



**LEGAL EDUCATION REFORM
INDEX
FOR
ARMENIA**

August 2007

© American Bar Association

The statements and analysis contained herein are the work of the American Bar Association's Rule of Law Initiative. The statements and analysis expressed are solely those of authors, and have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and do not represent the position or policy of the American Bar Association. Furthermore, nothing in this report is to be considered rendering legal advice for specific cases. This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of the American Bar Association's Rule of Law Initiative and do not necessarily reflect the views of USAID or the United States Government.

ISBN: 978-1-59031-935-2 (paperback)

ISBN: 978-1-60442-119-4 (PDF)

Printed in the United States of America

Copyright © 2008 by the American Bar Association
740 15th Street, NW, Washington, DC 20005

TABLE OF CONTENTS

Introduction	i
Executive Summary	1
Armenia Background	5
Historical Context	5
Structure of the Legal Education System	6
<i>Institutions Providing Legal Education</i>	6
<i>Recognized Law Degrees</i>	7
<i>Control and Oversight</i>	7
Academic Process	7
<i>Admission Standards</i>	7
<i>Curricula</i>	8
<i>Graduation Requirements</i>	8
Armenia LERI 2007 Analysis	9
Table of Factor Correlations	9
I. Licensing, Accreditation, and Evaluation	10
Factor 1: Regulation of Legal Education by a Duly Authorized Entity	10
Factor 2: Standards for Licensing and Accreditation	11
Factor 3: Licensing and Accreditation Procedure	13
Factor 4: Disciplinary and Enforcement Actions	15
II. Admission Policies and Requirements	17
Factor 5: Admission Examination and/or Other Entrance Standards	17
Factor 6: Non-Discriminatory Admission	21
Factor 7: Special Admission Measures	22
III. Curriculum and Teaching Methodology	25
Factor 8: Comprehensive Curricula	25
Factor 9: Instruction in Ethics and Core Professional Values.....	28
Factor 10: Professional Skills Instruction	29
Factor 11: Teaching Methodologies.....	32
IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications	35
Factor 12: Student Evaluation and/or Examination	35
Factor 13: Awarding of Degrees	37
Factor 14: Institutional Record-Keeping	39
Factor 15: Recognition Frameworks and Networks.....	41

V. Faculty Qualifications and Conditions of Employment.....	43
Factor 16: Faculty Qualifications.....	43
Factor 17: Hiring, Promotion, and Tenure	45
Factor 18: Faculty Compensation	47
Factor 19: Academic Freedom and Freedom of Association for Law Faculty	49
VI. Institutional Holdings and Capacities	51
Factor 20: Access to Legal Materials.....	51
Factor 21: Physical Facilities and Technological Capacities	53
Factor 22: Class Size and Administrative/Support Staff.....	55
List of Acronyms	57

Introduction

Quality legal education is an essential element in producing legal professionals who can competently represent clients and contribute to the establishment of the rule of law. However, in many countries, the quality of legal education does not meet international standards, and many law school graduates do not possess the requisite skills to be effective legal professionals. Against this backdrop, the American Bar Association's Rule of Law Initiative (ABA ROLI) created the Legal Education Reform Index (LERI). Its purpose is to assess the status of legal education reform in emerging democracies *vis-à-vis* internationally established principles. In an era when legal and judicial reform efforts are receiving more attention than in the past, the LERI is an appropriate and important assessment mechanism. The LERI will enable ABA ROLI, its funders, and the emerging democracies themselves, to better target legal education reform programs and monitor progress towards establishing quality legal education systems.

ABA ROLI embarked on this project with the understanding that there is no uniform agreement on all the particulars that are involved in legal education reform. There are differences in legal cultures that may make certain issues more or less relevant in a particular context. However, after working on this issue for 15 years in different regions of the world, ABA ROLI has concluded that each of the 22 factors examined herein may have a significant impact on the legal education reform process. Thus, an examination of these factors creates a basis upon which to structure technical assistance programming and assess important elements of the reform process.

The technical nature of the LERI distinguishes this type of assessment tool from other independent assessments of a similar nature. This assessment will *not* provide narrative commentary on the overall status of the legal education system in a country. Rather, the assessment will identify specific conditions, legal provisions, and mechanisms that are present in a country's legal education system and assess how well these correlate to specific reform criteria at the time of the assessment. In addition, this analytic process will not be a scientific statistical survey. The LERI is based on an examination of key legal norms, discussions with informal focus groups, interviews with legal education stakeholders and members of the legal community, and relevant available data. It is first and foremost a legal inquiry that draws upon a diverse pool of information that describes a country's legal education system at a particular moment in time through the prism of international standards and best practices.

Scope of Assessment

The definition of "legal education" poses the key methodological challenge in assessing legal education reform. The broad range of legal education that exists in the world demanded that a balance be struck between the need for a globally representative definition and one that would provide a useable basis for analysis.

In the end, in order to keep the LERI assessment process manageable and to maintain its global applicability and portability, ABA ROLI decided to limit the scope of the LERI assessment to institutions and programs providing core legal education leading to the first-level degree in law, i.e., Bachelor of Laws (LL.B.), Bachelor of Civil Law (B.C.L.), or Juris Doctor (J.D.), which are typically required for the admission to the legal profession. ABA ROLI excluded advanced law degrees, such as Master of Laws (LL.M.), Doctor of Juridical Science (J.S.D./S.J.D.), or the less common Doctor of Philosophy in Law (Ph.D.), given the wide diversity and high degree of specialization of most such programs throughout the world, as well as the fact that these degrees are rarely, if ever, required as a prerequisite to law practice admission. Nonetheless, the LERI assessment reports for individual countries will make limited references to such advanced degree programs as appropriate, to compare and contrast their select aspects with those of the core LL.B. programs.



In addition, legal education, such as that required for a notary or a bailiff that does not culminate in an LL.B. degree (or its equivalent), was also excluded. Furthermore, post-law school training, such as an apprenticeship, is considered part of the scope of legal education for the LERI, because it represents an integral part of legal education in many countries. However, since a post-law school apprenticeship (or other similar requirement) is not present in every country, the LERI does not have a separate factor to assess this requirement. Instead, the Assessment Team can elaborate on this issue in relevant factors as appropriate. Finally, continuing legal education (CLE) is not included in the scope of the LERI. Legal education received after admission to the profession falls more properly within the scope of legal profession reform, and is directly assessed in the LPRI assessment tool.

Methodology

ABA ROLI was able to borrow heavily from the companion Judicial Reform Index (JRI), Legal Profession Reform Index (LPRI), and Prosecutorial Reform Index (PRI) in terms of structure and process. However, there is relative scarcity of research on certain aspects of legal education reform. The limited research that exists tends to concentrate on law school licensing and accreditation, curriculum, and teaching methodologies, but fails to cover other important components, such as admission policies, examination process, awarding of degrees, or faculty qualifications and conditions of employment. In addition, legal education reform is often viewed as secondary or tertiary in the rule of law reform movement. According to democracy scholar Thomas Carothers, “rule-of-law promoters tend to translate the rule of law into an institutional checklist, with primary emphasis on the judiciary.” CAROTHERS, PROMOTING THE RULE OF LAW ABROAD: THE KNOWLEDGE PROBLEM at 8 (CEIP Rule of Law Series, Working Paper No. 34, Jan. 2003). Moreover, as was found with the JRI, the LPRI, and the PRI, many factors related to the assessment of legal education are difficult to quantify, and “[r]eliance on subjective rather than objective criteria may be ... susceptible to criticism.” ABA/CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE (ABA/CEELI), JUDICIAL REFORM INDEX: MANUAL FOR JRI ASSESSORS at ii (revised ed. 2006).

In designing the LERI methodology, ABA ROLI sought to address these issues and criticisms by including both subjective and objective criteria and by basing the criteria examined on fundamental international and regional standards and best practices contained in documents from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); International Network for Quality Assurance Agencies in Higher Education (INQAAHE); European Union (EU); European Association for Quality Assurance in Higher Education (ENQA); European Consortium for Accreditation (ECA); European University Association (EUA); European Law Faculties Association (ELFA); Commonwealth of Independent States (CIS); and Council of African States and Madagascar on Higher Education (CAMES). Key documents that served as basis for the LERI criteria included, among others: UNESCO’s *World Declaration on Higher Education for the Twenty-First Century: Vision and Action, Framework for Priority Action for Change and Development in Higher Education, and Recommendations Concerning the Status of Higher-Education Teaching Personnel*; UNESCO/Organization for Economic Cooperation and Development *Guidelines for Quality Provision in Cross-Border Higher Education*; the INQAAHE *Guidelines of Good Practice*; EU Council’s *Brussels Recommendation on European Cooperation in Quality Assurance in Higher Education*; the *Joint Declaration of the European Ministers of Education on the European Space for Higher Education (Bologna Declaration)*; ENQA’s *Standards and Guidelines for Quality Assurance in the European Higher Education Area*; and *Code of Good Practice for the Members of the European Consortium for Accreditation in Higher Education*. In addition, reference was made to the ABA’s *Standards and Rules of Procedure for Approval of Law Schools*; the Clinical Legal Education Association’s (CLEA) *Best Practices for Legal Education: A Vision and A Road Map*; as well as national standards and best practices from other jurisdictions. Finally, ABA ROLI was able to rely on best practices ascertained through more than 15 years of its technical legal assistance experience reforming legal education systems in emerging democracies.

Drawing on these sources, ABA ROLI compiled a series of 22 aspirational statements, or factors, that address quality in core areas of legal education. To assist assessors in evaluating these factors, ABA ROLI developed a manual that provides a guiding commentary on the factors and the international standards in which they are rooted, clarifies terminology, and provides flexible guidance on the areas of inquiry. A particular effort was made to avoid giving higher regard to American, as opposed to other regional concepts, of the structure and functioning of the legal education system. Thus, certain factors are included that an American or a European legal education specialist may find somewhat unfamiliar, and it should be understood that the intention was to capture the best that leading legal traditions have to offer rather than model the LERI on one country's legal education system. The main categories incorporated address licensing and accreditation of institutions providing legal education; admission policies and requirements; curriculum and teaching methodologies; student evaluation and awarding of degrees; faculty qualifications and conditions of employment; and institutional holdings and capacities of law schools.

In creating the LERI, ABA ROLI was able to build on its experience in creating the JRI, the LPRI, the PRI, and the more recent CEDAW Assessment Tool and Human Trafficking Assessment Tool in a number of ways.¹ For example, the LERI borrowed the JRI's factor "scoring" mechanism and thus, as with the LPRI and the PRI, was able to avoid the difficult and controversial internal debate over numerical versus qualitative/descriptive scoring that occurred with the creation of the JRI. In short, the JRI, the LPRI, the PRI, and now the LERI, employ factor-specific qualitative evaluations. Each LERI factor, or statement, is allocated one of three values or correlations: *positive*, *neutral*, or *negative*. These values only reflect the relationship of a factor statement to a country's regulations and practices pertaining to its legal education system. Where the statement strongly corresponds to the reality in a given country, the country is to be given a score of "positive" for that statement. However, if the statement is not at all representative of the conditions in that country, it is given a "negative." If the conditions within the country correspond to in some ways but not in others, it is given a "neutral." Like the JRI, the LPRI, and the PRI, the LERI foregoes any attempt to provide an overall numerical scoring of a country's reform progress, since attempts at aggregate scoring based on this approach could be counterproductive.²

The results of the 22 separate evaluations are collected in a standardized format in each LERI country assessment. As with the JRI, the LPRI, and the PRI, the LERI country reports contain the assessed correlation for each factor and a brief summary describing the basis for this conclusion following each factor. In addition, a more in-depth analysis is included, detailing the various issues involved. Cataloguing the data in this format facilitates its incorporation into a database, and it permits users to easily compare and contrast performance of different countries in specific areas and – as LERIs are updated – within a given country over time. There are two main reasons for borrowing the JRI's, the LPRI's, and the PRI's assessment process, "scoring," and format. The first is simplicity. Building on the tested and well-respected methodology of the JRI, the LPRI, and the PRI enabled a speedier development of the LERI. The second is uniformity. Creating uniform formats will eventually enable ABA ROLI to cross-reference information generated by the LERI with the existing body of JRI, LPRI, and PRI information. This will eventually give ABA ROLI the ability to provide a much more complete picture of legal reform in target countries.

Continuing a successful practice that was first implemented in the LPRI is the creation of a correlation committee and the use of informal focus groups. In order to provide greater

¹ CEDAW stands for the UN Convention on the Elimination of All Forms of Discrimination against Women. ABA/CEELI developed the CEDAW Tool in 2001-2002. The Human Trafficking Assessment Tool is based on the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and was developed in 2004-2005.

² For more in-depth discussion on this matter, see Larkins, *Judicial Independence and Democratization: A Theoretical and Conceptual Analysis*, 44 AM. J. COMP. L. 605, 611 (1996).



consistency in correlating factors, ABA ROLI forms an ad hoc committee that includes the assessor, relevant Country Director and local staff, and select ABA ROLI D.C. staff. The concept behind the committee is to add a comparative perspective to the assessor's country-specific experience and to provide a mechanism for consistent scoring across country assessments. The use of informal focus groups, consisting of law school faculty, students, and administrator, legal practitioners, NGO representatives, and various government officials, can help identify issues and increase the overall accuracy of the assessment.

Social scientists might argue that some of the assessment criteria would best be ascertained through public opinion polls or through more extensive interviews of key stakeholders. Sensitive to the potentially prohibitive cost and time constraints involved, ABA ROLI decided to structure these issues so that they could be effectively answered by limited questioning of a cross-section of law professors and students, lawyers, judges, prosecutors, and outside observers with detailed knowledge of the legal education system. Overall, the LERI is intended to be rapidly implemented by one or more legal specialists who are generally familiar with the country and region and who gather the objective information and conduct the interviews necessary to reach an assessment of each of the LERI factors.

The LERI was designed to fulfill several functions. First, the LERI provides governments and legal education professionals with a comprehensive assessment of the state of legal education in the country, thus enabling them to prioritize and focus reform efforts. Second, ABA ROLI and other rule of law assistance providers will be able to use the LERI results to design more effective programs related to improving the quality of legal education. Third, the LERI provides donor organizations, policymakers, NGOs, and international organizations with hard-to-find information on the structure, nature, and status of the legal education system in countries where the LERI is implemented. Fourth, combined with the JRI, the LPRI, and the PRI, the LERI contributes to a comprehensive understanding of how the rule of law functions in practice. Finally, the LERI results can serve as a springboard for local advocacy initiatives and grassroots advocacy efforts to improve government compliance with internationally established standards for the legal education.

Acknowledgements

ABA ROLI would like to thank the team that developed the concept and design of the LERI, including Dr. Carson Clements, Legal Analyst of ABA ROLI's Research and Program Development Office, who served as project coordinator; Michael Maya, ABA ROLI Deputy Director, who helped guide the project and provided invaluable inspiration in developing the LERI assessors' manual and implementing the pilot LERI assessment; John Keeton, Program Manager for Central Asia Programs, who provided project support, including coordinating the work of the LERI Expert Working Group; and legal interns Elena Arakelian and Natalya Kim, who provided research assistance and translation support. In addition, ABA ROLI gratefully acknowledges the contributions made to this project by the members of its internal LERI Working Group, including Steven Auster Miller, Frank Hesse, and Cristina Turturica Malai, as well as by a number of other valued past and present colleagues, including Wendy Patten, Simon Conté, and Olga Ruda.

In the course of developing the LERI, input and critical comments were solicited from a variety of experts on legal education matters. In particular, ABA ROLI would like to thank the members of its LERI Expert Working Group, who helped revise the initial LERI structure and factors, including Gilles Badet, Mark Dietrich, Haluk Kabaalioglu, Jeffrey Lehman, Makua Mutua, Eleanor Myers, William Rakes, Speedy Rice, Richard Roe, Barbara Schatz, Roy Stuckey, James White, Richard Wilson, and Leah Wortham.

Assessment Team

The Armenia LERI 2007 assessment team was led by ABA ROLI's Legal Analyst Dr. Carson Clements, with invaluable assistance of ABA ROLI's Staff Attorneys in Armenia Narine Gasparyan and Liana Haroyan. The team received substantial support from Eurasia Regional Program Director Karen Kendrick, Armenia Country Director Sonya Smith, and Armenia Rule of Law Legal Specialist Lori Duke. The team would also like to acknowledge the support provided by members of ABA ROLI's staff in Washington, D.C., including ABA ROLI Deputy Director Michael Maya, Research and Program Development Office Director Simon Conté, Program Manager Julie Garuccio, Program Officer Diane Scott, and Program Associate Tamara Senikidze. Olga Ruda, Research Coordinator at ABA ROLI's Research and Program Development Office, served as editor and prepared the report for publication. The conclusions and analysis are based on interviews that were conducted in Armenia in March 2007 and relevant documents that were reviewed at that time. Records of relevant authorities and a confidential list of individuals interviewed are on file at the Washington, D.C. office of ABA ROLI. The assessment team is extremely grateful for the time and assistance rendered by those who agreed to be interviewed for this project.

Executive Summary

Brief Overview of the Results

The 2007 Legal Education Reform Index (LERI) assessment for Armenia was conducted at an important juncture, as the country's higher education system has been undergoing significant changes since adopting in 2005 the Bologna Process for the creation of the European Higher Education Area. In an effort to comply with the Bologna Process, the Armenian government has expanded and improved upon its legislative framework for organization and operation of the higher education system, which has directly affected institutions providing legal education. By and large, these developments have resulted in some improvements in the quality of legal education. However, although the laws have changed and some reforms have been implemented, many of the habits and practices of the past remain problematic, and compliance with the spirit of the new legislative framework is spotty.

As illustrated in the Table of Factor Correlations, Armenia scored positively on 5 of the 22 LERI factors (Regulation of Legal Education by a Duly Authorized Entity; Non-Discriminatory Admission; Special Admission Measures; Institutional Record-Keeping; and Academic Freedom for Law Faculty), while 7 factors (those relating, inter alia, to licensing and accreditation standards and procedures, faculty qualifications and employment conditions) received a neutral correlation. The remaining 10 factors received a negative correlation, including all factors related to curriculum and teaching methodologies, student evaluation and grading (including in the course of administering admission, semester-end, and graduation exams), as well as factors related to faculty compensation, access to legal materials, and enforcement actions in the licensing and accreditation of law schools. These negative correlations are based, in large part, on the substandard quality of legal education, the perceived pervasive corruption in the higher education system.

Positive Aspects Identified in the 2007 Armenia LERI

- Armenia has been ***working toward implementation of the Bologna Process*** since 2005, with a target date of 2010 for reaching the threshold requirements for the Bologna process. The country has ***started making important strides towards compliance*** with the Bologna Process requirements related to quality assurance, two-cycle degree system, credit system, and recognition of degrees and qualifications. Despite these advances, numerous problems and challenges remain, including the lack of adequate understanding of the Bologna requirements by public and educators alike.
- Armenian ***law schools operate with a large degree of autonomy***, as long as they comply with the national education standards. Faculty are free to research and publish on any legitimate academic topic, are encouraged to join professional associations and participate in academic conferences, and all professional and political affiliations are generally respected. However, limited funding often prevents professors from utilizing these opportunities to full extent.
- ***Discrimination in law school admission process is not an issue***, especially with respect to ethnic minorities, foreign nationals, and disabled students. However, there are some concerns with gender balance and socio-economic discrimination, attributable to economic reality rather than a deliberate discriminatory practice. The law provides for ***special admission measures for certain types of applicants***, and a number of universities also have need-based programs to assist economically disadvantaged students.

