

# Visa Liberalization Baseline Study: Armenia

*Second Draft*

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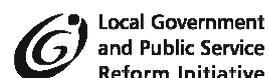
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## 1. List of Acronyms

AA	Association Agreement
AEPLAC	Armenian-European Policy and Legal Advice Centre
AP	Action Plan
BMIS	Border Management Information System
CIB	Comprehensive Institution Building
CoE	Council of Europe
CSP	Country Strategy Paper
DCFTA	Deep and Comprehensive Free Trade Agreement
EaP	Eastern Partnership
EKENG	E-Governance Infrastructure Implementation Unit
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EU	European Union
EUAG	European Union Advisory Group
GRECO	Council of Europe Group of States Against Corruption
HRDO	Human Rights Defender Office
IBM	Integrated Border Management
ICHD	International Center for Human Development
ICAO	International Civil Aviation Organization
IDPs	internally displaced persons
IOM	International Organization for Migration
JLS	Justice, Freedom and Security
LGI	Local Government and Public Service Reform Initiative
MoD	Ministry of Defence
MoE	Ministry of Economy
MoF	Ministry of Finance
MoJ	Ministry of Justice
MoFA	Ministry of Foreign Affairs
MoTA	Ministry of Territorial Administration
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NIP	National Indicative Programme
NSC	National Security Council
OSCE	Organization for Security and Co-operation in Europe
PASOS	Policy Association for an Open Society
PCA	Partnership and Cooperation Agreement
RA	Republic of Armenia
SCIBM	Southern Caucasus Integrated Border Management
SNS	National Security Service
SRC	State Revenues Committee
SSM	State Migration Service
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
WB	World Bank

## **2. Introduction**

The present study is drafted in the framework of the PASOS-LGI Eastern Partnership visa liberalisation project, as an outcome of the discussions during the *“Paving the road towards visa-free travel between the Eastern Partnership countries and the EU”* workshop that took place in September 2010 in Istanbul, Turkey, and in line with the Visa Facilitation Baseline Study Methodology, prepared by Marija Risteska, Center for Research and Policy Making, Macedonia.

The study outlines the current state of affairs between the Armenian and the EU, with the special emphasis on the visa dialogue between the two parties, as well as provides a snapshot of the four main priority areas in the visa liberalization process, and namely: document security, illegal immigration, public order and security, and external relations and fundamental rights.

The main research methodology used in drafting the study was desk research and media clipping, with the main sources of information being the official websites of various Government institutions, EU and other international organizations, information in local and international mass media, as well as RA laws and Government reports, not publicly available online. When needed, and when possible, the desk research was supplemented by directly contacting Government officials via e-mail, over the phone, or in person.

Despite every attempt made to provide up-to-date and reliable information, given the highly dynamic nature of the developments in the fields, specified above, some of the contents of the current study are to be taken with caution, and need to be double checked.

## **3. The State of Affairs in the Relations between Armenia and the EU**

The Partnership and Cooperation Agreement (PCA) between the European Union (EU) and the Republic of Armenia (RA) was signed on April 22, 1996 and entered into force on July 1, 1999. Since then the PCA has provided the legal framework for the bilateral EU-RA relations in the areas of political dialogue, trade, investment, economic, legislative, and cultural cooperation.

As was the case for the other Eastern Partnership (EaP) countries, the agreement aimed to provide a framework for political dialogue between the EU and Armenia, support the economic development and the transition to a market economy, as well as to encourage trade and investment. Similarly to the agreements with Azerbaijan and Georgia, but unlike those with Ukraine and Moldova, the EU-RA PCA listed the areas of democracy and human rights, as well

as the prevention and control of illegal immigration, initiatives on money laundering and the fight against drugs among the areas of cooperation.

Following the enlargement of the European Union, the EU launched the European Neighbourhood Policy (ENP), and with the decision taken by the European Council on 14th June 2004 the Southern Caucasus countries were incorporated into the framework. On the basis of a Country Report (published in March 2005) an ENP Action Plan (AP) was adopted on November 14, 2006 after three rounds of negotiations aimed at defining the priorities of Armenia-EU cooperation (November, 2005 in Yerevan, March, 2006 in Brussels, May, 2006 in Yerevan).

