoryan is a lawyer specialized in administrative cases. He holds a Master's degree in Law from Yerevan Gladzor University. He has submitted a number of applications to the European Court of Human Rights and the Constitutional Court of the Republic of Armenia. He has represented the rights of citizens in cases pertaining to freedom of assembly and expression and participated in strategic litigations. His research interests include electoral law and property law.



**Sergey
Grigoryan**

Gemafin Gasparyan holds a Master's degree in Business Administration and Management from the National Academy of Sciences. As an expert, he worked at the Ministry of Economy from 2019 to 2010. From 2010 to 2013 he was head of the training and development team at the same Ministry. In 2013 he founded the "Boon" scientific-cultural foundation and was its executive director until 2019. From 2019 to 2010 he was the first deputy minister of the Labor and Social Affairs Ministry. Since 2020 he has been executive director of the "Boon" Foundation, under the umbrella of which the "Boon TV", knowledge-oriented online TV, the "Boonus" educational online platform, the "Detector" analytical website, and the "Audioboan" radio were launched. In 2017 he published the collection of poems "chka, chka".



**Gemafin
Gasparyan**



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Genya Petrosyan
Davit Gyurjyan
Elina Gyurjyan
Rima Grigoryan
Sergey Grigoryan

Vision

To achieve judicial independence and established democracy, to create a reliable system of human rights protection.

Mission

To contribute to the establishment of an independent judicial system, the development of democratic institutions, the protection of human rights through legal research, advocacy, and the implementation of targeted programs.

Main Directions and Principles

The main areas of our activities are:

- Judiciary
- Human Rights
- Elections

WHY? Judiciary

The independent judiciary is the most important precondition for a democratic society and democratic state. The court is often the last instance for the restoration of a violated human right. All kinds of legal disputes are resolved there. To promote the independent judiciary, we identify systemic problems through our programs and research, develop recommendations based on the international best standards and the contextual analysis.

WHY? Human Rights

The proper protection of human rights and freedoms is a prerequisite for a decent life. Through our work, we reveal various systemic problems that lead to violations of human rights, offer solutions, and try to promote the establishment of a reliable human rights protection system.

WHY? Elections

Free and fair elections are the cornerstone of a sovereign democratic state. It is a well-known fact that elections have been falsified for many years, thus, people often were not able to exercise their power. Therefore, the formation of an electoral system that will always ensure the right of the people to exercise their power through elections is of high significance. As part of the “Eyewitness” observation mission, we are constantly engaged in observing elections. Based on the identified issues we make recommendations, conduct strategic litigation, and try to contribute to the improvement of both the legislation and the practice.

How we work

Irrespective of the direction and the field where we conduct our activities, we assign importance to the research-based approach, comparative analysis of the facts, international standards, and the Armenian context. The above-mentioned analysis forms basis for our observations and recommendations.

The main tools of addressing issues include:

- Research papers and reports
- Policy papers and manuals
- Monitoring of the legislative process

Research

Assigning particular importance to the validity of our positions, we conduct comprehensive research and analysis revealing issues pertaining to both legislative framework and practice. We study relevant international standards, best practices, and develop recommendations taking into consideration the Armenian context.

Policy papers

Through manuals we describe the main legal regulations in the specific field and clearly state the steps which need to be undertaken.

Monitoring legislative process

We conduct monitoring of the draft legislation published on the two main platforms: Unified Website For Publication of Legal Acts' Drafts and the website of the National Assembly of Armenia. As a result, we publish expert opinions on the draft laws highlighting the main problems and making recommendations. Thus, we seek to influence the improvement of the quality of laws in the adoption process.



Publications

Research and policy papers

Judiciary



Compulsory Enforcement of Judicial Acts in the light of the Right to a Fair Trial

The purpose of this study was to identify the main issues of the compulsory enforcement of judicial acts, to analyze the root causes of the problems, and make recommendations. The respective legislation and practice have been studied in the framework of the research based on the analysis of judicial practice, as well as the data provided by the Compulsory Enforcement Service and other state bodies. International practice and legal standards were analyzed as well.