Concerns Relating to Government Oversight of the Education System

- **The Ministry of Education and Science (MOE) exercised day-to-day quality control and oversight of all higher educational institutions** in Armenia, including law schools. Most importantly, it **controls licensing and accreditation** of universities and academic programs. In addition, the MOE **administers admission exams** and makes admission decisions for state universities, without any input from the latter; and **controls the curriculum** taught in the state and many private law schools. These extensive functions have the effect of hampering curriculum reforms and other reform attempts, especially by state universities.
- On the other hand, **government oversight of educational institutions and quality assurance mechanisms are often insufficient**. For example, current licensing and accreditation standards and procedures are not sufficiently stringent, are largely quantitative, and focus excessively on compliance with paperwork rather than on educational quality and outcomes. In addition, a number of non-state universities apparently provide legal education without having the necessary state accreditation. As a result, **many graduates who are entering the job market do not possess the knowledge and skills necessary for effective practice of law**.

Concerns Relating to Perceived Corruption in Higher Education

- There is a **widespread belief that corruption pervades the entire legal education system**, including the licensing and accreditation process, admission exams and procedures in many universities, examinations and grading in the course of studies, and final examination process. Thus, universities routinely manipulate the existing licensing and accreditation requirements, and **political connections and personal relationships reportedly determine accreditation outcomes**. This often renders the evaluation meaningless, further undermining the legitimacy of the system.
- In an effort to curb the perceived rampant corruption in university admission process, the MOE established the State Admission Commission to organize and supervise **centralized entrance exams for state universities**. As the MOE now makes admission decisions independently of state institutions, some contend that **this has essentially created centralized corruption**. Corruption in law school admission process takes fairly sophisticated forms, and there are increased opportunities for corruption due to oral exam components and the possibility for appealing exam scores. Overall, admission exams fail to adequately measure the knowledge that applicants should have obtained from secondary school or the likelihood of their success in law school.
- **Perceived bribery and corruption also remain a serious problem in the law school and graduation exams**, with wealthy students reportedly buying grades and degrees. Given the virtual lack of criteria for exam grading, any professor may arbitrarily choose to pass or fail any student. In addition, the largely oral **exams do not adequately test the subject matter or fairly and accurately reflect the students' knowledge**. As a result, diplomas are not viewed as a guarantee that a graduate possesses the requisite legal knowledge and practical skills necessary to practice law.

Concerns Relating to Outdated Curricula and Teaching Methodologies

- With a few exceptions, **most law schools follow the standard MOE-approved curriculum**, which contains the necessary classes for general theoretical legal education, but fails to meet international standards and ensure that graduates are qualified to practice law. The curriculum reflects outdated approaches, focusing on theory and duplication of facts rather than on the development of problem-solving and

critical thinking skills. In addition, the curriculum does not provide enough flexibility to improve the relevance and career orientation of future lawyers, and **law schools have very little autonomy to alter the current course structure.**

- Law school **curriculum is mostly theoretical in content and is far from relevant to legal practice.** On the one hand, the curriculum requires numerous redundant or non-vital courses, such as history or physical education. At the same time, most curricula **lack practical skills training, legal research and writing courses, or ethics instruction,** which are not required by the MOE-approved curriculum. The availability of clinical components, moot court sessions, and courses in international and comparative law is severely limited. As a result, future employers often complain about having to provide additional on-the-job training to all newly employed law graduates before they can be assigned to do actual legal work.
- With a few exception, **most professors in Armenian law school rely solely upon theoretical lectures** “in the old Soviet style” and **fail to utilize interactive teaching techniques.** In large part, this is related to the fact that, many professors are unable to provide quality instruction as they simply do not possess the requisite teaching skills, practical experience, or research qualifications. Consequently, the **learning process relies primarily on rote memorization** of statutory texts and theoretical concepts, with little opportunity to develop or utilize the students’ professional skills. Lack of funding generally prevents most law schools from creating opportunities for their professors to develop more interactive and effective teaching methodologies.

Concerns Relating to the Lack of Adequate Funding

- The shortage of funding at most universities has a profound negative impact on the level of salaries paid to law faculty. **Faculty compensation in all but a handful of the universities is abnormally low** compared with that for jobs in the public or private sectors requiring similar degrees and background. This, in turn, **hampers recruitment and retention of qualified professors,** forces most faculty to hold other jobs or teaching assignments, and increases their susceptibility to corruption. All of this can have an adverse impact on the faculty’s ability to devote the time and efforts to effective and quality teaching.
- Funding issues also mean that Armenian **law school are unable to invest sufficient resources into updating their library holdings.** Although access to legal materials has improved somewhat in the past few years with increased Internet access, most law school libraries have outdated materials and lack the sources in international and comparative law, updated Armenian language resources, or current legal commentaries. In addition, most materials are too theoretical and lack practical application. Finally, quantities of textbooks are insufficient and the cost of purchasing textbooks is prohibitive for many students, which forces them to photocopy the textbooks they need.
- **Financial concerns remain the main obstacle for substantial improvements in physical and technological infrastructure** in most law schools. Facilities for instruction available in most law schools are merely adequate, and the majority of institutions do not have adequate access to technology, especially to electronic legal databases.

Armenia Background

Historical Context

Education has always had a prominent role in Armenia. The country has a reputation of excellence in education dating back millennia. However, today, more than 15 years after the collapse of the Soviet Union, the Armenian system of legal education is in a state of disrepair and needs drastic reform to bring legal education up to the standards espoused under the Bologna Process towards the creation of a European Higher Education Area [hereinafter EHEA]. During the Soviet era, legal education enjoyed adequate funding and was held in high regard. It is important to recognize that, with the collapse of the Soviet Union and Armenia's declaration of independence, the legal structure of Armenia changed drastically. In the last two decades, Armenia adjusted from being a Soviet Republic to its own independent country, with its own laws, regulations, and treaty obligations. Yet, the Soviet model of education continues to influence higher education. The Ministry of Education and Science [hereinafter MOE] not only controls licensing and accreditation of educational institutions, but also administers the university admission exams and, based on these exams, determines, without any input from the state universities, how many students are admitted to each state university and department. As with all higher education in Armenia, legal education continues to suffer from the shortage of funding, a lack of updated curricula, materials and teaching methodologies, corruption, weak quality assurance standards and oversight, and a decline in the overall quality of education provided to students. These problems affect the quality of legal professionals, who are vital to the success of rule of law reforms that Armenia is undertaking.

During the Soviet era, Yerevan State University [hereinafter YSU] was the only university operating in Armenia that had a law faculty. However, after the Soviet system ended, new law schools at both private universities and other state universities proliferated throughout Armenia. Unfortunately, regulation and oversight of educational institutions were lax, and many (but certainly not all) institutions offering legal education were of poor quality and should not have been allowed to operate without considerable improvements.

Since independence, and especially in the last 5 years, Armenia has taken a number of important steps toward advancing the rule of law and improving the state of higher education, including legal education. The country was particularly successful in improving its legislative framework. For example, Armenia enacted a new Constitution in 1995 (subsequently amended in 2005), adopted a new Law on Education in April 1999, and has seen the promulgation of numerous pieces of legislation and ministerial directives regarding education. In addition, Armenia joined the Council of Europe in January 2001, and is now a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms [hereinafter EUROPEAN CONVENTION ON HUMAN RIGHTS], making the European Court of Human Rights [hereinafter ECHR] case law directly applicable in Armenia. In addition, in 2005 the country has adopted the Bologna Process towards EHEA and has started making important strides towards complying with its mandates related to quality assurance, two-cycle degree system, credit system, and recognition requirements. The government has set 2010 as the next landmark date for reporting on developments and reaching the threshold requirements for the Bologna Process. Armenia's steps to reform its education system have also included efforts to replace the earlier admission process and exams with a new centralized admission exam and process, and further reforms are proposed. To a large extent, these changes have established a more robust legal education system in Armenia.

Although the laws have changed and some reforms have been implemented, the overall public perception of the quality of legal education in Armenia remains low. Many of the habits and practices of the past remain problematic, and compliance with the spirit of the new legislative framework is spotty. There is a widespread belief that corruption pervades the entire higher education system, including the licensing and accreditation process, admission exams and

procedures in many universities, examinations and grading in the course of studies, and final state examination process. Another problem is that some universities still provide legal education that simply does not meet the state requirements and quality standards. Further, quality assurance measures remain insufficient, resulting in a disconnect between educational goals and standards and learning outcomes among many of the law graduates. Finally, the overall insufficient funding and resources also challenge the reform process. Most significantly, shortage of funding has a profound negative impact on the level of salaries paid to law faculty, which, in turn, hampers recruitment and retention of qualified professors, and also affects physical and technological facilities and materials available in many of Armenia's law schools.

Structure of the Legal Education System

Institutions Providing Legal Education

Legal education in Armenia is classified as higher professional education and can therefore be offered through one of the following types of higher educational institutions:³

- **University** (i.e., higher educational institution offering higher, postgraduate, and supplemental education programs in a variety of natural and social sciences and humanities, as well as engaging in fundamental academic research and studies);
- **Institute** (i.e., higher educational institution offering specialized professional and postgraduate academic programs, as well as engaging in academic research in select scientific, economic, and cultural fields); and
- **Educational academy** (i.e., higher educational institution offering postgraduate academic programs, training, and continuing education to highly qualified specialists in an individual field, as well as engaging in the development of education, science, technology and culture in an individual field).

In addition, depending on the ownership status, all higher educational establishments in Armenia can be classified as either state institutions, private institutions, or foreign-affiliated institutions.

State educational institutions are founded by the Government of Armenia and obtain the right to engage in educational activity once they are officially established. However, they receive the right to award state-recognized degrees and diplomas only after undergoing the mandatory state accreditation procedure. State universities operate with significant oversight and control from the MOE, admitting students based on the list passed down by the MOE, utilizing the model state curriculum for various disciplines, and receiving most of their funding directly from the MOE's budget. There are currently 18 state higher educational institutions in Armenia, but only 4 of them (YSU, Gavar State University, Academy of Militia (Police), and Academy of Public Administration) offer legal education.

Private educational institutions may be founded by any natural persons or legal entities and must receive official state registration. In order to engage in educational activity, these establishments must first receive a license from the MOE. In addition, they must also undergo the mandatory state accreditation procedure in order to award state-recognized degrees and diplomas. Private universities control their own budgets, determine their own admission procedures (although they may choose to use the results of centralized state admission exams), and have a choice of whether to follow the model state curriculum or create their own. Private universities have proliferated in Armenia since the early 1990s, and presently there are 71 legal entities that have received licenses to carry out educational activities in Armenia, 43 of which

³ The terms "educational institution," "educational establishment," "institution," and "university" are used interchangeably throughout this assessment report.

offer programs in law. It is noteworthy that 13 of these 43 institutions do not have state accreditation for their law programs.

Similarly to private universities, **foreign-affiliated educational institutions** must hold a MOE's license and an accreditation in order to engage in educational activity and award state-recognized degrees and diplomas. These universities control their own budgets, design their own curricula, and determine their own admission requirements, which are usually based on the requirements of their respective home countries. Foreign-affiliated institutions award their own degrees and diplomas, which are typically recognized by their home country, but they can also issue Armenian degrees and diplomas if authorized to do so under the terms of their license and/or accreditation. Currently, 3 of the 4 foreign-affiliated universities operating in Armenia (American University of Armenia [hereinafter AUA], French University, and Russian-Armenian (Slavonic) University) have law faculties.

Recognized Law Degrees

As professional higher educational institutions, law schools in Armenia may award the following types of core qualification degrees:

- **Bachelor of Law [hereinafter LL.B.]**, which is issued to individuals with complete secondary education, who have successfully completed a higher education program in law of at least 4 years;
- **Specialist with Diploma**, which is issued to individuals with either complete secondary or professional education, who have successfully completed a higher education program in law of at least 5 years;
- **Master of Law [hereinafter LL.M.]**, which is issued to individuals with either an LL.B. or a Specialist's degree, who have successfully completed an additional 2-year higher education program in law.

In addition to the core degrees, Armenian law schools may also award a post-graduate **Candidate of Science** degree, which is issued to holders of a Specialist's or an LL.M. degree who have completed a 3-year post-graduate Ph.D. program.

Control and Oversight

The responsibility for managing and regulating Armenia's educational system, including the legal education system, is shared between the Government of Armenia, which is charged with broad responsibility for setting the state educational policy, and the MOE, which exercises day-to-day quality control and oversight of higher educational institutions. Most importantly, the MOE is the state body authorized with licensing and state accreditation of educational institutions, and performs these functions through its Licensing and Accreditation Service [hereinafter LAS]. In addition, the MOE sets admission rules for state and accredited non-state universities, as well as administers the centralized admission exam for state universities; develops model academic plans, curricula, and textbooks; defines transfer and final state examination procedures; and establishes the procedure for recognition of foreign academic degrees.

Academic Process

Admission Standards

Admission to state higher educational institutions and other professional educational institutions is generally conducted on a competitive basis, although certain applicants (e.g., war veterans, certain disabled individuals, and orphans) are entitled to privileges and can be admitted outside of



the general competition. Any applicant who has completed at least secondary education is eligible to participate in the competition. State universities utilize a centralized admission exam process, which is organized and administered by the MOE's State Admission Commission [hereinafter SAC]. When filling out a unified application for admission, applicants indicate their preferences for admission to up to 4 free and up to 4 tuition-based positions in one or several state universities located within the same city. Applicants to LL.B. programs at state law schools take written exams in Armenian language, foreign language, and Armenian history, each of which is graded on a 20-point scale with a score of 8 considered passing. Passing scores received by each applicant are then added up, and applicants are ranked by their scores, with highest-scoring applicants given priority in admission to the university and profession of their first choice. Those who fail to get admitted to their first-choice institution continue participating in the competition based on their remaining preferences. At the end of the competition, the SAC approves the results and forwards to each state university the official list of admitted students.

Admission to private and foreign-affiliated institutions is governed by each university's separate rules, although these schools may choose to use the state exam scores in their admission decisions. Typically, the admission process in these universities is based on an oral interview with prospective students.

Curricula

Each university designs and approves its own academic plans and curricula that are submitted to the MOE for oversight purposes. In practice, however, most LL.B. programs in Armenia follow a model state curriculum promulgated by the MOE as part of the state educational criteria, and universities have little autonomy to alter the current course structure. Per the model curriculum, law students must take a number of prescribed general courses in humanities, social-economic, mathematical, and natural science disciplines (e.g., philosophy, Armenian history and language, or foreign languages). Students are also required to take general specialized professional courses in law (such as theory and history of the law, constitutional law, civil law and procedure, or criminal law and procedure), as well as elective courses for their chosen sub-specialization within the general Jurisprudence curriculum. The existing curriculum is largely theoretical, with extremely limited or non-existent instruction in ethics, practical skills, legal research and writing, and comparative and international law. Performance in each course is usually measured by means of an oral final exam, although midterm exam results and course involvement may also be taken into account in computing a student's final grade.

Graduation Requirements

In order to obtain an LL.B. degree, law students must successfully complete the prescribed coursework, as well as pass the final state attestation. This attestation consists of: (1) passing at least 2 oral state qualification examinations in theoretical subjects including theory of state and law, constitutional law, civil law and procedure, and criminal law and procedure; and (2) writing and defending a graduation thesis. The attestation process is administered and supervised by the State Examination Commission [hereinafter SEC] and can be held either at the graduate's institution or at a central exam location. Following the successful completion of these requirements, the graduate will be conferred an LL.B. degree and issued a state-recognized diploma.

Armenia LERI 2007 Analysis

While the correlations drawn in this exercise may serve to give a sense of the relative status of certain issues present, ABA ROLI emphasizes that these factor correlations possess their greatest utility when viewed in conjunction with the underlying analysis. ABA ROLI considers the relative significance of particular correlations to be a topic warranting further study and invites comments and information that would enable it to develop better or more detailed responses in future LERI assessments. ABA ROLI views the LERI assessment process to be part of an ongoing effort to monitor and evaluate reform efforts.

Table of Factor Correlations

Legal Education Reform Index Factor		Correlation 2007
I. Licensing, Accreditation, and Evaluation		
Factor 1	Regulation of Legal Education by a Duly Authorized Entity	Positive
Factor 2	Standards for Licensing and Accreditation	Neutral
Factor 3	Licensing and Accreditation Procedure	Neutral
Factor 4	Disciplinary and Enforcement Actions	Negative
II. Admission Policies and Requirements		
Factor 5	Admission Examination and/or Other Entrance Standards	Negative
Factor 6	Non-Discriminatory Admission	Positive
Factor 7	Special Admission Measures	Positive
III. Curriculum and Teaching Methodology		
Factor 8	Comprehensive Curricula	Negative
Factor 9	Instruction in Ethics and Core Professional Values	Negative
Factor 10	Professional Skills Instruction	Negative
Factor 11	Teaching Methodologies	Negative
IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications		
Factor 12	Student Evaluation and/or Examination	Negative
Factor 13	Awarding of Degrees	Negative
Factor 14	Institutional Record-Keeping	Positive
Factor 15	Recognition Frameworks and Networks	Neutral
V. Faculty Qualifications and Conditions of Employment		
Factor 16	Faculty Qualifications	Neutral
Factor 17	Hiring, Promotion, and Tenure	Neutral
Factor 18	Faculty Compensation	Negative
Factor 19	Academic Freedom and Freedom of Association for Law Faculty	Positive
VI. Institutional Holdings and Capacities		
Factor 20	Access to Legal Materials	Negative
Factor 21	Physical Facilities and Technological Capacities	Neutral
Factor 22	Class Size and Administrative/Support Staff	Neutral

I. Licensing, Accreditation, and Evaluation

Factor 1: Regulation of Legal Education by a Duly Authorized Entity

Legal education is provided by institutions duly authorized by the State body, professional association, or other entity responsible for regulating legal education.

Conclusion	Correlation: Positive
<p>The Government of Armenia authorizes the MOE to supervise, license, accredit, and regulate all educational institutions, including those that provide legal education. The MOE, in turn, charges its LAS with examining and evaluating the institutions to determine whether to license and accredit them, as well as with exercising state control over the quality of education.</p>	

Analysis/Background:

According to the Armenian legislation, the responsibility for managing and regulating Armenia's educational system is shared between the Government of Armenia and the MOE. The Government of Armenia is charged with broad responsibility for implementing the state educational policy. CONSTITUTION OF THE REPUBLIC OF ARMENIA art. 89(5) (*adopted* July 5, 1995, *as amended* November 27, 2005 through a national referendum) [hereinafter RA CONST.]; see also LAW OF THE REPUBLIC OF ARMENIA ON EDUCATION art. 36(1) (*adopted* April 14, 1999, *as amended*) [hereinafter LAW ON EDUCATION]. Among its other functions, the Government also sets the state educational standards, approves the list of professional specializations, and establishes quotas for free education in higher professional educational institutions. See LAW ON EDUCATION art. 36.