The Country Strategy Paper (CSP) 2007-2013 covers the financial assistance to Armenia under the new European Neighbourhood and Partnership Instrument (ENPI). ENPI instruments such as budget support, TWINNING, TAIEX and SIGMA became available for Armenia.

The official launch of the EaP initiative on May 7, 2009, during the European Summit in Prague coincided with adoption of the List of Actions for 2009-2011 to ensure the implementation of RA-EU ENP AP by the president of the RA. In March 2009 Armenia also became the first EaP country to host a high level EU Advisory Group (EUAG) called to provide policy advice to the authorities of Armenia in the implementation of the ENP AP.

On April 6, 2010 the RA and the EU signed a MoU on the second National Indicative Programme (NIP) for the period of 2011-2013, with the financial envelop of €157.3 million against € 98.4 million for the previous NIP.

Negotiating directives for the EU-Armenia Association Agreement were adopted by the General Affairs Council of the EU on May 10, 2010, and the EU-RA negotiations were launched through the first Plenary Meeting in Yerevan on July 19. When the agreement will enter in force, it will replace the PCA as the formal legal grounds.

An MoU on Comprehensive Institution Building program was signed between the head of EU Delegation in Armenia and the RA Minister of Economy on November 26, 2010.

Relations with the EU, and the EaP in particular is not a very hot topic for local media. Yerevan Press Club conducted a monitoring of 15 leading Armenian newspapers in March/April 2010, and found only 20 publications mentioning the Eastern Partnership.<sup>1</sup> Most of the academic and civil society institutions in Armenia are also not very active on EU affairs<sup>2</sup>.

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<sup>1</sup>Navasardian, Boris “Debating Eastern Partnership:A comparison of perspectives and expectations Report on Armenia”, available on [http://www.feswar.org.pl/fes2009/pdf\\_doc/Armenien.pdf](http://www.feswar.org.pl/fes2009/pdf_doc/Armenien.pdf)

<sup>2</sup> There are few exceptions, though, including, most notably, the International Center for Human Development (ICHHD), the European Movement Armenia, the Center for European Studies (CES), and, more broadly, the organizations, participating in the Eastern Partnership Civil Society Forum. There are also some specialized CSOs, e.g. dealing with anti-corruption matters.

The most recent opinion poll on EU was conducted in October 2009 by AEPLAC and ICHD in Yerevan<sup>3</sup>. It has shown that the idea of EU integration enjoys broad public support (86.3%). The level of trust in EU institutions (43%) is 2.5 times higher than the level of trust in national institutions. However, despite the fact that 75% of the respondents realize the importance of the issues covered by ENP and EaP initiatives, the level of EU awareness is rather low (9% of the respondents could name at least one EU institution, 86,7% have never heard about EaP, and 74,1% - about ENP). Only 17.2% of the respondents consider themselves not only Armenian, but also European, and 62,8% are not interested in EU-related information.

Despite a certain degree of criticism towards the EU, existing both within the GoA, as well as the opposition, and the civil society at large, there are no serious forces against the development of relations with the EU in Armenia.

#### **4. The Visa Facilitation Process**

According to the EU Council regulation 539/2001 of March 15, 2001 Armenia is included in the Annex I (the so-called “negative list”) that lists the countries and territories, the nationals of which “shall be required to be in possession of a visa when crossing the external borders of the Member States.”<sup>4</sup>

Compared to the relatively active cooperation between the EU and Armenia on trade-related issues, the visa dialogue, despite being mentioned in all framework documents on the EU-RA partnership, has hardly seen any development until very recently. Bilateral readmission agreements are signed with several EU countries (including Denmark, Latvia, Lithuania, Germany, Sweden, Benelux countries, Bulgaria, Czech Republic<sup>5</sup>) and other European states (Switzerland and Norway), but failing to sign the visa facilitation and readmission agreements with the EU, Armenia is lagging behind most of the EaP countries. According to Deputy Minister of Foreign Affairs, the issue is purely technical, and the agreement will be signed within 1-2 years time.