Analysis of the judgments of the European Court of Human Rights finding a violation of Article 6 of the ECHR

The purpose of this study was to identify issues related to the implementation of the judgments of the European Court of Human Rights against Armenia in the cases where the Court found a violation of Article 6 of the European Convention on Human Rights. Within the scope of the research a number of judgments delivered in respect of Armenia were highlighted, general measures undertaken by the state, as well as relevant legislation, law enforcement practice, and responses to the inquiries referred to the competent authorities have been studied and analyzed. More importantly, the analysis of the situation and the description of the problems are finalized proposing specific recommendations which should contribute to preventing similar violations in the future.



Enhancing Transparency of Disciplinary Proceedings against Judges as a Guarantee of their Independence

The main goal of this analysis is to assess transparency mechanisms in the process of disciplinary proceedings against judges in the light of strengthening the guarantees of judicial independence. It is recommended to envisage transparency mechanisms for the initial stage of disciplinary proceedings, thus, open room for public oversight.

Human Rights



Labor relations and legislation: problems and solutions

The purpose of this study was to identify problems deriving from the labor legislation of Armenia. Particular importance has been assigned to the problems related to the exercise of labor rights, as well as judicial practice. The regulations pertaining to compulsory employment, child employment, collective labor relations, employment contracts, disciplinary procedures, regulations concerning the work of the representatives of the educational sphere, and the prohibition of discrimination are of axial significance for the study.



The Issues Pertaining to Freedom of Information in the Republic of Armenia

The purpose of this study was to identify main issues of the field. Alongside the Law of the Republic of Armenia “On the Freedom of Information”, ancillary sectors and legal acts where access to information is of axial significance have been examined. In particular, this refers to the realms of state and official secrets, operational intelligence activity, archives, criminal litigation, personal data protection, procurement, and public service. Based on this analysis the report proposes solutions and recommendations.



Human Rights Violation during the 44 day-war in Artsakh

The fact-finding report thoroughly presents the war crimes committed by Azerbaijan against the people of Artsakh, the violations of international humanitarian law and human rights, that took place in the fall of 2020 during the 44-day

war unleashed by Azerbaijan. The evidence presented in the report is based on careful collection and thorough analysis of data from multiple sources of information. Within the scope of the works the fact-finding group visited Artsakh, documented the destructions and human rights violations. Furthermore, the report presents the recommendations of civil society organisations addressed to the Government of the Republic of Armenia, the National Assembly of the Republic of Armenia, the United Nations, the Council of Europe, the OSCE, the European Union, other international and regional organisations, and states. This fact-finding report has been prepared by the Helsinki Citizens' Assembly of Vanadzor, the Law Development and Protections Foundation, "Protection of Rights without Borders" non-governmental Organisation. The development of the report was supported and coordinated by the Open Society Foundations-Armenia.

Elections



Final Report of the Observation Mission of the 20 June 2021 Snap Elections to the National Assembly of the Republic of Armenia

This Report presents the results of the long-term and short-term observation carried out by the “Akanates” (Eyewitness) observation initiative during the snap elections to the National Assembly of the Republic of Armenia in 2021. The mission assessed the compliance of the legally established period preceding the pre-election campaign, the pre-election campaign, its financing, the election day, and the post-election processes with the RA electoral legislation and the international standards, as well as the potential risks of the processes in terms of holding free, transparent, and competitive elections.