Day-to-day regulation of higher educational institutions, including those authorized to provide legal education, is the direct responsibility of the MOE. In particular, it drafts state educational standards and lists of educational specializations; oversees compliance with state educational standards; develops model academic plans, curricula, textbooks, and manuals; sets admission rules for state and accredited non-state higher educational institutions and oversees compliance with them; establishes the procedure for transfer and graduation examinations of students; and establishes the procedure for recognition of foreign academic degrees and documents. Most importantly, the MOE serves as the state body authorized with licensing and state accreditation of educational institutions. *Id.* art. 37; PROCEDURE FOR LICENSING OF EDUCATIONAL ACTIVITY IN THE REPUBLIC OF ARMENIA art. 10 (*approved by* Decision of the Government of Armenia No. 372 of July 7, 2000) [hereinafter LICENSING PROCEDURE]; PROCEDURE FOR STATE ACCREDITATION OF INTERMEDIATE AND HIGHER PROFESSIONAL EDUCATIONAL ESTABLISHMENTS AND PROFESSIONS THEREOF art. 5 (*approved by* Decision of the Government of Armenia No. 372 of July 7, 2000) [hereinafter STATE ACCREDITATION PROCEDURE]. To assist it with performing its licensing and accreditation functions, as well as to exercise state control over the quality of education, the MOE has established the LAS. LAW ON EDUCATION art. 43(1).

The status of educational institutions is directly regulated under the Law on Education, as well as the Licensing Procedure and the State Accreditation Procedure. These documents provide that a state educational institution that is founded by the Government of Armenia is considered established when the founder approves its charter and, once established, automatically obtains the right to educate. LAW ON EDUCATION arts. 30(1), 41(1); LICENSING PROCEDURE art. 2. Non-state educational institutions (including private and foreign-affiliated institutions) may be founded by any natural persons or legal entities and are considered established upon approval of the founder and receipt of state registration. LAW ON EDUCATION art. 30(2). Both private and foreign-affiliated institutions obtain the right to engage in educational activity only after they are granted a license by the MOE. *Id.* art. 41(1); LICENSING PROCEDURE art. 2.

While a MOE license is required only for non-state educational institutions and their affiliates (see LICENSING PROCEDURE arts. 2-3), all higher professional education institutions regardless of their ownership, as well as individual professional specializations, must undergo the mandatory state accreditation procedure. LAW ON EDUCATION art. 42(6). State accreditation certifies that the level and content of educational institution’s academic programs, as well as the quality of its graduates comply with state educational standards. *Id.* art. 42(9); STATE ACCREDITATION PROCEDURE art. 2. Educational institutions obtain the right to award state-recognized degrees and diplomas after receiving state accreditation. STATE ACCREDITATION PROCEDURE art. 11.

Interviews conducted by the assessment team revealed that, although the MOE is responsible for regulation of higher professional education, oversight of educational institutions is at times insufficient. Many interviewees believed that in the past, as a result of limited or non-existent regulation of the early 1990s, the MOE had issued permits to engage in educational activity without having proper legal standards or enforcement mechanisms. The result was a proliferation of institutions and programs offering legal education, including some unlicensed or unaccredited ones. The numbers provided by the MOE suggest that, up to the time of the LERI assessment, 71 legal entities had received licenses to carry out educational activities, of which 43 have law faculties. Although 13 of these 43 non-state higher educational institutions do not have the necessary state accreditation, they nonetheless provide legal education at their respective universities.⁴ Many respondents believed that increase in the number of universities that provide legal education has not necessarily been a negative development; however, all recognized that many institutions were or are operating without providing a quality legal education or any education at all. The perception that the system is still inadequate and fraught with problems, whether based in reality or not, remains strong among those involved in legal education in Armenia and, therefore, undermines confidence in the system.

Factor 2: Standards for Licensing and Accreditation

The standards for licensing and accrediting institutions providing legal education are clearly defined by the responsible State body, professional association, or other entity duly authorized to regulate providers of legal education.

Conclusion	Correlation: Neutral
<p>The standards for licensing and accreditation are clearly defined in the relevant legal acts, but these standards are not sufficiently stringent. The standards are largely quantitative and focus excessively on compliance with paperwork and procedures rather than on educational quality and outcomes.</p>	

Analysis/Background:

In order to be licensed, a non-state educational program must meet the requirements for adequate numbers of core pedagogical staff, sufficient classrooms and lab facilities, teaching and research materials, library and information services, and professional internship facilities. LAW ON EDUCATION art. 41(1). These standards are further elaborated in the Licensing Procedure. Among other requirements, this document provides that at least 50% of the educational institution’s teaching staff must be permanent staff members, and at least 50% of the staff must have academic degrees or titles recognized by the MOE. LICENSING PROCEDURE art. 13(c). The

⁴ In practice, this means that graduates of these non-accredited law schools do not receive state-recognized diplomas, although they are still eligible to sit for the bar exam and represent clients after their graduation. However, they cannot receive any government job that requires qualification of a lawyer.



institution must also demonstrate that it has a sufficient number of educational and informational literature, laboratory facilities furnished with relevant materials (including a computerized classroom), and the availability of training, clinical, pedagogical, and professional internship facilities. In the absence of such facilities, the educational institution needs to furnish copies of contracts entitling it to use the relevant facilities at another organization. In addition, the institution's academic program and curricula, procedures for admission, graduation examination, defense of theses, and transfer must comply with state educational standards. *Id.* art. 13.

State accreditation is awarded separately for each professional specialization and degree program offered by the higher educational institution, as well as for the institution as a whole. LAW ON EDUCATION art. 42(1). A general accreditation requirement is that the quality of education has to comply with state educational standards. *Id.* art. 42(4)(1). In order to obtain accreditation for an individual professional specialization, at least 60% of graduates during 2 consecutive years must show positive attestation results. *Id.* art. 42(4)(2); *see also* STATE ACCREDITATION PROCEDURE arts. 7-8. An educational institution as a whole receives state accreditation if it already holds accreditation for at least 75% of its professional specializations. LAW ON EDUCATION art. 42(4)(3).

Most interviewees felt that although the standards for licensing and accreditation are adequately defined and have improved somewhat in recent years, more stringent standards are needed. The greatest concern was that the licensing and accreditation standards were not adequately linked to the actual capacity of the law schools, and did not adequately reflect the institutional quality. Many interviewees stated that graduates from some private institutions often lack the skills they should possess if these institutions truly met the licensing and accreditation standards. The MOE has introduced amendments that should raise standards and bring more focus on educational criteria and learning outcomes but, as is the case with many other proposed reforms in the area of education, the status of these amendments is not certain at this time.

It should be noted that a few interviewees questioned the need for stricter licensing and accreditation standards, expressing a view that a minimum set of standards was all that is needed. These interviewees were in favor of a simplified licensing procedure and a three-factor accreditation procedure based on the existing 60% attestation requirement, supplemented by examination of facilities and faculty qualifications.

Interviewees indicated that the standards placed too much emphasis on compliance with paperwork and procedures rather than on quality of faculty and educational institutions. The standards examined quantity not quality of faculty, focusing on degrees held and courses taught, instead of quality of teaching and methodology. In addition, interviewees indicated that the standards for law programs were drawn up by the MOE based solely on discussions with YSU, and were not adequately vetted with other law schools. Finally, a significant number of interviewees indicated that universities often find ways to circumvent the existing standards, citing the frequent manipulations of the 60% attestation requirement through preventing students who are likely to fail from taking the exam.

Despite these deficiencies, the majority of interviewees felt that state universities largely meet the licensing and accreditation standards, but that many private universities do not. Additionally, several prominent private higher education institutions, including AUA, are licensed, but do not hold a state accreditation specifically for legal education, despite having a well-regarded LL.M. program.

Factor 3: Licensing and Accreditation Procedure

Initial licensing and accreditation of institutions providing legal education includes an external evaluation process based on established rigorous, transparent, uniform, and internationally accepted quality assurance standards. To ensure continued compliance with these standards, licensed and accredited institutions providing legal education are also subject to a periodic, rigorous, and transparent external evaluation process.

Conclusion	Correlation: Neutral
<p>The evaluation process for licensing and accreditation relies largely on external expert teams. The process is criticized for being limited to reviewing documents and counting faculty members, and does not involve interviewing faculty, assessing teaching methodologies, or any other method to determine the quality of professors. Reportedly, the existing licensing and accreditation requirements are routinely manipulated, political connections determine accreditation outcomes, and corruption is endemic. Similarly, while the LAS is authorized to conduct annual inspections and attestations in licensed and accredited educational institutions, these procedures are rarely conducted in a thorough or rigorous manner.</p>	

Analysis/Background:

Decisions on licensing and accreditation of educational institutions in Armenia are issued by the MOE, on the basis of a recommendation by the LAS. LICENSING PROCEDURE art. 10; STATE ACCREDITATION PROCEDURE art. 5. As stated in Factor 1 above, only private and foreign-affiliated higher educational institutions are required to obtain a license, as state universities are granted the right to educate automatically upon establishment. LICENSING PROCEDURE art. 2. However, all educational institutions are required to undergo the mandatory state accreditation procedure in order to receive the right to award state-recognized degrees and diplomas. STATE ACCREDITATION PROCEDURE art. 11. If an institution (including a foreign educational institution) has an affiliate, the affiliate must also be licensed and/or accredited. In this instance, the parent institution applies for a license/accreditation, and the license/accreditation certificate is issued in the parent institution's name. LICENSING PROCEDURE art. 4; STATE ACCREDITATION PROCEDURE art. 4.

To obtain a license, an educational institution submits to the LAS the following documents: an application containing its full name, contact information, organizational form, taxpayer's registration number, types of educational activities, form of education (full-time, part-time, visiting), and the list of professions and courses; copies of the institution's charter and state registration certificate; and documents demonstrating the institution's compliance with the licensing standards defined in Factor 2 above (e.g., list of teaching staff, description of educational methodology, and the availability of facilities). LICENSING PROCEDURE art. 11.

Within one month of receiving and verifying these documents, the LAS conducts an expert examination to verify: the data on facilities; the compliance of the educational-methodological documents (e.g., curricula and list of subjects, procedures for admission, final graduation examinations, defense of diploma theses, and transfer) with the state educational standards; the list and qualifications of teaching staff; library holdings and facilities; the availability of a training lab, gym facilities, and computerized classrooms; and the availability of clinical and professional internship facilities, including the list of key internship sponsors and copies of contracts with details of the internship program (number of interns, type of work, hours, etc.). *Id.* art. 13.

Based on this examination, the LAS issues a recommendation for or against licensing and submits it to the MOE, which can order a second expert examination within 15 days. The MOE then decides whether to grant or refuse the license, and the LAS notifies the educational institution about this decision within 5 days, as well as publishes this information in print and other



mass media. *Id.* arts. 14, 18. Unjustified refusal to grant a license is prohibited, and refusal is only allowed on the grounds of non-compliance of submitted documents with the requirements of Licensing Procedure art. 13, or false information in the application and the supporting documentation. *Id.* arts. 15-16. The MOE's refusal to grant a license may also be appealed in court. *Id.* art. 20.

The state accreditation process involves three separate stages. First, a higher educational institution applying for accreditation performs a self-assessment, which aims at evaluating: the compliance of training of its teaching staff with the state educational standards; the effectiveness of its academic subdivisions; its development plan; and its compliance with the licensing standards. STATE ACCREDITATION PROCEDURE art. 6. Following the self-assessment, the institution contracts with a qualified entity recommended by the LAS to conduct an external expert examination. *Id.* Finally, within a month of expert examination, the educational institution submits its self-assessment and the expert conclusion to the LAS. *Id.* If the expert conclusion is positive, a final examination (attestation) of the graduates of a consecutive 2-year period is conducted, 60% of which must achieve positive attestation results. If the expert conclusion and the attestation results meet the state requirements, the LAS submits a recommendation on attestation to the MOE, which issues the final decision. *Id.* arts. 7-8. The LAS notifies the educational institution about the MOE's decision within 5 days, as well as publishes this information in print and other mass media. *Id.* arts. 8, 14. As is the case with licensing procedure, the MOE's refusal to grant state accreditation may be appealed in court. *Id.* art. 10. The institution seeking accreditation is contractually responsible for all costs associated with the accreditation process, regardless of its outcome. *Id.* art. 16.

Interviewees expressed a number of concerns related to the initial licensing and accreditation procedure. For instance, they indicated that the procedure was too cumbersome and oversight insufficient. A greater issue is that the LAS lacks sufficient funds and personnel to conduct the expert review process directly, relying instead upon expert teams. Essentially, after the first evaluation is conducted by the LAS, a team is sent to evaluate the higher education institution. The main problem, according to most interviewees, is that the external evaluation process is very limited, focusing on document compliance and involving little or no investigation. For example, they reported that faculty usually are not interviewed. The LAS then reviews the teams' findings and the documents submitted. If the team's report indicates that everything is satisfactory, the LAS sends an opinion to the MOE recommending that a license should be granted. A second evaluation (for accreditation purposes) is conducted after a license is granted, but interviewees regarded it as *pro forma* rather than a thorough evaluation.

Interviewees also criticized the evaluation's focus on factors such as the number of faculty with advanced degrees and the 60% attestation rate rather than on teaching methodology. According to interviewees, most institutions meet these requirements at least on paper. However, they reported manipulation of the 60% attestation requirement through various means, including preventing the students who might fail from taking the examinations. Similarly, some institutions reportedly list faculty who do not actually teach there. In fact, several interviewees reported knowing that their names, or the names of other faculty, were on the faculty lists at 10 universities, even though they are not affiliated with those universities. Interviewees remarked that some institutions list faculty during the first year in which they are reviewed for licensing, but that these faculty members then leave. Despite these issues, to date there have been no cases where an institution's accreditation lapsed because of failing attestation rates or because of submission of false information.

Furthermore, interviews revealed that there is real, or at least perceived, corruption in the licensing and accreditation of private and state institutions. Interviewees suggested that political connections often render the evaluation meaningless. There have also been concerns over the problems that some institutions experienced in obtaining accreditation for what were seen as unjustified reasons, or over stalling tactics by the MOE for political or other unacceptable reasons.

Finally, interviewees saw as problematic the fact that the LAS does not have the power to conduct inspection without the MOE’s approval. They often stated that the MOE’s role in the evaluation process should be limited, and that the use of an independent expert body would be preferable to stem real or perceived corruption.

Licenses and accreditations for educational institutions are issued for an indefinite duration. However, the LAS is authorized to conduct inspections in licensed educational institutions to ensure their continued compliance with the licensing criteria. LICENSING PROCEDURE art. 21. The LAS is also authorized to conduct attestations in accredited educational institutions to ensure their continued compliance with the state accreditation criteria. STATE ACCREDITATION PROCEDURE art. 15. These periodic inspections and attestations may not be held more than once a year. LICENSING PROCEDURE art. 21; STATE ACCREDITATION PROCEDURE art. 15. Based on the outcomes of inspections and attestations, the LAS can submit to the MOE a report regarding an institution’s failure to comply with the state licensing or accreditation criteria, or with the overall educational quality standards. LAW ON EDUCATION art. 43(2). This report may also be based on a decision of the institution’s students/parents general meeting or on negative attestation results of the students. *Id.* art. 43(3). The educational institution may appeal this report in court. *Id.* art. 43(4).

Despite having the authority to conduct inspections and attestations in licensed or accredited higher educational institutions, interviewees indicated that the LAS rarely conducts these procedures in a thorough manner. Interviewees’ opinions of these procedures were similar to those pertaining to initial licensing and accreditation procedures discussed above. Based on the attestation requirement, it could be argued that universities undergo a yearly review because state exam scores are used. However, most interviewees indicated that supervision by the LAS is not rigorous.

Factor 4: Disciplinary and Enforcement Actions

When institutions providing legal education fail to comply with established quality assurance standards, disciplinary or enforcement actions are administered fairly, consistently, and transparently, with an appeals process.

Conclusion	Correlation: Negative
<p>The LAS’s/MOE’s disciplinary and enforcement powers are too broad and discretionary, and are governed by poorly-defined procedures. Additionally, political connections and personal relationships undermine the legitimacy of the system. To date, the MOE has not registered any instances when state accreditation to any higher educational institutions or their professions has been revoked, despite the concerns that quality of education in many institutions does not meet internationally recognized standards.</p>	

Analysis/Background:

If a licensed or accredited educational institution violates any of the provisions set forth in the Licensing Procedure and the State Accreditation Procedure, it is issued a warning by the LAS. A warning may also be issued on several additional grounds, including identification of any false information in the documents submitted for licensing and/or accreditation; identification of violations of licensing conditions that can be eliminated; or identification of any violations of accreditation conditions. LICENSING PROCEDURE art. 22; STATE ACCREDITATION PROCEDURE art. 17. The institution is given 6 months to eliminate the licensing violations and one month to eliminate the accreditation violations, and to report these actions to the MOE along with supporting documentation. LICENSING PROCEDURE art. 23; STATE ACCREDITATION PROCEDURE art. 18.

If the educational institution fails to eliminate the licensing violations within the 6-months period, admission of students for the relevant profession(s) will be suspended until the violations are eliminated. LICENSING PROCEDURE art. 24. Further, the MOE, acting upon recommendation by the LAS, must revoke the institution's license in the following instances: termination of the institution's activity; the institution's request to return a license; or identification of manifestly false information in the documents submitted for licensing. *Id.* art. 25. Once the license is revoked, the institution loses its right to engage in educational activity. *Id.* art. 26. Similarly, the MOE must revoke the educational institution's state accreditation if 50% of the students studying in the accredited professions in each of the 2 consecutive years have failed the state attestation. LAW ON EDUCATION art. 43(5); STATE ACCREDITATION PROCEDURE art. 19(b). Additional grounds for mandatory revocation of accreditation include: failure to eliminate the accreditation violations within the one-month period; termination of the institution's activity; revocation of the institution's license; and identification of manifestly false information in the documents submitted for accreditation. STATE ACCREDITATION PROCEDURE art. 19.

The LAS must publish the Minister's orders regarding revocation of educational institutions' licenses and accreditations in print and other mass media. LICENSING PROCEDURE art. 27; STATE ACCREDITATION PROCEDURE art. 20. The educational institution whose license or accreditation was revoked must return the invalidated license or accreditation certificate to the LAS within 10 days of notification of the MOE's decision. LICENSING PROCEDURE art. 26; STATE ACCREDITATION PROCEDURE art. 21. The MOE's decisions to revoke license or accreditation may be appealed in court. LICENSING PROCEDURE art. 28; STATE ACCREDITATION PROCEDURE art. 22.

Many interviewees strongly suggested that although a legal mechanism for enforcement actions exists, these actions are rarely taken and are often used for illegitimate reasons. The main problem is that there is no clearly defined procedure for license revocation, and the existing procedure is not applied consistently or fairly. Secondly, political connections and personal relationships undermine the legitimacy of the system. For example, several interviewees provided examples of educational institutions that met the licensing or accreditation standards but had their applications delayed or denied nonetheless, or of institutions that had their licenses revoked unfairly – purportedly due to political pressure or corrupt influence. As the LAS is composed only of faculty from state universities, some interviewees voiced suspicion that it only deals with allegations of abuses in private universities. Several interviewees believed that either an independent entity or the MOE itself should conduct the license and accreditation revocation procedure.