The first tangible step forward was the 1st meeting of the Armenia-EU sub-committee on JLS that took place in Yerevan on July 6, 2010. Noting a number of issues outstanding, especially related to migration management, combating illegal migration, border management, security of travel documents and data protection, the EU side informed that the negotiating directives for

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<sup>3</sup> See: [http://aeplac.eu/images/activities\\_1/Survey\\_report\\_final.pdf](http://aeplac.eu/images/activities_1/Survey_report_final.pdf)

<sup>4</sup> Council Regulation (EC) No 539/2001 of 15 March 2001

<sup>5</sup> Negotiations with Estonia and Cyprus are in progress

visa facilitation and readmission agreements will be prepared by the end 2010. Negotiations on the agreements, as well as the discussions on the possible future Mobility Partnership programme between the EU and Armenia, will start upon the receipt of the mandate from the member states by the European Commission. The next meeting of the sub-committee is scheduled for 2011.

While no recent opinion poll on visa exists was conducted in Armenia, the survey of the Yerevan residents on the EU awareness, initiated by AEPLAC and ICHD has shed some light on the public attitude. It appears that 8.1% of the respondents (a 1% increase compared to AEPLAC 2007 survey results) have been to one or more of EU countries. According to the respondents, visa free regime with the EU is among the most important opportunities to arise due to the European integration process (7%), lagging behind economic growth and improved living standards only.

There are no serious forces against the visa liberalization with the EU in Armenia.

## **5. State Coordination Bodies for European Integration of Armenia**

For effective cooperation with the EU, the following coordinating bodies were established in Armenia:

- Committee for Coordination of Cooperation between Armenia and EU institutions (headed by the RA President), meets every quarter and acts as overall coordinator in the field of cooperation with European institutions: Council of Europe, EU, NATO
- National Council and Coordination Committee for EU-Armenia Cooperation for the Purposes of Implementation of the ENP EU-Armenia AP are both chaired by the RA Prime Minister, and called to facilitate the implementation of the EU-Armenia ENP Action Plan. However, while the former has the functions to discuss and assess the performance progress of implementing the ENP AP, and includes the civil society stakeholders among its members, the latter is responsible for developing the policy and strategy directions of the EU-Armenia integration.
- Interagency Committee (chaired by the Secretary of the National Security Council (NSC)) was created to ensure the coordination of RA state bodies' activities related to

Armenia's cooperation with the EU institutions, as well as implementation of the EU-Armenia ENP Action Plan<sup>6</sup>.

Ministry of Economy (MoE) is responsible for coordinating EU-Armenia PCA and ENP AP, monitoring ENP AP implementation, and implementing the projects under TACIS and ENPI (including the upcoming CIB). The Ministry is also responsible for the Deep and Comprehensive Free Trade Agreement (DCFTA) part of the Association Agreement. It is called to implement political coordination of the DCFTA negotiation process, as well as manage the activities of DCFTA Inter-Agency Commission. It also has to implement the DCFTA negotiations; forming the negotiation agenda and directly conducting the negotiations.

Ministry of Foreign Affairs (MoFA), notably the European Department, is the main coordinator for the political and cultural relations with the European countries and European institutions. The Ministry leads the negotiation process of the EU-Armenia AA, with the Deputy Minister appointed as the Lead Negotiator. The Consular department deals with the readmission issues. Ministry of Justice (MoJ) heads the Armenian side of the sub-committee on Justice, Freedom and Security (JLS), in this respect also having an active role in AA negotiation process. The Ministry is further responsible for coordinating the work on approximation of legal provisions and practices with EU *acquis* related to the visa process.

The Passport and Visa Department of the RA Police (GoA adjunct body), together with the Ministry of Foreign Affairs (which is responsible for issuing visas and passports) will cover the security of travel documents and visa issues, while the process is technically implemented by the E-Governance Infrastructure Implementation Unit OJSC (EKENG), chaired by the Minister of Economy of Armenia.

Police has a Division of Combating Illegal Migration and International Cooperation, and a Division on Combating Human Trafficking in its structure, and is also responsible for the fight against organized crime and money laundering. It is responsible for drafting and amending legal acts, related to data protection.