Legislative Process Monitoring

More than 350 legal acts were monitored from June 2021 to August 2022. Expert opinions, published on 19 legal acts, are presented below:

1. *The RA Draft Law on Making Supplements to the Law on Alienation of Property aimed at Securing Overriding Public interests*
2. *The Draft Government Decree on Making Amendments to the RA Government Decree of August 30, 2012 N1104 and the RA Government Decree of September 22, 2016 N 982*
3. *The RA Draft Law on State Secret*
4. *The Draft Government Decree on Making Amendments to the RA Government Decree of N821, 1998*

5. *The RA Draft Law on Making Amendments and Supplements to the Criminal Procedural Code of the RA*
6. *The RA Draft Law on Making Amendments and Supplements to the Criminal Procedural Code of the RA*
7. *The RA Draft Law on Making Amendments and Supplements to the Criminal Procedural Code of the RA*
8. *The Draft Laws on Making Amendments to the Constitutional Law on Judicial Code and to the Constitutional Law on Constitutional Court*
9. *The RA Draft Law on Foreigners and Stateless Persons*
10. *Draft Statute of the Detention Facilities*
11. *The RA Draft Law on Making Amendments to the Administrative Procedural Code of the RA*
12. *The RA Draft Law on Making Amendments and Supplements to the Criminal Code of the RA*
13. *2022-2026 Strategy of the RA Judicial and Legal Reforms and its Action Plan*
14. *The RA Draft Law on Making Amendments and Supplements to the Labor Code*
15. *The RA Draft Law on Making Amendments and Supplements to the Law on Advocacy*
16. *The RA Draft Law on Making Amendments to the Law on Public Service*
17. *The RA Draft Law on Making Amendments to the Law on Operational Intelligence Activity*

18. *The RA Draft Law on State Secret*

19. *The RA Draft Law on Operational Intelligence Activity*

The recommendations made on 6 legal acts were accepted. As a result, either the draft laws were amended respectively or were withdrawn from circulation. Opinions submitted on two drafts were fully or partially taken into account. The adoption of several recommendations was of crucial importance:

- the regulation which significantly restricted the mandate of the Anti-Corruption Committee (leaving a number of significant crimes out of the scopes of the mandate) was revoked after the respective observations;
- the termination of the investigative departments in the tax and customs bodies of the National Security Service and State Revenue Committee and the transfer of their functions to an autonomous body (the Investigation Committee of RA);
- making necessary changes to the new draft law “On State and Official Secrets”;
- a number of recommendations concerning the Labor Code;
- Judicial and legal reforms strategy and the action plan for 2022-2026. Recommendations relating to the disciplinary proceedings against judges, in particular, changing the composition of the Disciplinary and Ethics Commission were accepted, respective changes on the composition of the Disciplinary and Ethics Commission have already been introduced to the Draft Strategy based on the LDPF’s observation and reasoning.

Donor Organisations

- Eurasia Partnership Foundation
- European Endowment for Democracy
- Open Society Foundations-Armenia

Service Contracts

- Armenian National Platform of the Eastern Partnership Civil Society Forum
- Eurasia Partnership Foundation
- "For Equal Rights Educational Center" NGO
- Council of Europe

Project and Service Contract budgets

- Promoting Freedom of Information in the Republic of Armenia-40000 USD (OSF)
- Monitoring the Implementation of the CEPA Agreement-5500 USD (OSF)
- The Promotion of Labor Rights in the Republic of Armenia-14000 USD (OSF)
- Analysis of the Judgments of the European Court of Human Rights finding violation of the Article 6 of ECHR-6500000 AMD (EPF)
- The fact-finding mission on Human Rights Violations during the 44-day war in Artsakh-15000 USD (OSF)
- Analysis of the Judgments of the European Court of Human Rights finding a Violation of Article 8 of the ECHR-24500 USD (OSF)
- Enhancing institutional capacity of the Law Development and Protection Foundation-56793 EUR (EED)
- Enhancing Transparency of Disciplinary Proceedings against Judges-500000 AMD (EaP CSF ANP)
- Provision of Local Consultancy Services in the field of Execution by Armenia of Judgments by the ECHR 960 EUR (CoE)
- Advocacy of Implementation of the ECHR Judgments by Armenia-1350000AMD (EPF)
- Media research-1000000 AMD ("For Equal Rights Educational Center" NGO)



LAW DEVELOPMENT AND PROTECTION FOUNDATION

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