According to official data provided by the MOE, to date there have been no instances when state accreditation to any higher educational institutions or their professions has been revoked for any reasons. Nevertheless, the vast majority of interviewees indicated that the licensing and accreditation system, including enforcement mechanisms, requires serious improvements because the quality of education in most of the institutions in Armenia, especially in many of the private institutions, does not meet internationally recognized standards.

II. Admission Policies and Requirements

Factor 5: Admission Examination and/or Other Entrance Standards

Admission to institutions providing legal education is based upon passing a fair, rigorous, and transparent entrance examination or a comparable set of uniform admission standards that are designed to ensure that the student body has the academic potential to complete the course of study and effectively practice law.

Conclusion	Correlation: Negative
<p>The admission process and exams, particularly for state universities, are reportedly fraught with corruption and inefficiency. The exams do not adequately measure the knowledge that applicants should have obtained from secondary school or their potential to succeed in law school. The use of an oral interview in the admission process by some institutions also creates an environment which may encourage corruption.</p>	

Analysis/Background:

Everyone in Armenia has the right to free higher and professional education in state higher educational institutions and in other professional educational institutions on a competitive basis. RA CONST. art. 39; LAW ON EDUCATION art. 6(3).

The founder of each educational institution sets the admission requirements, taking into account the peculiarities of the educational institution. LAW ON EDUCATION art. 15(1). Admission exams to higher professional educational institutions are conducted on a competitive basis, although the MOE may set special rules and privileges for certain types of applicants. *Id.* art. 15(4). By December 1, the MOE submits a list of professional specializations and admission exams for all state and accredited non-state higher educational institutions for the following school year. The Government of Armenia then approves the professional specializations lists and exams. For each specialization, this list should include: the type of education (full-time, distance, or externship); required admission exams; form of exam (competitive vs. non-competitive); and type of exam (written, oral, or interview). *Id.* art. 15(5). Subjects and questions covered in the admission exams must be drawn exclusively from academic programs, textbooks, and other educational materials taught by state secondary schools (grades 1-12)⁵ for at least one academic year. *Id.* art. 15(6). Based on this list, the MOE approves the detailed admission rules for state and accredited non-state higher educational institutions, and oversees implementation of these rules. *Id.* art. 37(9). For this assessment, the Admission Rules for State Higher Educational Institutions in the Republic of Armenia in 2007 (*approved by* MOE Order No. 280 of April 12, 2007) [hereinafter 2007 ADMISSION RULES] were reviewed and analyzed.⁶

All Armenian citizens who have completed at least secondary education, as well as Diasporan Armenians and other foreign applicants are eligible to study in state universities. 2007 ADMISSION RULES arts. 2-3. To apply for admission to the state universities, eligible applicants submit a unified application for admission, which lists professions the applicants choose to apply for and their preferences for free or tuition-based system of education. Each applicant can compete for admission in up to 4 free and up to 4 tuition-based positions in one or several state universities, but only within the same city. They can also compete for up to 4 professions and be admitted with a lower exam score, provided that they take all required admission exams for those

⁵ At the time of the LERI interviews, the duration of secondary school education in Armenia was 10 years, but the country is now transitioning to the 12-year system.

⁶ A new set of rules is adopted for each academic year.

professions; if admitted, such students are not entitled to receive tuition rebates available to top students after the first year of studies, and male students also have to forego the waiver of compulsory military service available through state universities. *Id.* art. 9.

Additional supporting documents to be submitted with the unified application include, among others, originals of secondary school or other diplomas, documents certifying the right to deferment of military service or completion of prescribed service, documents certifying applicants' eligibility for privileged admission, and diplomas received for participation in national and international competitions for secondary school students. *Id.* art. 38. Applicants must also pay a non-refundable examination fee of AMD 1,500 (approximately USD 4.2)⁷ per exam, with waivers available to certain applicants. *Id.* art. 34. The application period for the upcoming academic year is open for one month running from mid-June to mid-July, and all required admission documents and fees are submitted to the applicant's first-choice university. *Id.* arts. 35-36. An applicant may not submit more than one uniform application, as having multiple applications automatically disqualifies him/her from participating in the admission competition. *Id.* art. 9.

Competition for admission to state universities is conducted in a centralized manner. *Id.* art. 28. For this purpose, the MOE establishes the SAC, which organizes and supervises the entrance exams. *Id.* art. 5. The SAC, in turn, creates subject-specific examination commissions to conduct the actual exams on general education subjects. *Id.* art. 7. All exams take place during a 4-week period immediately following the close of application period (i.e., through mid-August). *Id.* art. 35. Applicants for all professions, with a small exception, are required to take a written Armenian language exam.⁸ *Id.* art. 16. Applicants for state law schools also sit for written foreign language and Armenian history exams. Except for the Armenian and foreign language exams, an applicant may also take the admission exams in Russian. *Id.*

The admissions exams are graded on a 20-point scale, with a score of 8 or more considered passing. For the benefit of the applicant, a score of 7.5 to 7.9 is rounded up to an 8, but any score over 8 is not rounded up. *Id.* art. 13. Applicants receive oral exam grades in the examination room on the day of the exam, but receive written exam grades by 4 p.m. the following day through a posting. *Id.* art. 14. An applicant may appeal the oral exam grade to the head of the subject-specific examination commission before leaving the examination room, and a written exam grade within 24 hours of publication of results. *Id.* art. 15. However, applicants may not retake the exams. *Id.* art. 11.

The competition for admission to state universities is based on adding up the passing scores achieved by applicants in each exam. Applicants are ranked by their scores, and there is a single competition for both free and tuition-based admission, conducted separately for each profession or faculty. *Id.* arts. 20-22. Applicants receiving the highest scores have priority in admission to the university and profession of their first choice. *Id.* art. 22. In case of several candidates with equal total score, priority is given to applicants in the following order:

- Applicants who graduated from secondary schools with medals for academic excellence;
- First-place winners of national subject-based competitions for secondary school students (Olympiads);
- Applicants who received the highest score in the first competitive examination required for a particular profession;

⁷ In this report, Armenian dram [hereinafter AMD] are converted to their approximate equivalent in U.S. dollars [hereinafter USD] at the average rate of exchange when the LERI interviews were conducted (USD 1.00 = AMD 356.86).

⁸ Applicants who do not have a grade in the Armenian language and literature in their secondary school diploma can take a Russian language written exam in lieu of the Armenian language exam. Those who do not have a Russian language and literature grade can take a foreign language written exam (English, French, German, Spanish, or Italian). *Id.* art. 17.

- Applicants with the highest score from secondary school graduation exams;
- Applicants who received intermediate professional education relevant to the particular profession.

Id. art. 25.

Applicants who fail to get admitted to their first choice institution continue participating in the competition for their other choices (both free and tuition-based), in the sequence of an applicant's preferences. Once an applicant is admitted to a university/faculty mentioned in his/her unified application, he/she can no longer participate in the competition for other professions. Applicants who did not gain admission through this procedure can participate in the competition for additional tuition-based positions (foregoing the right to tuition rebates or the waiver of compulsory military service), provided they made their intention to do so known at the time of submitting the unified application. *Id.* art. 22. Finally, as discussed in Factor 7 below, certain applicants are entitled to privileges in the admission process and can be admitted outside of the general competition.

At the end of the competition, the SAC approves the results and passes the official list of admitted students to each state university for publication. The publication has to occur no later than 10 days after the end of admission exams. *Id.* arts. 27-28. In practice, this means that applicants will only find out whether they were admitted and to which university a few days before the start of the academic year (i.e., the publication occurs in late August, and classes start on September 1).

Unlike the unified admission process at state universities, each private and foreign-affiliated university has its separate process. Private institutions tend to admit students on the basis of interviews and may use state exam scores. Foreign-affiliated universities may look at the state exam scores, but also consider foreign language scores. For example, AUA requires applicants to its LL.M. program to hold a bachelor's degree from an accredited university and pass both the Graduate Record Examination [hereinafter GRE] and the Test of English as a Foreign Language [hereinafter TOEFL]. French University requires passing 2 examinations – Armenian language and a foreign language (English, French, or German) – and showing awareness of current events. There is also an oral interview.

Few issues involving legal education are as closely followed, as frequently viewed with disdain, and as strongly perceived as problematic as that of the entrance exams and the admissions process. The vast majority of the interviewees believed that corruption was rampant and that there was a huge disconnect between the scope of the exams, the knowledge of the applicants, and the likelihood of their success in law school. Friend and family connections, as well as alumni connections, play too great a role in the process and lead to favoritism. Nearly all respondents indicated that the current system has improved, but the public perception, or reality, that the process is corrupt remains regardless of these improvements. The majority of interviewees also stated that the overall admission process is more corrupt in state universities, because of the waiver offered for military service. In fact, one interviewee commented that the centralized admission system was designed to stop corruption, but has essentially created centralized corruption.

Reportedly, the corruption in the university admission process takes fairly sophisticated forms. Some applicants would pay agents to increase their exam scores by a certain number of points. The agents would then allegedly inform the MOE officials of the identity of these students who were paying bribes, and the applicants would get a boost in their scores or admission into the school that they wanted. Other applicants would pay bribes directly to the admission commission members, who will then give them hints during the exams. Furthermore, the possibility for appealing the exam scores creates additional opportunities for corruption.

Most interviewees felt that the oral component of the exam leaves too much room for discretion and possible corruption. However, they believed that the new written exam is a step towards

eliminating unbridled discretion. Several interviewees felt that the written examination should be computerized and should involve multiple-choice questions to avoid subjectivity. A considerable number of interviewees suggested conducting exams anonymously to eliminate the potential for corruption. Interviewees' opinions were mixed as to whether the oral component should be maintained; some stated that it is needed to gauge an applicant's potential to be an effective oral advocate, while others felt that corruption would remain. Finally, interviewees felt that having applicants' parents and others observe the exams and having media coverage were positive developments that help with transparency of the overall process.

Another problem cited is the administration of exams at the local level. Interviewees overwhelmingly felt that those conducting the admission examinations should be as far removed from the applicants as possible to avoid any favoritism or other problems. The World Bank's funding of a new centralized exam process may address this issue. However, a few respondents voiced concerns that the centralized exam is not good for law schools. They suggested that the centralized exam should be used for general higher education admission, but that a separate law school exam should be administered by the schools themselves.

In terms of exam content, interviewees identified several areas in need of reform. For example, many suggested that the foreign language, Armenian history, and Armenian language components should be replaced. Even testing in Armenian language seemed unnecessary since Armenian applicants should have taken at least 10 years of Armenian language in secondary school. Many believed that the exam should test logical skills, critical thinking, and other knowledge and skills that applicants should have learned in secondary school. Many interviewees indicated that applicants needed tutors to do well on the exams because there was a disconnect between public education requirements for secondary school graduation and the knowledge required for admission to state universities. For example, well over 80% of the student focus groups interviewed indicated that tutors were needed for entering state universities. The tutoring issue did not apply to private institutions, since in many private institutions students do not need to pass written exams, but rather have oral exams or interviews. Students were almost evenly divided as to whether or not the exams should be more intensive, whereas most faculty members believed they should be more stringent. Examples given of model admission systems in foreign-affiliated institutions included AUA's use of the GRE and TOEFL exams, and French University's practice of lowering the testing standards for admission and then increasing requirements throughout studies/exams for knowledge and ability to learn, as measured in intensive exams.

Students also were concerned about the cost of the three exams and related travel and housing costs to take the exams in Yerevan. In fact, the distance from Gavar to Yerevan is cited as the rationale for Gavar State University administering the state entrance exams on its own, although the travel time is only about one hour. Finally, student interviewees and others believed that having the secondary school graduation and university admission exams held back-to-back was too burdensome on students. There is a proposal to combine these exams into one, which should help alleviate these concerns.

Factor 6: Non-Discriminatory Admission

Admission to institutions providing legal education is not denied for reasons of race, gender, sexual orientation, color, religion, political or other opinion, ethnic or social origin, membership of a national minority, property, birth, language, or physical disability.

<i>Conclusion</i>	<i>Correlation: Positive</i>
<p>Armenian Constitution and relevant domestic and international laws prohibit any discrimination in the right to education and, by inference, in the university admission process. In practice, discrimination in the admission process is not a major concern, especially with respect to representation of ethnic minorities, foreign nationals, and disabled students. However, some issues with gender balance do exist, due to the waiver of mandatory military service available through state universities. In addition, socioeconomic discrimination exists to some degree, which is attributable to economic reality rather than a deliberate discriminatory practice.</p>	

Analysis/Background:

The Armenian Constitution protects human rights and fundamental freedoms and requires the Republic of Armenia to protect those rights. See RA CONST. art. 3. Among other rights, it guarantees everyone the right to free higher professional education on a competitive basis (*id.* art. 39), and prohibits discrimination based on any ground, such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership in a national minority, property, birth, disability, age, or other personal or social circumstances. See *id.* art. 14.1; see also LAW ON EDUCATION art. 6(1) (guaranteeing the right to education without discrimination). Diasporan Armenians and other foreign applicants are eligible to study in state universities in Armenia equally with Armenian citizens. 2007 ADMISSION RULES art. 3.

Armenia has also ratified a number of international treaties regarding anti-discrimination, which therefore became part of its legal system. If there is a conflict between treaty norms and Armenia's domestic laws, the treaty provisions take precedence. RA CONST. art. 6. These documents provide that everyone has the right to education and access to higher education shall be based on merit. UNIVERSAL DECLARATION OF HUMAN RIGHTS art. 26(1) (*adopted by* the UN General Assembly Resolution No. 217(A)(III), Dec. 10, 1948). States are required to prohibit and to eliminate all forms of racial discrimination, and to guarantee to everyone, without distinction as to race, color, or national or ethnic origin, the right to education. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION art. 5(e)(v) (*adopted by* the UN General Assembly Resolution No. 2106(XX), Dec. 21, 1965). Armenia is also required to develop and apply national policies that ensure educational equality and opportunity. UNESCO CONVENTION AGAINST DISCRIMINATION IN EDUCATION art. 4 (*adopted by* the General Conference at its 11th session, Paris, Dec. 14, 1960). Finally, all individuals should enjoy their fundamental rights and freedoms without discrimination on any ground. EUROPEAN CONVENTION ON HUMAN RIGHTS art. 14 (Nov. 4, 1950, *as amended by* Protocol No. 11, Nov. 1, 1998).

The university admission process is part of being able to enjoy the right to higher education, and thus, by logical inference, any discrimination in this process constitutes a violation of the Constitution and the international law.

Almost all interviews revealed that discrimination in the law school admission process is not an issue in Armenia. Thus, ethnic minorities are well represented among enrolled students and proportionately represented on the faculty. Nationality is also not a barrier per se; however, because the national language of Armenia is Armenian (see RA CONST. art. 12), this has the potential of preventing non-Armenian-speaking citizens or foreigners from successfully passing



the state entrance exams and entering higher education institutions. Nonetheless, interviewees did not perceive language as a barrier to obtaining a law degree, because university applicants are allowed to take the entrance exams in Russian, and Russian-Armenian (Slavonic) University, AUA, and some other non-state institutions offer Russian and/or English language instruction.

At the same time, gender representation generally differs, especially between private and state schools. This difference is attributable to the waiver of mandatory military service for male students that is available through state schools. All state schools offer a military waiver, and the number of men is disproportionately higher than the number of women in all of these institutions. The disproportionate representation of male students is even greater in LL.M. programs in state law schools. By contrast, the number of male students in private law schools is substantially lower than that of women, because no military waiver is available.

Although educational institutions do not discriminate against disabled students, they often lack funds to reasonably accommodate them. Nonetheless, at each of the state and private universities visited by the assessment team, enrollment of blind, deaf, or other disabled students was noted. For example, a few blind students, wounded veterans, and other disabled students are currently enrolled at the YSU Law Faculty. The main problems are the lack of handicapped and wheelchair access, as well as Braille legal materials.

Finally, socioeconomic discrimination does exist to some degree in Armenia. For example, the costs of tutoring, as well as of entrance exams, travel, and housing in Yerevan, place an exceptional burden on poorer students, especially those from outside of Yerevan. As a result, these students are not as well represented in law schools. However, this disparity is a matter of economic reality rather than a deliberate discriminatory practice.

Factor 7: Special Admission Measures

Special admission measures to increase representation of disadvantaged members of society or otherwise underrepresented groups are appropriately employed, where applicable, to further a desirable goal of society or an institution providing legal education.

Conclusion

Correlation: Positive

Special admission measures for former military personnel, disabled students, wounded war veterans, and orphans are available in state institutions and the majority of private institutions, including the foreign-affiliated institutions. Some private and foreign-affiliated institutions also have need-based measures to help socio-economically disadvantaged students, as well as policies of open access for disabled students and those from the regions. However, handicapped facilities are lacking in most institutions, and accommodation services are usually not available.

Analysis/Background:

As part of the constitutionally guaranteed right to free higher professional education on a competitive basis (see RA CONST. art. 39; LAW ON EDUCATION art. 6(3)), the Armenian state creates necessary conditions for persons requiring special education conditions to improve their developmental defects and ensure social adaptability. LAW ON EDUCATION art. 6(6). To enable the access to education by disabled individuals, the Armenian Parliament has adopted the LAW ON EDUCATION OF INDIVIDUALS REQUIRING SPECIAL EDUCATION CONDITIONS (May 25, 2005). According to this document, individuals whose physical and/or mental developmental features prevent them from participating in educational programs without special conditions are entitled to obtain higher education on the privileged basis. See art. 6(2)(c). This includes the right to inclusive education in state and non-state professional educational institutions. *Id.* arts. 8(1)(a),

12. In addition, the Armenian Government establishes quotas for free admission to higher educational institutions, and the latter are required to provide free education to at least 10% of students in each profession based on academic performance evaluation. LAW ON EDUCATION art. 28(6). An additional 10% of students enrolled in tuition-based programs are entitled to receive tuition rebates from the universities after the first year of studies, based on their academic performance. *Id.*

As explained in Factor 5 above, admission to state universities is generally conducted on a competitive basis utilizing the applicants' total entrance exam scores. However, certain applicants are entitled to privileges in the admission process and can be admitted outside of the general competition. These applicants include individuals demobilized from military service, disabled war veterans, certain other disabled individuals, and orphans. See *generally* 2007 ADMISSION RULES Chap. IV. Thus, applicants who have been demobilized after completing the mandatory military service and have received passing scores can participate in a separate competition for free admission to state universities or, alternatively, can be automatically admitted into a tuition-based program (i.e., outside any competition), provided that they pay the tuition fee. If these applicants are not chosen for admission based on a separate competition, they can also participate in the general competition for admission into a tuition-based program. *Id.* art. 29. Individuals with first or second degree of disability, orphans of Armenian soldiers, those who became disabled in the course of performing military duties, and orphans under the age of 23 also have special admission benefits: they are admitted to state universities provided that they achieve the minimum passing entrance examination scores required for admission to tuition-based positions. *Id.* art. 30, 31. Finally, the Government reserves a certain number of positions in state universities for admission of winners of world competitions related to secondary school general education subjects, as well as of medalists in various world and European sports competitions. *Id.* art. 32. All of these categories of individuals are also entitled to a waiver of the admission exams fees. *Id.* art. 33.