The State Migration Service (SSM) under the Ministry of Territorial Administration is responsible for coordinating the migration-related issues, development of migration policy and legislation, deals with the problems of refugees, asylum seekers and internally displaced persons, and, together with the Ministry of Labor and Social Issues, oversees the labor migration issues.

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<sup>6</sup> For further details, see: Vardanyan Sergey "State Coordination Bodies for European Integration of Armenia" available at [http://aeplac.eu/images/Position\\_paper\\_EI\\_coordination\\_Jul\\_27\\_final\\_revised1.pdf](http://aeplac.eu/images/Position_paper_EI_coordination_Jul_27_final_revised1.pdf)

National Security Service (SNS) is a GoA adjunct body, co-responsible for the control over illegal migration, and in charge of border management and control.

There is no Ministry of Interior in Armenian government structure.

## **6. The State of Affairs in the Visa Liberalization Priority Areas – a Snapshot**

### **6.1. Document Security**

On March 15, 2008 a President's Order NK 53-A "On introduction of Migration System of the Republic of Armenia and the System of E-passports and Identification Cards with Biometric Parameters in the Republic of Armenia" was issued. Armenian project partners included the RA Police, MoFA, MoE, E-Governance Infrastructure Implementation Unit OJSC (EKENG), the Central Bank (CBA), SNS, MoJ Civil Status Acts Registration Agency, Civil Aviation General Department (CAGD), State Revenues Committee (SRC), and the National Assembly. An AP for the introduction of electronically enabled machine-readable passports with biometric features and electronic ID Cards in accordance with the International Civil Aviation Organization (ICAO) requirements was elaborated with the support from the Organization for Security and Co-operation in Europe (OSCE) and the International Organisation for Migration (IOM) and approved by the Prime Minister on June 18, 2009 (Decision N 501-A). This AP was revised by the Prime Minister's decision N 414-A, adopted on June 8, 2010, and approved by the RA Government on August 26, 2010<sup>7</sup>. According to the Head of Visa and Passport Department of RA Police, the AP is implemented in line with the last revision, made on September 16, 2010 (revision 746-A).

The technical specifications were developed in June-July 2010, and, the tender for acquisitions and installation of the equipment for passport and card producers, software developers, and for production of passports and cards, as well as the tender for establishing a Certification Authority, was announced on October 27, 2010, and the applications could be made before December 10, 2010. The two organizations shortlisted are the Polish Security Printing Works (PWPW S.A.) and Oberthur Technologies Group (France).

The documents should be in full compliance with ICAO 9303 document, but initially without Extended Access Control (EAC), which is to be introduced on a later stage. The equipment should be installed within two months after selecting the implementing organization. It is envisaged that 250,000 biometric ID cards and 100,000 passports will be printed for first year

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<sup>7</sup> RA Government protocol decision N 33

and that initially 61 registration centres will be functioning throughout Armenia, as well as 10 mobile stations. The system should be fully integrated with the State Register of Population of RA Police Passport and Visa Office. About 50 employees will pass training on data registration, biometric operations, document management, and personalization technology. The first biometric passports and ID cards are planned to be issued before September, 2011, however only the ID cards will be compulsory, while the RA citizens will retain the possibility of getting the old non-biometric passports even after that time. RA Police is jointly responsible with the Ministry of Economy for the process of establishing registration centres and issuing of the biometric ID cards and passports, while it is the sole responsibility of the Ministry of Economy to establish the Certification Center.

Drafts of RA laws 'On the Amendments to the RA Laws 'On RA Citizen's Passport', 'On Identification Cards', 'On State Duty'', 'On the Amendments to the RA Law 'On Personal Data', "On the Amendments to the RA Law 'On State Register of the Population', 'On the Amendments to the RA Administrative Violations Code' are developed by RA Police in March - June, and are currently on different stages of approval by the RA Parliament.

In October 2009, a working group on police reform was established under the National Security Council and on March 31, 2010 the OSCE-supported Police Reform Programme for 2010-2011<sup>8</sup> was approved by the RA Government.

