

EPF support to Grassroots Advocacy

DATA: Data for Accountable and Transparent Action Program

Eurasia Partnership Foundation, Funded by USAID, June, 2020 – August, 2022

During 2020-2022, EPF implemented the DATA program with the goal to contribute to an improved evidence-based policy making cycle by enhancing CSOs' capacity to use sound, robust data, analyze and communicate it effectively, and generate expertise and support from other stakeholders.

DATA program partners – the Eurasia Partnership Foundation (EPF) in a consortium with SOCIES Expert Centre NGO, Boon TV Foundation, Youth Cooperation Center of Dilijan NGO and Sose Women Issues NGO – developed methods (such as the How to Write Policy Recommendations, The Problem Identification Toolkit, and others) and processes that contributed to CSO capacity building for evidence-based policy intervention.

DATA program helped 5 thematic Network Consortia (NC), including 19 CSOs, to practically engage in policy processes in specific fields. The NCs included CSOs, research, Media, Think Tanks and grassroots organizations, and worked with experts, the private sector and government representatives.

Below we present two of the projects implemented.

TAAP NC: Transparent, Accessible and Accountable State Procurement

NC implementing partners: NGO Center - Civil Society Development NGO (NGOC), Freedom of Information Center of Armenia NGO, Community and Youth NGO.

The goal of the TAAP project was to promote the efficiency, transparency and management of Public Procurement systems. The project focused on *Sole source procurement*. Sole source procurement is one of the risky sectors in terms of the possibility of using various manipulative and corruption mechanisms in non-competitive processes. In 2018-2020, the share of sole-source procurement system by the State had grown to more than 40% among all public procurement methods, which is a considerably high ratio.

The TAAP NC conducted research on the volume of sole-source procurement purchases and the possibility of alternative methods, such as competitive bidding procurement methods. The electronic system of public procurement and the content of ToRs were also analyzed to identify the constraints on smooth and transparent organization of procurement announcements and selection.

The research identified the barriers in the systems that hinder the access of SMEs to procurement services, the complaint mechanisms, as well as transparency and public accountability, and corruption risks related to state spending.

Among the major findings of the research were the following: the large volume of sole source procurement is due to the fact that the State has adopted a new policy: to provide funding through this procedure, as opposed to direct funding, to the healthcare system (70% of the total spending), which often has a monopoly position in the market (each hospital is unique and needs specific items). Another caveat in the system is the justification for sole source financing based on the 'lack of competition': when a short period of time is proposed for the competition, up to 3 days, and the procurement is organized through the 'sole source' system.

TAAP developed a set of recommendations (policy document) for reforms in the field of public procurement. Among the directions of the recommended reforms are: the creation of non-judicial mechanisms for examining procurement complaints and blacklisted participants; re-equipment, renewal and rectification of technical problems in the electronic procurement systems, Armeps.am and e-Auction; introduction of electronic-based procurement processes; drafting tender technical specifications in a more competent and non-discriminatory manner; and limiting as far as possible purchases from one person with an exclusive right. The recommendations were discussed with and presented to the Ministry of Finance. This process was accompanied by an active communication campaign in the media and discussions with various stakeholders.

In addition, the Consortium developed sample Terms of Reference documents for 400 products to assist policy makers and procurement service users, for proper and unbiased formulation of the public procurement announcements.

The project revealed a significant number of problems and corruption risks, which require further study and policy improvement. The Ministry of Finance is currently reviewing its procurement procedures, and the majority of the TAAP recommendations have been considered to be included in the reforms. If these recommendations go forward, the results of this project will also have a positive impact on the anti-corruption policies of the government.

Labor Rights NC: Improving data-driven policy process in the field of labor rights

NC Implementing Partners: Armavir Development Center (ADC), Prisma Research Center, Law Development Center NGO, Public Journalism Club. This goal of the Project was to contribute to the protection of labor rights in Armenia by identifying and addressing the constraints in employer-employee contractual relationships. The project's objective was to improve employer-employee relations by encouraging the parties to enter into contracts as prescribed by legislation.

The NC addressed the violation of rights of the most vulnerable working population, who work without contracts due to lack of knowledge of their own rights or the fear of losing scarce job opportunities if they raise their concerns and demand their rights. The NC analyzed the state of labor rights of construction and service sector workers and the existence of contracts, and worked with state representatives, employers and CSOs to recommend measures for improving the contractual arrangements in labor relationships, as the major rights protection mechanism.

The research conducted by the NC demonstrates that the practice of verbal agreements of employment terms is prevalent in Armenia – around 22% of respondents reported having no contracts. The research also identified a correlation among various factors that are cross-related and impact the availability of contracts, such as gender, age, education, employment sector, number of employees of the organization, and the size of salary. The absence of a contract is more common among respondents aged 17-25 and 66-75, with a lower level of education, working in the private sector and small organizations, and for low wages. The NC developed a few solutions and resources to assist employers and employees to become better informed, and therefore protected in employer-employee relationships.

A platform www.ashkhiravunk.am has been developed where typical and sample job contracts, labor legislation and other related resources are placed, that are useful for both employers and employees. The NC launched a media series on social media, titled “Simple Questions” to inform the public on complex issues in a simple language. The short videos and multimedia content were developed for Instagram and Tik-Tok to target young people who are entering the job market and need knowledge to protect their rights. Some of the recommendations of the NC include:

- Employees often do not learn about their rights and read contracts, even if available, prior to their enrollment; they do so only when there is a violation of their labor rights. Therefore large-scale awareness and education campaigns are necessary to inform the public that successful protection of rights depends on being aware of the text of contracts. Employers should ensure that employees read the contents of the contract upon/before enrollment.

- The option of applying to the Inspection Body was not considered by any of the respondents to the survey. It was recommended to include sufficient information in employment contracts on the right to apply to the Labor Inspection Body.
- Since the Covid-19 pandemic had a significant impact on labor relations, in particular, on the methods of contracting, it was recommended to develop and promote the digitization of contracts. This recommendation was among the most discussed and disputed, mainly due to the risks of personal information leaks, lack of capacity among small businesses and employees to utilize technology, and other concerns. The proposal was that a unified electronic platform with digital contracts would make it easy to resolve labor disputes more promptly, and would be connected to the State Revenue Service; thus, the platform would reduce cases of non-signing of contracts. At the time of this report, the Government has adopted draft law No. 1568-L dated 6 October 2022 setting out a 2022-2024 Action Plan within the framework of the “Open Government Partnership”. The tenth commitment thereof provides for introduction of an electronic system of employment contracts for both the public and private sectors.
- Since employees avoid resolving labor disputes through the court due to the time, cost, and the possible consequence of deterioration of their relations with the employer, it is proposed to create a non-judicial body for the resolution of labor disputes, such as the mediation system, in which trade unions, employers’ unions, the Ministry of Labor and Social Affairs and the Inspection Body will be involved.

The process of revising the Labor Code had been launched by the state, and the advocacy efforts contributed to drafting some of the amendments. The NC promoted the establishment of a compulsory system for electronic contracts; this recommendation was incorporated in the draft law on “Amendments to the Labor Code of the Republic of Armenia” published on e-draft.am on November 1st, 2022.

Other policy initiatives that were addressed through the DATA program include: addressing the inclusion of social and ecological problems in local government strategies, evaluating rights-based approaches in the management of the care of people with mental health problems, and studying and introducing human security contexts and their reflection in local government strategies in the border communities of Syunik region affected by multiple crises (military and pandemic).

The DATA implementing partners have become today a significant resource that presents CSOs’ ability to constructively influence evidence-based decision making.