All state and many private institutions (especially those with foreign affiliation) offer special admission procedures (including special admission standards and tuition benefits) to disadvantaged individuals. State universities are required to have competitions for full or partial tuition benefits for the disabled, orphans, and war victims if they pass the state exams, while private institutions can make this decision for themselves. At the same time, no programs to target students from outside of Yerevan are currently available, even though admission and tuition programs were employed in the past to improve representation. However, state and private universities do offer reduced fees for socio-economically disadvantaged students who apply and are deemed to be poor, and these programs can assist students from the regions.

State and private institutions generally educate disabled and other students with special needs, but are financially unable to make widespread accommodations to individual groups. As a result, most institutions lack facilities to enable these individuals to study, and special accommodation services are usually not available. For example, YSU has blind and other disabled students and helps them, but does not have handicapped or wheelchair access or Braille law books. At the time of the assessment team's visits, Gavar State University had no disabled students. Progress University of Gyumri, which chose to follow the state universities' guidelines for admission of disabled students, had 3 disabled students. One had congenital limb defects, the second was an amputee in a wheelchair, and the third one had vision problems. The University assisted the student in a wheelchair in parts of the building that were not easily accessible. The visually impaired student did not need Braille materials, which was very fortunate because they were not available at the University. Both French University and AUA have a policy of open access for disabled students; however, no disabled students were enrolled in either of these institutions at the time of the assessment team's visits. This, however, was mostly a result of the lack of applications received from disabled students or the failure of disabled applicants to achieve passing scores on the admission exams.



Several private and foreign-affiliated institutions also have special tuition programs in place. For example, Progress University of Gyumri uses the money from an external foundation to give discounts, but not full tuition waivers, to orphans. French University and AUA have need-based measures for economically disadvantaged students, as well as a policy of open access for students from the regions. AUA's tuition assistance for the 2006-2007 academic year was USD 6,000 per year, which was applied automatically for Armenian students. In the past, AUA also awarded merit-based scholarships based on grades.

Overall, interviewees considered these assistance programs adequate, but noted that more special services are needed. According to interviewees, the main problem in special admissions is that the Government of Armenia is not ready to tackle the needs of those with major disabilities, mainly due to lack of funds, although the Government does assist those with minor disabilities, such as a disfigured arm or hand or slight physical limitations. A small number of interviewees offered stories of awarding "free" tuition to wealthy students, as yet additional evidence of corruption in the university admission process.

III. Curriculum and Teaching Methodology

Factor 8: Comprehensive Curricula

Institutions providing legal education have curricula that are comprehensive and incorporate recent developments in national, comparative, and international law in order to provide students with the requisite knowledge and skills to effectively and responsibly practice law.

Conclusion	Correlation: Negative
<p>The state LL.B. curriculum, taught in most of the state and private law schools with slight variations, contains the necessary classes for a general theoretical legal education, but fails to meet international standards and ensure that graduates are qualified to practice law. The required curriculum lacks practical skills courses, legal research and writing, clinical instruction, and comparative and international law courses, but at the same time includes numerous redundant or non-vital courses.</p>	

Analysis/Background:

Professional academic programs in Armenia are designed in a manner that enables preparation of adequately qualified specialists and development of relevant skills and knowledge. LAW ON EDUCATION art. 10(3). Educational process must comply with the Law on Education and is regulated by academic plans, course curricula, and academic and course schedules. *Id.* art. 14(1). Each higher educational institution designs and approves its own academic plans and curricula that are then submitted to the MOE, which oversees their compliance with the state educational standards. *Id.* art. 14(4); *see also* LICENSING PROCEDURE art. 11(a).

The current version of the state educational criteria for law schools was last revised by the MOE in 2005. *See* STATE EDUCATIONAL CRITERIA OF HIGHER SPECIALIZED EDUCATION FOR THE SPECIALIZATION OF JURISPRUDENCE AND THE DEGREE OF THE BACHELOR OF JURISPRUDENCE (*approved by* MOE, Nov. 25, 2005) [hereinafter LL.B. STATE EDUCATIONAL CRITERIA]. Among other provisions, this document contains a Model Curriculum for law schools that provide education leading up to a basic law degree. According to this document, law students must take courses in 5 educational blocks, as well as pass the state qualification exam, in order to obtain an LL.B. degree. *Id.* art. 3.4. The Model Curriculum provides for a total of 200 weeks of law school instruction, including 119 weeks of theoretical study, 25 weeks of examinations, 8 weeks of practicum/internship, 6 weeks of final state qualification examination, and 42 weeks of holidays. *Id.* art. 5.1.

Per LL.B. State Educational Criteria, in addition to specialized professional courses in law, all law students must also take a prescribed number of hours of instruction in general courses in humanities, social-economic, mathematical, and natural sciences disciplines. This includes, for instance, courses in Armenian history, philosophy, Armenian language, Russian and other foreign languages, information technology, physical education, and first aid. Overall, approximately 35% of the curriculum is devoted to the general studies blocks. The general specialized block for law students includes courses on: theory of state and law; Armenian and foreign history of state and law; history of political and legal studies; Roman private law; Armenian and foreign constitutional law; civil law and procedure; criminal law and procedure; administrative law; labor law; financial law; forensic studies; international law; land law; and environmental law. Law students also select elective courses for their sub-specialization within the general Jurisprudence curriculum, as well as other optional courses. *See generally id.* art. 4. The three MOE-recommended sub-specializations are: (1) Constitutional Law (including courses on basics of human rights and European Union [hereinafter EU] law, and municipal law of Armenia); (2) Criminal Law (including



courses in forensics and criminology); and (3) Civil Law (including courses in business law and international private law). *Id.* Appendix 1.

The MOE also regulates the conditions under which students learn. Course study in one academic year may not exceed 34 weeks, and students may not be in class more than 34 hours per week. *Id.* art. 5.4. The students' general weekly work/study burden (including hours for independent study) must not exceed 54 hours. *Id.* art. 5.3. This means that, in all, law students take a total of up to 6,426 hours of classroom instruction (34 hours/week x 119 weeks). These requirements are exclusive of physical education and elective courses. If a student studies by correspondence, he/she must attend in-person at least 160 hours of in-class theoretical lectures each academic year. *Id.* art. 5.5. Students receive at least 7-10 weeks of vacation per year, including at least 2 weeks of recess after winter examinations. *Id.* art. 5.6. Study of a certain number of elective courses is mandatory, and each institution can change or amend the list of electives. *Id.* art. 6.1.1. Students' active involvement for every course component (e.g., lecture, seminar, homework, and term papers) should not be lower than 25%. *Id.*

Over the past several years, the MOE has expended significant resources to update educational curricula for higher educational institutions and to develop new standards. Unfortunately, the results of these efforts have been unsatisfactory in terms of moving to outcome-based standards and quality evaluation, and education is still marked by features coming from the Soviet era. This situation can be blamed on the course content in the law schools, which often reflects only academic traditions rather than labor market needs. Even the current LL.B. State Educational Criteria reflect outdated approaches, and are still based on a list of content elements (input-oriented units of information) by subject, rather than on the expected achievements of students. The standard state curriculum, taught in the state and in many private universities, gives a general theoretical legal education, but does not meet international standards. It focuses on duplication of facts rather than on the development of problem-solving and critical thinking skills. The curriculum is mostly theoretical in content and is far from relevant to legal practice. The state curriculum lacks practical skills courses (e.g., trial skills, oral advocacy, and client relations), legal research and writing courses, or ethics instruction. The availability of clinical components and courses in comparative and international law (e.g., international commercial arbitration, ECHR case law, and intellectual property law) is severely limited. Often, law schools also lack textbooks and qualified professors to teach these courses. To further complicate matters, the state curriculum does not provide enough flexibility to improve the relevance and career orientation of future lawyers, and law schools are not equipped to respond to students' needs, as they have very little autonomy to alter the current course structure.

A minority of interviewees described the curriculum as adequate, but then disclosed the types of classes that were not taught. A very small minority of respondents believed that the curriculum content was sufficient to prepare students for legal careers, but that most students were not motivated to learn. Many thought that the curriculum was "bloated" and pointed to the multiple history courses. Most interviewees believed that the MOE should require courses such as legal research and writing, legal English, ethics, and case law and precedent (including that of the ECHR, which is binding in Armenia); and should offer more international law classes with up-to-date materials. They also expressed an opinion that the MOE should encourage or even require students' participation in legal clinics, moot court sessions, and practical skills courses such as trial techniques or advocacy and negotiation. These courses give students the opportunity to learn how to practice law and would be more relevant to the needs of the labor market. According to interviewees, future employers often complain that they have to provide additional on-the-job training to all newly employed law graduates before they can be assigned to do actual legal work. As a result, many respondents believed that students needed more practical and specialized courses.

On the other hand, many of the legal practitioners and law students interviewed felt that the MOE should remove or make elective most of the courses within the general studies blocks. They specifically indicated that courses such as Armenian history, Armenian language, and physical

education were not vital and should not be part of the law school curriculum. Some expressed an idea, however, that fundamentals of speech culture, which is currently taught as part of the Armenian language course, could be incorporated into the new trial advocacy courses. Interviewees also believed that the remaining general studies courses, such as Russian and other foreign languages, philosophy, and information technologies, as well as some of the general specialized courses, such as foreign history of state and law, fundamentals of Roman private law, foreign constitutional law, forensic studies, and environmental law, should be offered only as elective subjects. Finally, they thought that additional electives on contracts, insurance, and regulation of the legal profession would be helpful, as would the expansion of the clinical legal programs.

Despite these difficulties, a number of state universities have added new courses to their curricula, especially in the fields of international, European, and human rights law. For instance, YSU opened the European and International Law Center in spring 2007, with courses focusing on international human rights treaties and some case law. ABA ROLI is also working with YSU on a pilot program to introduce 2 new courses. One course, to be taught starting in February 2008, will be a legal writing and analysis course to teach research, writing, and case analysis. The second course, on intellectual property rights, will be taught starting in September 2008. These courses will attempt to accomplish two purposes: to train professors on how to teach interactively, and to teach students critical thinking, research, writing, and practical skills. Likewise, Gavar State University has made some changes to its curriculum. For example, it removed sociology because the material was covered in other courses. As the University switches to a credit system starting from the 2007-2008 academic year, it also contemplates introducing additional elective courses, such as legal research and writing. Both YSU and Gavar State University also have legal clinics, but these are limited to a small number of students.

The situation in private universities remains largely inadequate. For example, the curriculum at Progress University of Gyumri is seen as lacking in several key areas of international and comparative law. Although the curriculum includes international private law in the final year of the LL.B. program (with possibilities for further instruction through the LL.M. program), it does not cover international human rights law. It also lacks separate practical skills, legal ethics, and legal research and writing courses, although legal research and writing is taught through the legal clinic, and a semester-long oral advocacy skills course is offered in the 4th year. Similarly, interviewees believed that legal education at Mkhitar Gosh University was theoretical and not comprehensive.

The curricula in foreign-affiliated institutions vary widely. For example, French University follows French standards and teaches European and international law. However, it has no legal research and writing, ethics, or practical skills courses, and does not offer a legal clinic to its students. AUA's new curriculum includes more international law and practical skills classes than offered previously, although it could improve its offerings of courses in European law, Russian law, comparative and international law, and American law. AUA does teach American Law I and II courses, which are a general overview of ABA-required courses for students at accredited US law schools. AUA emphasizes legal research and writing and requires a Master's thesis. It does not have a legal clinic, but it wants to start one. Russian-Armenian (Slavonic) University's curriculum is largely modeled on the Russian standards (which, for most practical purposes, do not differ significantly from the Armenian standards) but is regulated under the Armenian state educational criteria. The University offers no legal research and writing course, does not have a legal clinic, and has limited international law course offerings, although discussion on introducing such courses has begun.



Factor 9: Instruction in Ethics and Core Professional Values

Law students receive adequate instruction in the core values and ethics of the profession, including relevant codes of conduct.

Conclusion

Correlation: Negative

Because the state LL.B. curriculum does not require ethics instruction, most law schools do not offer separate ethics courses, although some may include ethics components in individual courses. Some interviewees felt this approach was sufficient to accomplish effective ethics instruction, while others believed that ethics should be a required course. Despite these divergent opinions, all interviewees believed that ethics instruction, especially on the relevant codes of ethics and standards for professional conduct, is essential.

Analysis/Background:

Neither the LL.B. Model Curriculum nor other Armenian laws or regulations require law schools to provide instruction in legal ethics. However, the LL.B. State Educational Criteria set forth a number of general qualifications and skills that all law graduates must possess, some of which may be interpreted as having pertinence to ethics and professional values. Among other requirements, a person with an LL.B. degree must be politically mature, be familiar with professional ethics rules, respect the law and social values of the state, and respect the honor and dignity of citizens. Furthermore, the graduate must exhibit moral consciousness, humanity, a sense of responsibility towards his/her entrusted mission. He/she must also adhere to principles in defending individual rights, show no tolerance towards violations of law in the process of professional activity, and be a person of high professional character. In addition, a law graduate must be well-versed and competent in professional, philosophical, ethical, political, and psychological spheres. See *generally* LL.B. STATE EDUCATIONAL CRITERIA art. 7.1.

The overwhelming majority of interviewees, particularly judges and practitioners, believed that instruction on ethics and professional codes of conduct was essential. Many people commented that the lack of professionalism in the legal system stems in part from a lack of common ethical training. However, interviewees were fairly evenly divided between those who felt ethics should be offered as a stand-alone required course and those who felt that ethics instruction could be effectively accomplished as part of each course. Many suggested that ethics should be also introduced to attorneys following their graduation from law school, through continuing legal education courses.

Unfortunately, no law school in Armenia currently offers a separate professional ethics course, but professors may include approximately 2-4 hours of instruction on select ethics issues in each individual substantive or procedural law course. However, most interviewees felt this instruction was inadequate or was treated merely as a theoretical matter with no practical application or exhortation to adhere to ethical guidelines. Students in legal clinics or in trial advocacy courses often receive instruction on and exposure to the ethics codes, although the amount of formal instruction is again limited to about 2-4 hours.

Aside from minor variations, the availability of ethics instruction does not differ significantly among state, private, and foreign-affiliated law schools. For example, Mkhitar Gosh University barely has any ethics instruction, even as part of other courses, while students at Progress University of Gyumri receive ethics training only if they participate in the legal clinics. At the time of interviews for this assessment, AUA did not have a separate ethics course for its LL.M. students, but ethics components were taught in each class and included in the syllabi. In addition, AUA has developed a new ethics course, which will become part of the curriculum and a learning outcome beginning in fall 2007 if an instructor can be found. Both Russian-Armenian (Slavonic) University

and French University teach ethics and ethical issues through various other courses, but interviewees indicated that ethics and the codes of professional conduct are touched on tangentially at best.

Factor 10: Professional Skills Instruction

Law students receive adequate instruction in professional skills, including critical thinking, legal research, analysis, and writing, advocacy skills, and client relations.

Conclusion

Correlation: Negative

Law students and graduates are generally familiar with legal theory, but lack sufficient practical skills. The state LL.B. curriculum requires internships, but these are typically too short and the quality and oversight are problematic. Likewise, law students are required to produce term papers as part of the LL.B. curriculum, but these rarely involve any substantive research and are typically seen as a formality, while comprehensive legal research and writing courses are not included in most curricula. Beyond this, only a few law schools offer limited opportunities for practical skills instruction, including legal clinics or moot court competitions, which are not required and target only a small number of students.

Analysis/Background:

Generally, professional academic programs in Armenia must be designed in a way that enables the development of relevant professional skills and abilities of future specialists. LAW ON EDUCATION art. 10(3). The LL.B. State Educational Criteria also define a number of important practical skills that all law graduates must possess. These include, for instance, the ability to comment on and apply relevant laws and regulations, process legal documents, solve problems corresponding to a graduate's qualification level, gather necessary factual and legal information, analyze legal norms and judicial and administrative practices, and create legal documents. See *generally* LL.B. STATE EDUCATIONAL CRITERIA art. 7.1.

Ensuring that students receive adequate instruction and opportunities to improve their practical skills is a key component of any quality higher education system. Although select law schools offer some practical skills courses, the quality and quantity of the instruction and the opportunities for practical legal skills development are extremely limited, and courses in legal research and writing, critical thinking, trial and advocacy skills, client relations, and interviewing techniques, are lacking for the most part. Most interviewees complained that students and graduates lack practical skills and know only legal theory, which they learn through rote memorization of the codes. In fact, interviewees reported that future employers often complain that they have to provide additional on-the-job practical training to all newly employed law graduates before assigning them to do actual legal work. Consequently, most interviewees believed that the MOE should make courses on legal research and writing a required part of the curriculum, and should at least encourage students' participation in legal clinics, moot court sessions, and targeted practical skills courses such as trial techniques, oral advocacy, and negotiation, which would make legal education more relevant to the needs of the labor market.

Practical internships can serve as a useful means of exposing students to the legal profession and a way for them to develop and hone their practical skills. In fact, the state LL.B. curriculum requires internships with legal departments of government agencies, law enforcement bodies, or courts as a practical training component, through which students much obtain practical legal

knowledge and skills.⁹ The duration of an internship should be at least 6 weeks, at the end of which students must submit a report and pass an exam. See LL.B. STATE EDUCATIONAL CRITERIA art. 6.5. In reality, law schools typically require students to complete two types of internships: a 2-3 week long academic internship during the third year of law school, and an additional 8-week internship during the final year (referred to as graduation or pre-diploma internship); some internships may be up to 3 months long. Before sending a student for an internship, the law school enters into a contract with the placement organization, providing the organization a list of students and the name of the department where each student must be placed. The university must also pay a fee for each student placement, typically ranging AMD 10,000-15,000 (USD 28-42) per student. Students' preferences are also considered in selecting internship placements. At YSU, for instance, students contribute to a list of institutions with which they would like to be placed for their internships; once the list is finalized, the University's career services department works out the agreements with these institutions. However, given the minimal internship requirements and standards, most interviewees felt they had little choice of assignments.

While most interviewees agreed that the idea of internships was very good, they believed that the implementation was poor. First, they felt that the duration of the required internship was too short. Second, they noted a problem with the types of internships available, which stems to a large extent from the labor legislation's requirement that students be paid a minimal stipend for internships. This requirement creates a disincentive to offer internships and results in students usually being placed with government entities, such as the courts, some ministries (such as the Ministry of Foreign Affairs), or the prosecutors' offices that have budgets to pay for interns. Some universities, such as Progress University of Gyumri, are able to place some students with private companies, while others may offer exchange programs with other countries (e.g., Russian-Armenian (Slavonic) University, which offers exchanges with Russian institutions). By contrast, the Armenian Chamber of Advocates does not offer any internships, because the universities are unable to fund the students' placements. Although the Chamber requested the MOE to fund law interns, this request was rejected.