## **Recommendations**

**The process of introducing the system of biometric passports and IDs is under way, and the legal base is mainly developed. The selection of the implementing organization is to be made within a short time. However, the following needs to be ensured:**

- **Pace of the activities on introduction of biometric documents has to be coordinated with other related reforms, such as civil registry modernisation and data protection**
- **Capacity building initiatives for the officials dealing with passports/visas are needed, including those on anti-corruption**
- **Adequate level of law enforcement and reform implementation is to be ensured**
- **Pace of the withdrawal of the old type, non-biometric identity documents has to be accelerated, and the decision of retaining the possibility of issuing such documents has to be revised**

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<sup>8</sup> See: [www.osce.org/item/44185.html](http://www.osce.org/item/44185.html)

## 6.2. Illegal Immigration

The Democracy, good governance & stability platform has established a Panel on Integrated Border Management (IBM), which is one of the flagship initiatives under the EU's Eastern Partnership. The Panel discussed the concrete proposals for training activities and pilot projects for an EaP IBM Flagship Initiative project on June 28, 2010.

The Southern Caucasus Integrated Border Management (SCIBM) regional programme was formally agreed between Armenia, Azerbaijan and Georgia on October 12, 2007. Funded by EU, and implemented through UNDP, the programme was to start in January 2009, but, due to the fact that Azerbaijan chose to cooperate only bilaterally with Georgia, the start of implementation was delayed until March 2010. Nevertheless, some progress is made. In 2009, Armenia's customs and border guard services participated in preparatory training sessions in Austria, Croatia, Italy and Slovenia. An interagency working group in charge of development and improvement of IBM strategies in Armenia was set up by the NSC, a bilateral workshop on integrated border management has taken place in Yerevan between September 22-24, and on September 25, 2010 the border security and integrated border management strategy was approved by the RA President on the NSC sitting. According to NSC Secretary, the strategy was developed taking into consideration the suggestions made by the EU, UN and Russian experts. The document refers not only to the Armenian-Georgian border, but also provides a detailed analysis of the issues related to the borders with Azerbaijan, Iran and Turkey. It is planned that the technical modernization of the Armenia-Georgia Bagratashen border crossing station will start before the end of 2010. Before the end of the year, a detailed action plan with the corresponding implementation schedule will also be developed.<sup>9</sup> The new draft of the RA Law on State Border has been developed, and is currently being discussed.

According to the RA President's Order NH-286-N, on November 18, 2009, SSM was formed in the structure of the RA Territorial Administration Ministry, replacing the Migration Agency, and acquiring the coordinating role in the area of migration and asylum policy. The SSM has developed a Concept of the Strategy of the Republic of Armenia on State Regulation of Migration for 2010-2014 within the project, implemented by ICHD in partnership with the British Council, and with EU funding, and the National action plan on migration and asylum is to follow. The SSM has also prepared a TWINNING fiche on Support to the SSM for Strengthening of the Migration Management in Armenia, aimed at legal approximation in the field of

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<sup>9</sup> See: <http://nsc.am/index.php?id=301&m=6>. The strategy itself is not available to the public.

migration management and asylum, improving the coordination structure of the authorities, involved in migration management, and establishment of a comprehensive asylum and migration data processing and communication system. The launch of the call for proposals is expected in early 2011, while the start of the project activities is planned for January, 2012.

According to UNHCR assessment, the RA Law on Asylum and Refugees, adopted on November 26, 2008 and entered into force on January 24, 2009 “regularizes most aspects of admission and treatment of asylum seekers and refugees in line with international standards, ensuring respect for the right to asylum and addressing national security concerns”. According to the Head of the SSM, a reception centre for about 60 asylum seekers exists in Armenia in full conformity with the international standards.

The Border Management Information System (BMIS) was established at Yerevan Zvartnots Airport in 1999. In 2005, the system was expanded to Bagratashen border with Georgia, while in 2007-2008 to the Bavra, Gogavan and Airum borders with Georgia, Meghri border with Iran, and Giumri Airport. According to Gagik Yeganyan, the current challenge is to connect the system with the other electronic registry systems in Armenia (RA Police, NSC, National Statistics Service, etc.) and abroad.

### **Recommendations**

**Reforming the SSM and adopting the RA border security and integrated border management strategy are among the most recent important achievements in the field. Among the next steps, necessary to improve the standards, are:**

- **Signing the visa facilitation and readmission agreements with the EU**
- **Approximation of the migration and asylum legislation to the EU acquis, and its effective implementation**
- **Adoption and effective implementation of the Strategy of the Republic of Armenia on State Regulation of Migration**
- **Improving the coordination structure of the authorities, involved in migration management**
- **Establishment of a comprehensive asylum and migration data processing and communication system**
- **Capacity building initiatives for the officials dealing with border management, including those on anti-corruption**
- **Adoption and effective implementation of the Law on State Border**
- **Ensuring that necessary infrastructure, equipment and technology is present at RA external borders**
- **Ensuring effective regional and international cooperation, including working arrangement with FRONTEX**

### 6.3. Public Order and Security

RA has signed and ratified a number of UN<sup>10</sup> and CoE<sup>11</sup> treaties, protocols and conventions on fight against organized crime, terrorism, trafficking in persons, money laundering, drugs, etc. The National Programme on Combating Drug Addiction and Illicit Traffic in Narcotic Drugs in the Republic of Armenia in 2009-2012 was approved by the RA President's Decree NK-162-N on September 25, 2009.

National Programme on Organizing Combat Against Trafficking in Human Beings in the Republic of Armenia in 2010-2012 was approved by the RA Government on September 3, 2010, after consultations with international organizations, replacing and improving on the previous three-year programme. The relevant changes were made into the national legislation and a law on "Making Amendments and Addenda into the RA Criminal Code" (HO-220-N) was adopted on November 18, 2009. According to the United States Department of State 2010 report, "The Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so."<sup>12</sup>

Armenia is a member of Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). According to the evaluation report adopted by MONEYVAL in September 2009<sup>13</sup>, Armenia has made significant progress in the field of anti-money laundering and combating the financing of terrorism in a short timeframe, introducing new, improved legislative base. The risk that the RA financial system can be used in money laundering is not high, and the risk of terrorism financing is extremely low. The law on Combating Money Laundering and Terrorism Financing entered into force on August 31, 2008. Amendments were also made in the respective articles (190 and 217.1) of the RA Criminal Code. An Interagency Standing Commission on Fight Against Counterfeiting Currency, Plastic Cards, and Other Payment Instruments, Against the Money Laundering, as well as Financing Terrorism in the Republic of Armenia was established, and the 2010-2013 National Strategy for Combating Money Laundering and Terrorism Financing was approved on March 26, 2010 at its meeting.

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<sup>10</sup> See: <http://www.un.am/?laid=1&com=module&module=menu&id=105> for the full list

<sup>11</sup> See: [http://www.coe.am/index.php?cat\\_id=37&out\\_lang=eng](http://www.coe.am/index.php?cat_id=37&out_lang=eng) for the full list

<sup>12</sup> United States Department of State, *Trafficking in Persons Report 2010 - Armenia*, 14 June 2010, available at: <http://www.unhcr.org/refworld/docid/4c18840c32.html>

<sup>13</sup> See: [http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Armenia\\_en.asp](http://www.coe.int/t/dghl/monitoring/moneyval/Countries/Armenia_en.asp)

The first RA Anti-Corruption Strategy (2003-2007)<sup>14</sup> was adopted in late 2003. In the process of implementation of the strategy, Armenia became member of the Council of Europe Group of States Against Corruption (GRECO), as well as ratified Council of Europe Civil Law Convention on Corruption (January 2005), Council of Europe Criminal Law Convention on Corruption (January 2006), and UN Convention against Corruption (March 2007). RA Anti-Corruption Council, headed by the RA Prime Minister was established in June 2004 to coordinate the anti-corruption policies in Armenia, and a presidential assistant-headed Anti-Corruption Strategy Monitoring Commission, was established simultaneously to monitor the process of anti-corruption strategy implementation. The new RA Government Anti-Corruption Strategy and Action Plan for 2009-2012<sup>15</sup>, developed in close cooperation with Armenian anti-corruption experts from ICHD and international organizations, were adopted in October 2009.