The vast majority of interviewees also found the substance of internship experience to be negligible, estimating that only about 8-10% of internship placements offered any practical skills instruction. Most internships involve observing court proceedings, reviewing court documents and materials, and perhaps minimal research and writing. In addition, respondents complained of little university oversight to ensure that students are actually working on legal issues. Although universities typically assign an advisor to supervise student internships and host institutions assign a mentor to supervise students at job activities and evaluate them, various professionals from all sectors of the legal field stated evaluations involved only an attendance journal required by the universities or exam questions such as naming 3 co-workers. Understandably, such exams were overwhelmingly seen as "a joke," and additional monitoring by the institution offering the internship or the university requiring the internship is rarely done. Furthermore, interviewees felt that only attendance, rather than practical skills, was being measured for a passing grade. The prosecutors' offices also reported that privacy and confidentiality issues interfered with their ability to adequately involve students in legal issues, although they do try to engage students in research and other tasks as fully as possible.

Although the Model LL.B. Curriculum does include a requirement that students produce a term paper (see Appendix 1), it does not specify any additional details and this requirement is typically seen as a mere formality. The term papers are not included as part of any formal legal research and writing course and are instead written as independent study projects. Plagiarism in writing these papers is commonplace, as students rarely engage in any substantive research and often submit papers copied those produced in the previous years or downloaded from the Internet.

⁹ The availability and adequacy of professional internship facilities are also evaluated as part of the state licensing and accreditation process for higher educational institutions. See discussion in Factors 2 and 3 above for additional details.

Aside from this, legal research and writing courses, which teach practical skills, are not part of most law school curricula. For instance, while Gavar State University recommended introducing a required legal research and writing course into its curriculum, the MOE responded that such course may only be included in curricula for LL.M. programs, which the University currently does not offer. However, legal research and writing will likely become at least an elective course as the University switches to a credit system at the beginning of the 2007-2008 academic year. YSU currently does not have a required legal research and writing course, but ABA ROLI is sponsoring an elective course for LL.M. students starting in February 2008. At Progress University of Gyumri, only clinical students receive some legal research and writing instruction. The only exception to this situation is AUA, which emphasized legal research and writing through a first-year LL.M. course on Legal Methods and Analysis, which teaches students the Issue Rule Analysis Conclusion (IRAC) approach to research, case law, and case and policy analysis. In addition, a new course on legal drafting (i.e., drafting client letters, contracts, and memoranda) will begin the fall of 2007. Other universities visited by the assessment team appear to offer no legal research and writing instruction at all.

Some law schools use formal and informal courses to develop the students' trial and advocacy skills. For example, students at Progress University of Gyumri take a semester-long oral advocacy skills course during their final year of studies. Gavar State University students can take part in the debate club known as *Olympics*, which was seen as useful by students and faculty alike. Russian-Armenian (Slavonic) University has recently introduced an oral advocacy skills component. French University does not have an advocacy skills course because it lacks faculty to teach it.

One of the best means of improving the practical skills of students is through their participation in university legal clinics. However, few law schools offer such opportunities, and they are available only to a very small number of students. There are 2 regional law clinics funded by ABA ROLI – one at Gavar State University, which focuses on family law, and the other at Progress University of Gyumri, which focuses on property issues.¹⁰ Despite this officially narrow focus, both clinics offer a wide variety of civil representation to indigent individuals. Both of the ABA ROLI-funded clinics are only available to 10 students per year based on a highly selective process, which includes reviewing students' grades, their motivations, and an interview conducted prior to the start of the academic year. New students receive approximately 2-3 months of training before being able to represent clients directly; in the meantime, students from the previous year provide legal assistance on a voluntary basis. A licensed advocate supervises the students and their cases. ABA ROLI administered an anonymous student survey, which revealed that students are highly satisfied with their clinical education, the clinical staff, and the opportunities to gain practical experience. They also suggested advertising the clinics to a wider audience to generate more work and thus gain more experience.

In addition to the two ABA-funded clinics, there is also a clinic for civil and criminal law at YSU, which can only accept around 25-30 students per year (although there are plans to expand these enrollment numbers). The clinic is also occasionally used as part of the criminal procedure course. Students and other interviewees expressed a preference for making it mandatory and using it in conjunction with additional courses. None of the foreign-affiliated universities visited by the assessment team (i.e., AUA, French University, and Russian-Armenian (Slavonic) University) offer legal clinics to their students, although AUA is interested in starting one.

Moot courts are also a means of exposing students to practical legal skills, but these opportunities are not usually required and are not well supported. For example, YSU has a moot courtroom that is integrated as a required component into the criminal law courses and may also

¹⁰ Mkhitar Gosh University also used to have an ABA ROLI-funded clinic focusing on labor law issues; however, the clinic closed after ABA ROLI stopped its funding. In addition, ABA ROLI is seeking to expand its clinical programs by establishing an additional clinic in Yerevan and another regional clinic.



be used by other courses, such as ECHR classes and legal clinics. However, interviewees indicated that oral argument or other practical skills were not generally developed in these courses. YSU encourages moot court teams and has fielded student teams in the Willem Vis International Commercial Arbitration Moot Court Competition and the International Committee of Red Cross Humanitarian Law Moot Court Competition. However, due to funding issues, YSU has not entered a team to compete in the Jessup International Law Moot Court Competition in over 2 years. In the past, ABA ROLI also sponsored participation of Gavar State University’s team in the Jessup competitions. Both Progress University of Gyumri and Mkhitar Gosh University have Jessup moot court teams for their 4th-year students. Russian-Armenian (Slavonic) University encourages its students to enter various regional and international competitions and participates in the Jessup competition and the ECHR Moot Court Competition. While AUA has no moot courtroom, student teams are encouraged and supported.

Factor 11: Teaching Methodologies

Faculty employ varied teaching methodologies that are appropriately geared at developing professional skills, ethics, and respect for the rule of law.

Conclusion	Correlation: Negative
<p>Current teaching methodologies in Armenian law schools remain inadequate in comparison with internationally recognized standards. With very few exceptions, most professors rely solely upon theoretical lectures, interact little with students, and fail to utilize interactive teaching techniques. The learning process relies primarily on rote memorization of statutory texts and theoretical concepts, with little opportunity to develop or utilize the students’ professional skills. Lack of funding prevents most law schools from enabling their professors to develop more effective teaching approaches.</p>	

Analysis/Background:

Quality legal education is only possible if faculty members know their respective subjects and teach well, utilizing the most up-to-date teaching methodologies. Armenian laws and regulations provide little guidance as to the types of teaching methodologies that should be employed by faculty of higher educational institutions. There is a general provision that university faculty are free to choose their own teaching and instruction methods in accordance with state educational standards. LAW ON EDUCATION art. 28(2); see also LAW OF THE REPUBLIC OF ARMENIA ON SCHOLARLY AND SCHOLARLY-TECHNOLOGICAL ACTIVITY art. 5(1)(a) (*adopted* Dec. 5, 2000) [hereinafter LAW ON SCHOLARLY ACTIVITY].¹¹ However, the current LL.B. State Educational Criteria are silent on this issue, with the exception of providing for the professors’ duty to periodically engage in scholarly and methodological activity, which presumably would include the duty to develop their teaching skills and update their teaching methodologies. See LL.B. STATE EDUCATIONAL CRITERIA art. 6.2. In addition, educational institutions must ensure the improvement of professional quality and continuing training of their employees. LAW ON EDUCATION art. 50(4). This, again, would presumably include creating opportunities for the faculty to improve upon their teaching methodologies.

Unfortunately, teaching methodologies in Armenian universities remain inadequate. Law professors and school administrators, students, attorneys, judges, and NGO representatives interviewed by the assessment team all agree that teaching methodology is too theoretical and

¹¹ This Law applies to university professors who fall within the Law’s general definition of a “scholar,” i.e., a person engaged in scholarly, academic, pedagogic, experimental, and research activity in scholarly organizations, including in higher educational institutions. See art. 1.

results in inadequately trained graduates. Except for a few professors, most faculty members rely solely upon theoretical lectures, interact little with students, and teach few practical skills. In fact, many professors reportedly read out their lectures directly from the textbooks. Students are not required to engage in much preparatory work before classes, and the learning process relies primarily on rote memorization of lecture or textbook materials and statutory provisions, which are then recited during the “practical” seminars. In addition, the curricula are too standardized, and students are often discouraged from consulting alternative sources of information beyond the single textbook that is assigned for each course. All of this results in rigid mindset of law students and graduates, and students often may not even know what knowledge and skills they are lacking until they start looking for a job. Although this situation is slowly changing, the majority of instruction remains below internationally recognized standards, while funding issues negatively affect the schools’ ability to train professors.

Among the state universities, both YSU and Gavar State University encourage, and YSU formally requires, theoretical, interactive, and practical instruction for classes. However, interviewees indicated that theoretical knowledge is over-emphasized while practical application of the law is not covered sufficiently. The problem tends to be worse with older faculty members, who tend to only lecture or teach “in the old Soviet style.” In addition, large class sizes, especially at YSU (often in excess of 100 student per lecture and 30 students per seminar), also prevent effective utilization of interactive teaching methods. Nonetheless, more faculty members at both universities are increasingly employing interactive teaching techniques, such as attempting to involve students in class discussions, having more question and answer sessions during the class, or using PowerPoint presentations.

Both universities had also taken steps to improve teaching skills of their professors. For instance, YSU requires faculty members to undergo university-provided trainings every 5 years. Some faculty had participated in study-abroad exchange programs to improve their skills, and the University also uses foreign visiting lecturers. Likewise, Gavar State University sponsors trainings for faculty members and hires practitioners who tend to offer more practice-oriented instruction. Faculty can also share materials and teaching ideas through the University’s legal clinic. In addition, YSU is publishing more textbooks that include case studies and exercises, and has also produced 4 publications on modern curriculum and teaching methodologies that are available to other law schools. The two new courses that YSU is currently developing with assistance from ABA ROLI (on legal research and writing and on intellectual property rights) will also aim at accomplishing the goal of training law professors on how to teach interactively.

By contrast, private universities still tend to use lectures more than interactive teaching. Part of the problem is that all but a few of these schools lack updated textbooks that contain practical applications, although some, such as Progress University of Gyumri, use textbooks from YSU. Law clinic faculty members have undergone trainings, but other faculty had received only one formal training on new teaching methods, which was sponsored by ABA ROLI. Mkhitar Gosh University does not provide training to its professors on interactive teaching methodologies; and most professors are older and use Soviet-era lecturing styles, although younger faculty will occasionally employ newer methodologies.

Among foreign-affiliated law schools, AUA encourages the use of new teaching methodologies and has been focusing on bringing the Socratic Method of case analysis and applied learning into the curriculum. All instruction during the first 2 quarters of the 1st year of the LL.M. program is given by American professors, and both American and Canadian professors teach during the 3rd quarter. Instruction in the second year is given by a variety of professors, including Armenian, but the teaching of local professors is clearly influenced by the foreign-trained professors. There are no formal trainings on teaching methodologies, but faculty discuss incorporation of new methods into the learning process during their meetings, and faculty exchanges further facilitate the sharing of teaching techniques. Most professors at French University lecture in accordance with the French system, and there is little discussion during lectures, although some discussion occurs in the seminars which emphasize critical thinking. The University has faculty exchanges and



trainings, which are seen as a means of improving teaching methodologies through observation of new techniques and sharing of ideas, and an effort is underway to make trainings required every 3-5 years. Most teaching at Russian-Armenian (Slavonic) University is lecture-based, although there are several practitioners on the faculty who teach through more practice-oriented approaches and often share examples from their experience. Case studies are reportedly being integrated into the learning process, and Russian case study books are available, although some faculty are said to refuse to spend the extra time preparing for classes with this new approach, citing low salaries. The University has sponsored some faculty trainings, although several interviewees stated that professors must seek out these opportunities on their own; and has also established exchanges with universities in Russia and Poland.

IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications

Factor 12: Student Evaluation and/or Examination

Student performance and achievement of stated learning outcomes are assessed by fair, uniform, and stringent written examinations or other objective and reliable assessment techniques.

<i>Conclusion</i>	<i>Correlation: Negative</i>
<p>There is wide variation in form, stringency, fairness, and correlation to learning outcomes in the examination and evaluation procedures of various law schools. Exams remain largely oral rather than written in most state and private institutions, failing to adequately test the subject matter or to fairly and accurately reflect the students' knowledge. Except for a few schools, perceived bribery and corruption in the exam process remains a serious problem.</p>	

Analysis/Background:

Each university and department designs its own examination and evaluation system and establishes the type of evaluation to be used in measuring the students' performance and knowledge for courses included in its curriculum. LL.B. STATE EDUCATIONAL CRITERIA arts. 5.1, 6.1.1. The MOE's Model Curriculum for LL.B. programs includes a recommended type of evaluation that should be used in conjunction with each course. See *id.* Appendix 1. Generally speaking, Armenian universities use two types of final evaluations for each course: a regular examination where students earn a course grade; and a pass/fail examination where no grade is given. The Model Curriculum recommends using pass/fail examinations for most of the required courses in the general studies blocks, as well as electives and optional courses; and a regular (graded) examination for most of the required specialized courses in law. See *generally id.* Examinations may be conducted in either written or oral format, subject to discretionary choice of educational institutions. *Id.* art. 6.1.1. In addition, a student's final grade for the course may not be based solely upon the result of the final examination, but should also take into account performance and course involvement throughout the semester(s) and the results of any intermediate examinations/evaluations (i.e., midterms) that were administered. *Id.* In addition to exams at the end of each semester, students must also pass a state qualification examination in order to graduate. The requirements and procedure for passing this examination are discussed in Factor 13 below.

In practice, there appears to be a wide variation in format, stringency, fairness, and correlation to learning outcomes in the examination and evaluation procedures in Armenian law schools. First, exams do not usually measure learning outcomes, and the lack of specifically defined learning outcomes for each course exacerbates this problem. Although the MOE has defined broad standards of higher education, they are too broad to be considered specific learning outcomes. In theory, exams should measure whether a student meets these outcomes, but in practice they tend to be so general that it is hard to determine whether they have been met. Second, the exams are not always a good reflection of the types of knowledge and skills students should have mastered. Although some interviewees thought the exams measured what a student should have learned in the classroom, many believed that they were not stringent enough or did not measure competence or knowledge of the subject. Indeed, one interviewee described current exams as "prehistoric." Because exams are based on theoretical courses, they usually require rote memorization of lecture notes, textbook materials, and relevant legal provisions rather than analyzing, evaluating, and synthesizing information. In addition, some interviewees reported that, where midterm and final exams are employed, they tend to use the same questions. Third, there

are few consequences for a student not doing well on an exam. For instance, even if a student does not take the midterm exam or performs poorly on it, he/she can still obtain a high final grade for the course by passing the final exam. In addition, students often are allowed to retake exams multiple times to obtain a higher grade, and employers complain of graduates who have very good grades but very little legal knowledge. Further, some universities, particularly private ones, are quite adverse to expelling students who fail their courses, because the universities depend on continuing payment of tuition fees. As a result, the typical pass rate in private universities is, reportedly, in the range of 90%, with many students who give a poor answer still receiving a minimum passing grade.

Examination format is one of the major problems with the examination process in Armenian law schools. Most state and private universities usually use only oral final examinations, although some universities, such as YSU and Gavar State University, also employ non-anonymous written midterm exams or may have written final exams on occasion (e.g., Progress University of Gyumri and Mkhitar Gosh University). Oral exams are inherently subjective and leave no record for verification. They are also perceived as requiring less preparation by professors and students, although some interviewees argued that they contribute to the development of and can measure oral skills, a contention that is hard to accept given that such exams typically involve only memorizing and repeating the required material. In addition, many believe that oral exams support an environment in which corruption can thrive. Although written exams do not entirely remove the possibility of corruption and do not measure a student's oral skills, they do leave a record and can help assess and develop writing skills. Students also perceive written exams as more difficult.

By contrast, most foreign-affiliated universities tend to use anonymous written exams for nearly all courses. French University's practice was widely praised by interviewees. There, professors discuss exams with students, and students can ask how grades are determined. Grading is done on a 20-point scale, where a 20 is, in practice, impossible to earn. Although students can challenge a professor's math in computing the grade, they may not dispute the substance on which the grade is based. AUA exams are also usually written, but may involve a 15-20% oral component tied to what students are expected to know from class. All exams are anonymous and use an assigned exam number for each student, as is the practice in the U.S. Russian-Armenian (Slavonic) University uses both written and oral exams, although written exams are not anonymous and are given at the discretion of the professor. Written exams and papers are graded in Moscow, and a computer-based multiple-choice exam is administered for pass/fail examinations.

Most interviewees believed that oral exam components should be maintained, but should not play the decisive role in determining the final course grade. As a result, the majority of respondents expressed a preference for having both oral and written examinations. Some of them had very specific reform ideas, including having regular required assignments throughout the course, conducting oral examinations in front of classmates, administering anonymous and objective multiple-choice tests, and allocating more resources to develop, monitor, and grade written tests.

Perhaps the most significant issue in law school examination and grading is the perception of widespread and pervasive corruption, with wealthy students and others buying grades and degrees. As one of the interviewees neatly summarized the situation, given the virtual lack of criteria for exam grading, any professor may arbitrarily choose to pass students he/she likes and fail those he/she dislikes.¹² Another respondent commented: "In the course of their studies,

¹² While not specifically mentioning law schools, a recent survey revealed that 1,821 out of 2,000 university students surveyed throughout Armenia admitted that there was corruption in their universities. The survey also exposed an apparent system of fixed payments for exam results that exists at some universities in Armenia. See Karine Asatrian, *Armenia: College Briber Rife*, INSTITUTE FOR WAR AND PEACE REPORTING – CAUCASUS REPORTING SERVICE, Issue No. 374 (Jan. 18, 2007), available at http://iwpr.net/?p=crs&s=f&o=328585&apc_state=henh.

every student in every department of every university faces several situations where they have to pay a bribe. The best case is up to 5 bribery attempts over 4 years; the worst is 1-2 attempts per semester.” Although some interviewees believed that corruption was more common in state universities than in private ones, most interviewees generally viewed private universities as “diploma mills.” Even at the better-regarded private schools, such as Progress University of Gyumri, professors reportedly rarely fail students, out of fear of losing the tuition receipts (which, they felt, in itself created a sufficient disincentive for bribery). The fact that professors and universities do little to change the widespread public perceptions of corruption and bribery only contributes to exacerbating these negative opinions.

Nearly all interviewees, including YSU faculty and administration, have singled out YSU as the school where perceived corruption was high. This perception, however, should not be interpreted to imply that corruption was less rampant in other universities. YSU Law Faculty is seen by most in Armenia as the premier school that other universities look up to in their programs. To combat this perceived problem, YSU has proposed a new grading system for its LL.M. program, which will involve administering exams that require more analysis, critical thinking, and practical application of knowledge.

By contrast, most foreign-affiliated universities are perceived as less prone to bribery and corruption than either state or private universities. AUA was reportedly the most free of bribery and corruption, as well as exam-related problems, and French University was likewise seen as relatively free of bribery and corruption. Nonetheless, some interviewees perceived Russian-Armenian (Slavonic) University as having widespread corruption and possible bias during the exams.

Factor 13: Awarding of Degrees

Qualifications and degrees awarded reflect that students have successfully completed all requirements and met all standards for the awarding institution.

<i>Conclusion</i>	<i>Correlation: Negative</i>
<p>The process for awarding university degrees is fairly well regulated by law. In practice, however, the state exam is oral and does not accurately reflect what law graduates should know. The state LL.B. curriculum also requires a thesis, but most graduates simply copy it from monographs or works written by other students in prior years and conduct little to no independent research. As a result, degrees often do not reflect that graduates have met the requirements and standards of the degree-awarding institution. In addition, perceptions of widespread corruption in the state exam process make the diplomas less trustworthy and credible.</p>	

Analysis/Background:

The MOE establishes procedures for mandatory final attestation of knowledge and skills of graduates of any educational program in Armenia. LAW ON EDUCATION arts. 14(6), 37(10). Students who have successfully passed this final attestation will receive a state-recognized degree and diploma from their educational institution. *Id.* art. 44(1)-(2). Sample templates of these documents are designed by the MOE and approved by the Government of Armenia. *Id.* arts. 37(12), 36(6). Professional higher educational institutions may award the following types of qualification degrees: (1) Bachelor (which is issued to individuals with complete secondary education, who have successfully completed a professional higher educational program of at least 4 years); (2) Specialist with Diploma (which is issued to individuals with either complete secondary or professional education, who have successfully completed a professional higher education program of at least 5 years); and (3) Master (which is issues to individuals with either a



Bachelor's or a Specialist's degree, who have successfully completed an additional professional higher education program of 2 years). *Id.* arts. 24(4), 1(20)-(22).

In order to receive the right to issue state-recognized degrees and diplomas for particular professions, all higher educational institutions must complete the mandatory state accreditation procedure. STATE ACCREDITATION PROCEDURE art. 11; see *also* Factor 3 above for additional details. However, individuals who graduated from non-state higher educational institutions prior to the passage of the Law on Education in 1999 are eligible to receive a state-recognized diploma, provided they have passed the required state examinations in state or accredited non-state universities prior to the end of 2005-2006 academic year. LAW ON EDUCATION art. 49(10). Holding a state-recognized diploma is a necessary prerequisite for admission into an educational program of the immediate higher level and is the only proof of higher education recognized by government bodies and budget sector organizations. *Id.* arts. 44(4)-(5).

The LL.B. State Educational Criteria specify the knowledge and skills requirements that all graduates of LL.B. programs must meet, as well as the components of mandatory final attestation for law graduates. Generally, LL.B. graduates must be able to: comment on, apply, and analyze the laws, other legal acts, judicial decisions, and administrative practice; gather and analyze factual information from the legal standpoint; draft and process legal documents and provide legal conclusions and consultations; identify violations of the law and appropriate penalties; be well versed in comparative jurisprudence; and engage in periodic continuing professional education. See LL.B. STATE EDUCATIONAL CRITERIA art. 7.1. In addition, law graduates must possess the ethical qualifications spelled out in Factor 9 above.

Final attestation for law students consists of passing at least 2 state examinations which measure their theoretical knowledge, as well as writing the graduation thesis (top students may be permitted to write the thesis in lieu of one of the state examinations). *Id.* art. 7.2.1. The state exam can be administered in any of the following subjects: theory of state and law; constitutional law; civil law and procedure; or criminal law and procedure. The content and procedure for the examination are established by the law school's faculty and approved by the academic council. *Id.* art. 7.2.3. The graduation thesis is defined as a theoretical and experimental research into one of the contemporary themes of jurisprudence, which should display the graduate's theoretical knowledge and practical skills and give him/her an opportunity to solve professional problems independently. *Id.* art. 7.2.2. Students typically select their thesis topics from a list preapproved by the law school's academic council or the dean, but they are also free to propose a topic on their own.

The oral state exam is administered by the SEC, which normally consists of 5-7 legal experts, faculty members, and a chairperson who should be an outside person (although this provision is not binding). The SEC also oversees the defense of students' graduation theses. Prior to permitting a student to take the exam, the law school must submit to the SEC a recommendation and supporting documentation that a student has completed all degree requirements and is qualified to take the state exam. The exam can be administered either at the graduate's institution or at a central exam location. Following the successful passage of the state examination and the defense of the graduation thesis, the graduate will be conferred an LL.B. degree and issued a state-recognized diploma.

Although the process for awarding degrees and issuing diplomas is, in theory, fairly well regulated under the law, in practice it suffers from corruption and other problems, which means that degrees do not always reflect that graduates have met the requirements specified in the state educational standards. Both state and private law schools report similar problems in the final attestation process. Most notably, although the state exam is designed to be rigorous and comprehensive, the perceived widespread corruption in the state exam process makes the diplomas less trustworthy and credible, thus undermining the entire system. Indeed, interviewees report that the bribery starts in the admission process, continues throughout the educational process in law school, and culminates with the state exam to graduate. An additional significant

problem is that the content of the exams does not reflect what graduates should know, although this concern also likely reflects the fact that the curriculum does not encompass the knowledge and skills that graduates should possess. Lawyers and judges interviewed by the assessment team indicated that when a recent law graduate comes before them, they can easily tell whether this person earned his/her degree or bought it. Many interviewees felt that a diploma serves only to inform a prospective employer that its holder went through the educational process, not that he/she has learned what he/she should have. This underscores the belief that a diploma is not a guarantee that a graduate possesses the requisite legal knowledge and practical skills necessary to practice law.

The solution suggested by most interviewees was to have more review and oversight of the exam process by the MOE. In addition, respondents also suggested making the exams written and anonymous rather than oral, as well as excluding professors from a student's degree-awarding institution from participating in administering or grading the state exams.

Foreign-affiliated institutions follow different procedures and requirements. Some issue degrees valid in both Armenia and the institution's host country. For example, French University's degrees are recognized in France and Armenia. Degrees awarded by Russian-Armenian (Slavonic) University are issued by Russia's Ministry of Education and recognized in both Armenia and Russia, and are based on evidence that the student has completed all program requirements, passed all exams, and completed the required internship. The degree issued by AUA is an American LL.M. and is recognized by the Western Association of Schools and Colleges [hereinafter WASC].¹³ The LL.M. degree from AUA would qualify candidates to take the bar examination in some U.S. states, because the degree documents the graduate study of required common law courses; however, eligibility for bar examination and attorney certification rules vary greatly in the U.S. depending upon the state. The degree is valued in Armenia, because it reflects that graduates have met all of the AUA's American-modeled learning outcome requirements stated for each course and have written a thesis evaluated by AUA's faculty members.

Factor 14: Institutional Record-Keeping

Institutions providing legal education maintain accurate records that meet national and international quality assurance frameworks and standards in order to facilitate comparability and compatibility of qualifications.

Conclusion	Correlation: Positive
<p>Institutional record-keeping for state universities, most licensed private universities, and foreign-affiliated universities is quite accurate. Applicable licensing and accreditation rules delineate which documents and records should be maintained and for how long, although government verification of these records is limited. General information is available in the records, but personal information can only be released with the individual's consent.</p>	

Analysis/Background:

The Law on Archiving sets forth rules related to record-keeping and archiving procedures at Armenian universities, as well as access to university records. See generally LAW OF THE REPUBLIC OF ARMENIA ON ARCHIVING art. 1 (*adopted* Jun. 8, 2004) [hereinafter LAW ON ARCHIVING].

¹³ WASC is a U.S. accrediting organization for general educational institutions, but it is not recognized as an accrediting entity for U.S. law schools and programs, which typically must be accredited by the ABA.

Generally, both state and private universities are required to create and maintain personnel records related to academic process. *Id.* arts. 7.2-7.3. Each higher educational institution decides on its own list of files and records that are to be maintained, as well as on the time limits for keeping each types of documents; however, these lists must comply with the Law on Archiving. *Id.* art. 20; *see also generally* MODEL LIST OF ARCHIVAL DOCUMENTS WITH TIME LIMITS FOR MAINTENANCE (*approved by* Decision of the Government of Armenia No. 351 of March 9, 2005). State universities are required to keep the files for all student courses and grades for a period of 10 years following graduation, after which all records are sent to the State Archives for permanent maintenance and become the property of the state. LAW ON ARCHIVING arts. 8.1, 10.2. Private universities can set up their own archiving procedures or can choose to keep their files at the State Archives. To do so, they need to enter into an agreement with the State Archives on transferring of the files. *Id.* art. 9.3.

Information contained in university records is generally accessible through the State Archives. *See id.* art. 21.1. State Archives provide conditions necessary for searching and studying archival documents by the public free of charge. *Id.* art. 23.2. However, access to documents may be restricted if the files contain state secrets or other protected information, as well as originals of rare and particularly valuable documents of the archival collection. *Id.* art. 22.2. In addition, access to archival files containing personal and family secrets is limited for a period of 100 years. *Id.* art. 22.3.

In practice, universities generally keep documents and paperwork to show their students meet the curriculum requirements and have passed the necessary exams. However, government verification of the records is limited. The LAS only looks at these records as part of verifying the 60% attestation requirement for licensing and accreditation (discussed in Factors 2 and 3 above).

Beyond this, the assessment team did not identify any major problems in institutional record-keeping at foreign-affiliated institutions or state universities. Record maintenance at these universities appears to be adequate and accurate. For instance, record-keeping procedure at YSU complies with the relevant legislation. Each department at the University keeps its records for 5 years before sending them to the centralized university archive for an additional 5 years; these records are then sent to the State Archives. AUA's registrar maintains a portfolio for each student, which contains all documents relating to a student's studies, including course syllabi, copies of exams, and an LL.M. thesis. French University keeps all records of a student's courses, exam results, and internship-related documents. After maintaining its records for a required period, Russian-Armenian (Slavonic) University sends them to Russia to be archived. However, none of the foreign-affiliated institutions stores its records in the Armenian State Archives.

By contrast, many interviewees reported that record-keeping at most private universities was inadequate, non-verifiable, or even nonexistent, despite the obligation to maintain and provide this documentation for accreditation. As an exception, Progress University of Gyumri was reported as one positive example. There, the law school maintains all student records during the student enrollment and then sends them to the University's registrar in order to process the students' graduation paperwork. The University maintains the records for 10 years before sending them to the State Archives.

Factor 15: Recognition Frameworks and Networks

Institutions providing legal education participate in national, regional, and international quality assurance and recognition networks, and their participation is facilitated and monitored by the entity in charge of regulating institutions providing legal education.

<i>Conclusion</i>	<i>Correlation: Neutral</i>
<p>Armenia has national, regional, and international accreditation and recognition agreements and networks in place. In particular, the country is working toward implementation of the Bologna Process. A target date of 2010 has been set for reporting on compliance and developments, but numerous problems and challenges still remain to be addressed. Armenia is also a member of the Commonwealth of Independent States [hereinafter CIS] and is obligated to comply with its recognition and accreditation agreements.</p>	

Analysis/Background:

Armenian laws provide that international cooperation in the field of education is conducted in compliance with international agreements, which take precedence over any conflicting provisions in domestic laws. LAW ON EDUCATION art. 51.1. The MOE is the state body charged with establishing the rules of recognition of foreign degrees and educational documents in Armenia. *Id.* art. 37(13). In addition, individual educational institutions have the right to cooperate with foreign educational and scholarly institutions. *Id.* art. 51.2.

Armenia is a party to several regional academic recognition conventions, including the 1979 UNESCO Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the States Belonging to the Europe Region (since 1993), and, since 2004, the 1997 UNESCO/Council of Europe Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (commonly known as the LISBON CONVENTION). Under these treaties, member States are required to collect and disseminate information regarding degree-granting institutions and degree programs. Specifically, Armenia must provide adequate information on its higher educational institutions, so that other countries can ascertain whether the quality of qualifications issued justifies recognition. See LISBON CONVENTION art. VIII.1(a)-(b). This includes: (a) an overview of the different types of higher educational institutions; (b) a list of recognized higher educational institutions with explanations of their ability to award different types of qualifications and the requirements for gaining access to each type of institution and program; (c) a description of higher education programs; and (d) a list of educational institutions located outside its territory, which the State considers to belong to its educational system. *Id.* art. VIII.2(a)-(d). Furthermore, each party is required to maintain information on recognition matters, to facilitate recognition of qualifications concerning higher education. *Id.* art. IX.

The Law on Education also defines integration into international educational system as one of the key principles of Armenia's state educational policy. See art. 5(4). Thus, Armenia participates in regional and international accreditation and recognition agreements and networks. Most importantly, in 2005 the country signed on to the Bologna Process towards the creation of EHEA, and is currently working towards full compliance with its requirements. The government has set 2010 as the next target date for reporting on developments and reaching the threshold requirements for the Bologna Process. The Higher Education Support Program implemented by the Open Society Institute [hereinafter OSI] is designed to make the Bologna Process transition go smoothly. The reform process and attempts to introduce adequate quality assurance standards and mechanisms by 2010 are also influenced by consultations with international groups, such as the European Association for Quality Assurance in Higher Education, the International Network for Quality Assurance Agencies in Higher Education, and the European Neighborhood Project.

To date, the MOE has committed Armenia to the Bologna Process and decreed that Armenian higher educational institutions follow Bologna's requirements. Specifically, the MOE has required that each university establishes departments in charge of reforms and quality assurance at the university level. In addition, some state universities started making changes to meet the Bologna standards. For example, YSU Law Faculty has introduced the two-cycle degree system with an LL.B. and an LL.M. degree, and has sought membership in the European Law Faculties Association. All state universities must have the two-cycle degree system in place by September 2007, while all private universities must convert to the two-cycle system by 2010. Several state universities, as well as private and foreign-affiliated institutions are also implementing the credit system and incorporating competencies and learning outcomes into the curricula for various disciplines. Furthermore, the National Information Center for Academic Recognition and Mobility [hereinafter ENIC] was created in 2005, but it is not yet fully operational and remains under the MOE's supervision. Once ENIC becomes operational, one of its first tasks will be to assess and rank all higher educational institutions and programs.

In addition to participation in the Bologna Process, Armenia is also a member of the CIS and, therefore, must comply with various CIS recognition and accreditation agreements, such as the 2001 Agreement on Coordination of Works in the Area of Licensing of Educational Activity, Evaluation, and Accreditation of Educational Institutions and the Procedure for Carrying Out the Evaluation and Accreditation of Educational Institutions of CIS Member States. Although Russian-Armenian (Slavonic) University is one of the few institutions that has close ties to Russia, all private universities in Armenia recognize the CIS degrees and have the same treatment in other CIS countries as per the CIS agreements.

Mutual recognition agreements exist through other recognition arrangements, particularly at the foreign-affiliated institutions. For example, as explained in Factor 13 above, Russian-Armenian (Slavonic) University has arrangements with Russia on mutual recognition of degrees, while degrees issued by French University degrees are recognized in France. The LL.M. degree from AUA is recognized in the U.S. at least as a WASC degree.

Despite these advances, the assessment team revealed that serious problems remain in higher education in Armenia and that quality assurance networks are lacking. In fact, many interviewees believe that the Bologna Process would require major structural changes to Armenian educational system, which are crucial to improving the overall quality of higher education. They were unanimous that Armenia must remove any doubts about quality assurance and recognition issues. However, interviewees were also concerned that the reasons for and importance of these changes are not widely understood by the public or even by educators and thus, all stakeholders – the Government, the MOE, individual universities, the media, and other relevant sectors of Armenian society – must do their part to explain the importance of these changes. Otherwise, as one respondent commented, Armenia might implement the Bologna Process without a full understanding of its requirements.

V. Faculty Qualifications and Conditions of Employment

Factor 16: Faculty Qualifications

Law faculty possess requisite knowledge and competence in their subjects to provide a quality education to students, as evidenced by degrees held, scholarly publications, practical experience, as well as strong teaching skills.

Conclusion	Correlation: Neutral
<p>Law school faculty in all state, most foreign-affiliated, and some private institutions meet the qualification guidelines according to degrees held, but many professors lack the teaching skills, practical experience, or research qualifications necessary to provide quality instruction. The main problems include a lack of qualified individuals available to meet the faculty demands and older professors who are not up to date on recent legal developments or teaching methodologies.</p>	

Analysis/Background:

Having an adequate number of core pedagogical staff is one of the key requirements for licensing of non-state educational institutions in Armenia. See LAW ON EDUCATION art. 41(1). Specifically, at least 50% of the institution’s teaching staff must be permanent staff members, and at least 50% of staff must have academic degrees or titles recognized by the MOE. LICENSING PROCEDURE art. 13(c). The MOE provides an overall regulation for faculty qualifications by approving the evaluation criteria and qualification procedures for pedagogical and top management personnel at the educational institutions, as well as approving the procedure and criteria for awarding academic degrees and titles.¹⁴ See LAW ON EDUCATION art. 37(6); LAW ON SCHOLARLY ACTIVITY art. 14(1)(g)-(h).

With respect to law schools (both state and non-state), the State Educational Criteria require that professors must have basic education relevant to the subject matter of the courses they teach, and that general specialized and special professional courses must be taught by lecturers having either basic legal education or an advanced academic degree (i.e., candidate of science or doctor of science). LL.B. STATE EDUCATIONAL CRITERIA art. 6.2. Each law school must have at least 3 chairs in separate legal disciplines, with core lecturers comprising at least 30% of the institution’s teaching personnel. Finally, pedagogical staff in higher legal education institutions are required to periodically participate in scholarly, research, and methodological activities. *Id.* To this end, each educational institution is to ensure the opportunities for improvement of professional qualifications and continuing education of its employees. LAW ON EDUCATION art. 50(4).

Interviews revealed that while all of the state, most foreign-affiliated, and some private law schools have faculty holding the requisite degrees, there are many private law schools that fail to meet these requirements. Most respondents attributed this deficiency to the simple fact that there are not enough qualified individuals to fill the faculty demands. The almost complete dominance of YSU in dissertation defenses negatively affects the supply of professors with candidate of science degrees. As a result, many schools are forced to recruit qualified faculty from other schools. However, the assessment team was also informed that some universities, such as YSU, discourage their professors from teaching elsewhere, further exacerbating the shortage of faculty

¹⁴ Armenian legislation recognizes two types of advanced academic degrees – candidate of science (which is equivalent to a Ph.D.) and doctor of science. See LAW ON SCHOLARLY ACTIVITY art. 16(3). There are also two types of academic titles – professor and associate professor (the latter is referred to as *docent* in Armenia). *Id.* The criteria and procedure for awarding these academic titles are discussed in Factor 17 below.



in other institutions. Although many YSU faculty still teach at other universities despite these restrictions, interviewees believed that the additional time commitment required for these additional teaching assignments has a negative impact on the overall teaching quality.

An additional problem identified by the assessment team is that many law schools have older professors, who may have the necessary degrees but are not up to date on recent legal developments or teaching methodologies. Many of these faculty lack contemporary and advanced teaching skills, practical experience, or research qualifications needed to provide quality legal instruction. Several interviewees indicated that, given the low or non-existent emphasis on research placed by the law schools, many professors have not researched or published scholarly works in decades. Furthermore, the quality and quantity of existing faculty peer-reviewed journals and other publications is inadequate. A number of respondents discussed a lack of research into many novel areas, such as cyber-crime, intellectual property, and copyright.