In March 2006, the GRECO has submitted to the Armenian government 24 recommendations developed in the framework of the Joint First and Second Round Assessment Report<sup>16</sup> developed by their evaluation team during the visit to Armenia in 2005. By September 2007, 12 recommendations were implemented satisfactorily, or were dealt with in a satisfactory manner, nine recommendations were implemented partially and three were not implemented at all. This information was made public by the GRECO in November 2008, and Armenia was requested to submit additional information on the implementation of the 12 not fully implemented recommendations, which was done in December 2009. In June 2010 an Addendum to the Compliance Report<sup>17</sup> was made public by the GRECO, stating that by that time Armenia has fully implemented a total of 18 recommendations, while the remaining six were implemented partially. This was discussed during the last meeting of the RA Anti-Corruption Council that took place on October 12, 2010.

Armenia has ratified the Convention on the Transfer of Sentenced Persons in 2001, the European Convention on Extradition, and the European Convention on Mutual Assistance in Criminal Matters in 2002, the Additional Protocol to the European Convention on Extradition in 2003, the Second Additional Protocol to the European Convention on Extradition, the European Convention on the Transfer of Proceedings in Criminal Matters, and the Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters in 2004. The Second

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<sup>14</sup> See: <http://www.gov.am/files/docs/74.pdf>

<sup>15</sup> See: <http://www.gov.am/files/docs/437.pdf>

<sup>16</sup> See: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC1&2\(2008\)3\\_Armenia\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC1&2(2008)3_Armenia_EN.pdf)

<sup>17</sup> See: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC1&2\(2008\)3\\_Add\\_Armenia\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC1&2(2008)3_Add_Armenia_EN.pdf)

Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters was signed on March 3, 2009, but has not yet been ratified.

An Agreement on Law-Enforcement Cooperation between the Governments of Armenia and Italy was signed on April 23, 2010. In May, 2010 Secretary of the RA NSC Arthur Baghdasaryan has stated that a cooperation agreement will be signed in near future between the German and Armenian police. Similar agreement is planned to be signed with the counterparts from Poland. Armenia does not currently have a cooperation agreement with Europol.

The current law on Personal Data was adopted on October 8, 2002, and last amended in 2008. In 2009 a new law on Protection of Personal Data was drafted by the RA Police, taking into consideration the IOM expert opinion, and presented for consideration to the Government. Armenia has not signed the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the Additional Protocol on supervisory authorities and trans-border data flows. In mid-November Estonian Data Protection Authority experts conducted training on data protection principles for about 35 officials from the RA Police, MoJ, MoFA, SNS, NSC and SSM. According to them, the draft law in general terms is in line with the international instruments.

## **Recommendations**

**RA has achieved some progress in the field by adopting the new Anti-Corruption Strategy, the Strategy for Combating Money Laundering and Terrorism Financing, and the National Programme on Organizing Combat Against Trafficking in Human Beings, as well as implementing the most of the recommendations of GRECO and MONEYVAL. However, there are a number of issues still to tackle, including:**

- **Adequate implementation of the abovementioned strategies and programme**
- **Implementation of the remaining relevant UN and CoE conventions, as well as the GRECO recommendations**
- **Improving the efficiency of regional and international judicial cooperation In criminal matters**
- **Ensuring the law-enforcement cooperation with the EU countries**
- **Adopting and implementing the new law on Data Protection**
- **Sign, ratify and implement the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**
- **Set up a Data Protection Authority, ensuring its independence**

#### 6.4. External Relations and Fundamental Rights

Article 25 of the RA Constitution ensures that “Everyone legally residing in the Republic Armenia shall have the right to freedom of movement and choice of residence in the territory of the Republic Armenia. Everyone shall have a right to leave the Republic of Armenia. Every citizen and everyone legally residing in the Republic of Armenia shall have the right to return to the Republic of Armenia.”<sup>18</sup> It further prohibits discrimination based on race, gender, disability, language, or social status.

The RA authorities cooperate with the UNHCR and other organizations in providing protection and assistance to refugees, internally displaced persons (IDPs), returning refugees, asylum seekers, stateless persons, and other persons of concern.

In order to leave the country, an RA citizen has to obtain a stamp in the passport (an exit visa). Neither the cost (about €2 per year), nor the application procedure (issued within 1-2 days) is restrictive. Since October 2008 the emigrants are not legally obliged to deregister themselves from the civil registry. No instances of forced exile were reported.

The latest data on the number of IDPs in Armenia dates back to Norwegian Refugee Council report, published in 2005, and is 8399, of which 2615 are from the enclave of Artsvashen under the control of Azerbaijan. It is likely that the current number of IDPs in Armenia is much lower.

RA ratified the 1951 Convention on Refugees and its 1967 protocol, together with the relevant human rights instruments. The new RA Law on Asylum and Refugees entered into force on January 24, 2009 and is positively assessed by the UNHCR. A new electronic registration system was established with the assistance of UNHCR to ensure accurate data on refugees.

An established procedure for granting asylum exists in Armenia, and its authorities provide “protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.”<sup>19</sup>

Human Rights Defender Office (HRDO) operates in the country, with a mandate to protect human rights and fundamental freedoms from government abuse. A TWINNING contract with the objective “to support the technical and organizational capacity of the HRDO of the RA to protect and promote human rights and fundamental freedoms and its development as an

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<sup>18</sup> See: <http://www.president.am/library/constitution/eng/?chapter=2>

<sup>19</sup> United States Department of State, *2009 Country Reports on Human Rights Practices - Armenia*, 11 March 2010, available at: <http://www.unhcr.org/refworld/docid/4b9e531673.html>

independent national human rights institution in full accordance with the Paris Principles relating to national human rights institutions”<sup>20</sup> was signed with HRDO in October, 2009.

## Recommendations

**RA has adopted legislation, ensuring the protection of fundamental rights to the citizens, including the full access to travel and identity documents. It is recommended, however, to:**

- **Ensure the effective implementation of the legislation**
- **Strengthening of the HRDO institute**

## 7. Recommendations on Priority Areas for Detailed Research and Analysis to Follow

The present study was prepared as an initial attempt to outline the state of affairs in visa liberalization priority areas in Armenia. With regards to recommendations on priority areas for detailed research and analysis, it has to be mentioned that despite the progress made recently by Armenia in line with the issues of concern for the visa liberalization for the Armenian citizens on the part of the EU member states, in none of the four priority areas the progress can be considered as sufficient to conclude that no further action on the part of the RA authorities is needed. This, however, is not surprising, given the early stage of the RA-EU visa dialogue.

It can be noticed that, generally speaking, Armenia has and continues to make good progress in creating a rather sound legislative base in the areas of concern, through adopting new and introducing amendments and addenda in the existing laws. However, and quite naturally, the progress in implementing the new legislative acts is less impressive.

The main areas, where the further research is most likely to be of greater value include managing legal and combating illegal migration, where the issue of coordination between the authorities, and creation of a unified database is of the major concern. Further, the issue of border management, despite the recent progress, and the assistance in the area by the international organizations, might also be important to deal with in greater detail. Security of travel documents, including the plans to introduce new biometric passports, is currently on the agenda of the RA Government, together with the issues related to data protection (in fact both issues are unified under a greater and ambitious plans on e-governance in Armenia), but the need to coordinate the activities in the field, providing for appropriate and timely development of the civil registry system and ensuring for protection of personal data, is certainly present.

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<sup>20</sup> See: [http://www.pao-armenia.am/en/twinning\\_pline/](http://www.pao-armenia.am/en/twinning_pline/)

Taking into consideration the abovementioned, while all areas will benefit from further research, the areas, where it can be of the greatest value: (a) *Document security* and (b) *Illegal immigration*<sup>21</sup>, supplemented by the issues, related to data protection from the area (c) *Public order and security*.

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<sup>21</sup> It has to be noted that in-depth research into the issues related to border management might be seriously constrained by the fact that some of the documents in the field, including the newly adopted strategy are not available to the public.