Finally, interviewees believed that the current State Educational Criteria place too heavy emphasis on the degrees held by the teaching staff, rather than on the research or teaching skills and the practical experience. They suggested that these requirements are adequate if law schools simply want theoreticians. However, current and former law students report that practitioners tend to teach better, because they also incorporate practical skills instruction. Although some schools attempt to cope with the shortage of qualified professors by hiring judges, prosecutors, and other practitioners to teach, Armenian law schools would certainly benefit from greater utilization of these individuals.

Most interviewees believe that state universities have better qualified faculty than many private law schools. It is prestigious to teach at state schools. For example, YSU faculty members have the requisite degrees, and some older faculty and many younger faculty have relevant practical skills. Nonetheless, most professors would benefit from additional training on updated teaching methodologies or practical skills. YSU also encourages publications in one of its 5 faculty journals, although the quality of publications is reportedly not always adequate. Faculty at Gavar State University was generally evaluated as capable of providing good instruction. Faculty and student research papers are published in an annual journal and monthly newspapers, and works by Gavar faculty members also occasionally appear in YSU's journals or other publications.

By contrast, many private law schools lack qualified faculty, as evidenced by degrees held, publications, or teaching quality. For instance, 2 professors at Mkhitar-Gosh University have candidate of science degrees, but only one of them actually teaches. In addition, teaching methodology is seen as outdated and usually "Soviet-style." Although faculty members have the option to publish in two Vanadzor journals, few actually choose to do so. Many interviewees attributed this situation in private schools to the fact that many well-qualified professors did not want to teach there due to low pay and lack of prestige. In fact, the assessment team was informed of only one positive example among private universities, Progress University of Gyumri, which meets the threshold requirements regarding faculty degrees, with 7 members of the law faculty holding a candidate of science or higher degrees. The University also invites faculty from YSU as guest lecturers and hires practitioners to teach.

Assessment of foreign-affiliated law schools revealed a disparate level of quality among faculty. For example, the AUA faculty is generally up to date on topics in their field and have the degrees necessary to teach the courses in the LL.M. program. AUA looks beyond the mere holding of a candidate of science degree, and is interested in hiring professors with foreign degrees, legal practitioners, and those with good teaching skills. The University also has an online journal/forum, which is open to all faculty and students. However, faculty do not publish in peer-reviewed journals as frequently as they should. Although opinions as to quality of faculty at French University were mixed, professors there generally have the requisite candidate of science or higher degrees and typically use new interactive and practical skills-based teaching methodologies. The University also employs practitioners and foreign faculty. Finally, faculty

qualifications at Russian-Armenian (Slavonic) University were reported as generally good, with the school meeting the faculty quantity and degree requirements. However, interviewees suggested that more publications and hiring more practitioners would strengthen the faculty.

Factor 17: Hiring, Promotion, and Tenure

Faculty hiring, promotion, and granting of tenure, or its equivalent, are based on rigorous, fair, uniform, and transparent criteria and procedures with a process for seeking appeal or review of adverse decisions.

Conclusion	Correlation: Neutral
<p>Each university establishes its own rules concerning hiring, promotion, and retention of law school faculty, which must comply with general guidelines set forth by law. By law, faculty recruitment and promotion must be competitive and take into account factors such as advanced degrees held, length of experience, and academic publications. In practice, however, faculty hiring and retention are negatively affected by non-competitive procedures, lack of transparency, and influence of personal and political connections, particularly in private law schools. One positive practice in place in some institutions is the use of student evaluations as one of the criteria for promotion and retention.</p>	

Analysis/Background:

Faculty hiring, promotion, and retention processes for both state and private universities are governed by the Law on Higher Education. See *generally* LAW OF THE REPUBLIC OF ARMENIA ON HIGHER AND POST-GRADUATE EDUCATION art. 19 (*adopted* December 14, 2004, *as amended*) [hereinafter LAW ON HIGHER EDUCATION]. Academic board of each university establishes its own rules and procedures for filling vacancies for lecturers and professorial positions; however, selection process for vacant faculty positions must be conducted on a competitive basis. *Id.* arts. 19(3), 19(4).

There are two types of academic titles that correspond to two distinct types of faculty positions in Armenian universities – professor and associate professor (the latter is referred to as *docent* in Armenia). LAW ON SCHOLARLY ACTIVITY art. 16(3). An academic title of *docent* can be awarded to an individual who holds an advanced academic degree of candidate of science and has been engaged in academic and research activity within the relevant profession at the awarding university during 3 years immediately preceding the awarding of the *docent's* title. *Id.* art. 16(5). In addition, the candidate must also have at least 3 academic publications, all published following the defense of a dissertation. See PROCEDURE FOR AWARDING THE ACADEMIC TITLES OF PROFESSOR *DOCENT* TO ACADEMIC AND PEDAGOGICAL PERSONNEL art. 5(b) (*approved by* Decision of the Government of Armenia No. 615, Jul. 9, 2001) [hereinafter PROCEDURE FOR AWARDING THE ACADEMIC TITLES]. Alternatively, a person who does not hold a candidate of science degree may be awarded the academic title of *docent* if he/she has at least 20 years of academic and research experience, including at least 3 years at the awarding university, and has published a MOE-recommended monograph or a textbook without co-authors or a textbook with co-authors and at least 15 additional academic publications, including at least 2 publications in the course of 3 years immediately preceding the awarding of the academic title. *Id.* art. 5(c).

An academic title of professor can be awarded to an individual who holds an advanced academic degree of doctor of science, and either has been engaged in academic and research activity within the relevant profession at the awarding university or has supervised at least 5 dissertations during 5 years immediately preceding the awarding of the professor's title. LAW ON SCHOLARLY ACTIVITY art. 16(4). In addition, the candidate must also have at least 5 academic publications

(including at least one publication in an international academic magazine); or have authored at least one MOE-recommended textbook without co-authors or 3 textbooks with co-authors. PROCEDURE FOR AWARDING THE ACADEMIC TITLES art. 6(a). Additionally, if a person with a *docent*'s title who holds only a candidate of science degree wishes to be awarded a professor's title, he/she must have at least 30 years of academic and research experience, including at least 5 years at the awarding university; published at least one monograph or textbook without co-authors recommended by the university's academic board or by the MOE (or at least 3 textbooks with co-authors), and at least 30 additional academic publications; and supervised at least 3 dissertations or acted as an academic advisor for at least 5 dissertations. *Id.* art. 6(b).

Academic titles are awarded by academic boards of higher educational institutions; however, the decision of the academic board must be approved and recorded in relevant diplomas by the Higher Qualification Commission [hereinafter HQC]. LAW ON SCHOLARLY ACTIVITY art. 16(9). A person who wishes to be awarded an academic title applies to the rector of the educational institution and submits the following: (a) copy of the higher education diploma (if no academic degree is held); (b) copy of the academic degree certificate; (c) copy of the academic title certificate; (d) list of academic publications; (e) record of prior employment; and (f) copies of documents certifying research and scholarly achievements. PROCEDURE FOR AWARDING THE ACADEMIC TITLES art. 7. Once the application is submitted, the university's academic board is given 2 months to discuss the application and decide, by secret ballot, whether to award the academic title. *Id.* art. 9. If a negative decision is reached, the candidate may reapply in a year, by submitting new research works published during this period. *Id.* art. 10. If the candidate is approved by the university's academic board, this recommendation is forwarded to the HQC for the final approval. *Id.* arts. 11-12. If the HQC refuses to approve the academic board's decision on awarding the academic title, the academic board has 2 months to either resubmit a revised recommendation for approval to the HQC or rescind its original recommendation. *Id.* art. 17. HQC's refusal to approve the academic board's recommendation may also be appealed in court. *Id.* art. 18. In addition, academic titles awarded in other countries are recognized by Armenia if there is a treaty or agreement in place with that country. The equivalency of qualifications is determined in conformity with the procedure set by the HQC. *Id.* art. 14.

Despite the fact that the academic titles of professor and *docent* are awarded for life, the concept of indefinite academic tenure as such does not exist in the Armenian education system. All vacant faculty positions at universities are filled pursuant to an employment contract, which is initially signed for a 5-year term. The employment contract is renewable for new 5-year terms; however, this is subject to satisfactory performance evaluation of the faculty member whose new contract is being negotiated.¹⁵ LAW ON HIGHER EDUCATION art. 19(4).

Performance evaluation for all faculty and academic staff is conducted at least once every 5 years. The goals of this evaluation include assessing the level of professional training and academic and research outcomes, as well as determining whether the staff being evaluated continue to meet the professional qualifications required for his/her position. LAW ON SCHOLARLY ACTIVITY art. 17(1); *see also* QUALIFICATION PROCEDURE AND EVALUATION CRITERIA FOR SCHOLARLY PERSONNEL IN SCHOLARLY ORGANIZATIONS OF THE REPUBLIC OF ARMENIA art. 4 (*approved by* Decision of the Government of Armenia No. 935, Oct. 3, 2001) [hereinafter QUALIFICATION PROCEDURE AND EVALUATION CRITERIA FOR SCHOLARLY PERSONNEL]. To conduct such evaluations, the university establishes a qualification commission comprised of 5-7 leading scholars within the university. QUALIFICATION PROCEDURE AND EVALUATION CRITERIA FOR SCHOLARLY PERSONNEL art. 5. The evaluation process includes a review of the opinion of the scholar's immediate supervisor and of the list of academic publications published since the previous evaluation. *Id.* art. 6. The commission then meets in a closed session to approve the recommended evaluation by secret ballot. The presence of the immediate supervisor of the individual undergoing evaluation is mandatory; however, if the scholar undergoing evaluation is absent without a valid reason, the

¹⁵ If a position is being renewed, it is not announced as vacant and, therefore, need not be filled through a competitive selection process. LAW ON HIGHER EDUCATION art. 19(4).

commission may decide on the evaluation in his/her absence. *Id.* arts. 7, 9. Results of these evaluations may serve as a basis for the scholar’s promotion, demotion or dismissal, increase or reduction in salary, or award of a bonus. *Id.* art. 10. Outcomes of the evaluation may be appealed in court. LAW ON SCHOLARLY ACTIVITY art. 17(2).

In practice, interviewees indicated that low pay, compared with that for other jobs requiring similar qualifications, hurts hiring and retention of qualified faculty for most law schools. Furthermore, the requirements for hiring, promotion, and retention are concerned primarily with degrees held and do not take into account quality of the published scholarly works or the modern teaching methodologies. Indeed, respondents stated that promotion is almost always automatic, if the faculty member publishes and has the requisite number of years of teaching experience. However, interviewees at Gavar State University revealed that practitioners are hired, and that publications and teaching quality are considered in both hiring and promotion process. Finally, hiring is not always done on a competitive basis, and information on the process is not disseminated readily. This problem is particularly acute in private law schools.

While policies for promotion and retention of university faculty exist, in practice most such decisions are based on personal and/or political connections. Several interviewees pointed out that an effective counter to this practice is the review by the university’s academic council, and then the review at the state level by the HQC, after a recommendation on promotion or retention is made. Nonetheless, most interviewees felt that hiring and retention were not transparent, and that there was too much subjectivity in the process. Several respondents also positively commented on the use of student evaluations at some institutions, such as YSU and AUA, as one criterion for faculty promotion and retention. Some faculty interviewees, however, felt that although student evaluations are valuable and necessary, their findings should be more balanced. Thus, the main complaint was that students tend to give lower scores to those professors who grade hard.

Interviewees also generally complained about the publication requirement. The HQC maintains a list of peer reviewed journals and other sources (all of varying quality, according to interviewees), which count towards the publication requirement. Respondents expressed concerns about the fact that personal connections are dictating selection of works for publication, and that authors may be required to pay a fee for publishing in an accredited journal.

Factor 18: Faculty Compensation

Compensation for law faculty is set at an appropriate level to provide a reasonable standard of living in order to attract and retain qualified, dedicated, and ethical faculty who are able to devote their time to teaching, research, and public service.

Conclusion	Correlation: Negative
<p>Faculty remuneration in most law schools is abnormally low compared to jobs in the public or private sectors requiring the same level of education and experience. Poor pay affects the availability of qualified individuals and the ability to hire and retain quality faculty. It also increases the likelihood of bribery and forces many professors to hold other jobs or teaching positions, which can adversely affect the quality of teaching.</p>	

Analysis/Background:

Armenian Constitution contains a general guarantee for fair remuneration and a salary that may not be below the minimum level established by law. RA CONST. art. 32. In general terms, compensation payable to academic and scholarly staff at the universities must be at a level that

contributes to the enhancement of the standing of academic activity and to increasing the quality of academic personnel, as well as to ensures sufficient material conditions for involvement in independent and effective research activity. LAW ON SCHOLARLY ACTIVITY art. 19(1). The overall remuneration package for university faculty must consist of salary, supplemental allowances for the academic degrees held and the length of professional academic experience, as well as other rewards and bonuses. *Id.* art. 19(2). In addition, faculty salaries at state higher educational institutions cannot be less than the average salaries paid to public employees. LAW ON EDUCATION art. 50(2). Beyond this, Armenian legislation provides little guidance as to the appropriate remuneration levels for faculty at higher educational institutions.

Interviewees without exception indicated that faculty remuneration is extremely low at all but a few foreign-affiliated universities. State universities can use tuition fees to supplement faculty salaries; however, the fees are kept low in order to make education affordable to more people, and thus do not adequately cover salaries. In addition, the process for defining eligibility and calculating the supplemental amounts is not carried out in a transparent manner. Law school faculty are paid at the same rate as faculty members in other departments, even though law tuition is higher. For example, faculty salaries at the YSU Law Faculty range from AMD 70,000 to AMD 250,000 per month (USD 196-700), amounts that are nearly double those in other state law schools. Researchers generally make about a third less than academic staff. Despite the low pay, professors remain because of dedication, as well as for the chance to earn grant money, maintain and develop professional contacts, and for the prestige. However, many try to teach in other law schools to ensure financial sustainability. In addition, YSU faculty may supplement their salaries by collaborating with the United States Agency for International Development [hereinafter USAID] or OSI projects, or publishing textbooks. It should also be noted that YSU is contemplating reforming its current faculty compensation structure by paying a baseline salary and introducing bonuses based on the length of tenure, job performance, publications, and other experience.

Faculty remuneration is even lower at Gavar State University, where compensation is based on academic workload and ranges between AMD 40,000 and AMD 150,000 per month (USD 112-420). The rate increased during the 2006-2007 academic year and will be raised again in September 2008. The school offers a number of additional benefits, such as free housing, food allowance, and other benefits, putting its overall compensation package above that in many other state universities. As a result, Gavar has been successful in attracting some YSU faculty to teach there.

Salary decisions at private universities are usually made by the owner of the school, and the rates vary even among individuals with the same experience and qualifications. Progress University of Gyumri reflects the low salary level of private universities: professors holding a candidate of science degree earn AMD 500 per hour (USD 1.4), and others earn AMD 300 (USD 0.84).

By contrast, remuneration in foreign-affiliated universities is higher than in private or state institutions, and faculty in most of the foreign-affiliated institutions are also encouraged to hold other jobs providing them with practical experience. For instance, adjunct professors' salary at AUA (which has only a few full-time faculty members) depends on experience and ranges from USD 2,500 to USD 5,000 per quarter. Usually those from abroad or with foreign schooling make the higher amounts. Interviewees indicated that hiring and retention are not a problem at AUA, because the school is prestigious, remuneration is fairly good, and classes are held mainly at night to accommodate the teaching practitioners. Similarly, salaries at French University (second only to AUA) were seen as fairly high compared with that in other universities, and the school is therefore able to avoid problems with attracting and retaining qualified faculty. Remuneration levels at Russian-Armenian (Slavonic) University are similar to those in Russia, and interviewees cited this school as another example where pay is higher than in state or private institutions.

With the exception of some foreign-affiliated universities, faculty compensation in most Armenian universities is abnormally low compared with that for jobs in the public or private sectors requiring

similar degrees and background. A judge in the Criminal Court of Appeals, for example, makes about AMD 470,000 per month (USD 1,317), while state prosecutors make approximately 25% less than judges. The low remuneration negatively affects the ability to hire and retain highly qualified faculty members, increases the susceptibility to corruption, and forces most professors to hold other jobs or teaching assignments, including in subject areas that fall outside of their expertise.¹⁶ All of this can have an adverse impact on the faculty's ability to devote the time and efforts to effective and quality teaching.

Factor 19: Academic Freedom and Freedom of Association for Law Faculty

Institutions providing legal education and individual law faculty members enjoy academic freedom, are encouraged to engage in research, are not punished for holding positions relating to academic debate, research, or public service, and have the right to freedom of association.

Conclusion	Correlation: Positive
<p>The Armenian Constitution and the Law on Education guarantee reasonable institutional and faculty academic freedom and freedom of association, and these rights are generally observed in practice. Law professors can research and publish on any legitimate academic topic and are free to join groups or associations. Law schools operate with a large degree of autonomy, as long as they comply with the national education standards.</p>	

Analysis/Background:

The Constitution protects a number of fundamental rights and freedoms, including those related to freedom of expression and association. Specifically, everyone has the right to freedom of thought. See RA CONST. art. 26. Everyone also has the right to free expression of his/her opinion, and no one may be forced to change his/her opinion. *Id.* art. 27. Freedom of speech, including freedom to search for, receive, and disseminate information and ideas by any means, is also guaranteed. *Id.* In addition, the Constitution protects the right to freedom of association and to membership in a professional union and prohibits compelling a person to join any association or political party. *Id.* art. 28. Finally, international treaties regarding academic freedom and freedom of association become part of Armenia's legal system upon their ratification and take precedence over any conflicting provisions of domestic laws. *Id.* art. 6. Therefore, any violation of academic freedom or freedom of association constitutes a violation of Armenian and international law.

The Law on Education and the Law on Scholarly Activity elaborate on these constitutional mandates by delineating the right to university autonomy, academic and scholarly freedoms, and the freedom of association. Specifically, reasonable autonomy of educational institutions is defined as one of the foundational principles of Armenia's education system and the state educational policy. LAW ON EDUCATION art. 5(7). This means that university faculty members, teaching staff, research scholars, and students enjoy academic freedom and have the right to participate in the discussion of all issues related to university's activities. *Id.* art. 28(1). Professors are free to choose their own teaching and instruction methods in accordance with the

¹⁶ One effort in this regard, which should increase the pool of qualified faculty, is the OSI's Returning Scholars Fellowship Program, which encourages Armenian scholars with foreign degrees in social sciences and humanities to teach in Armenian universities (including YSU). The program offers participating scholars a monthly stipend for one academic year (with the possibility of renewal) and various allowances, including professional development funds, as well as the opportunity to participate in departmental and professional development project.

state educational standards, while research scholars are free to select and develop topics for research on their own. *Id.* art. 28(2)-(3). All scholars, including university professors, also have a number of important rights, including, *inter alia*, the right to: (1) choose forms, directions, and means of carrying out scholarly activity, commensurate with their interests, creative abilities, as well as universal and national values; (2) engage in scholarly activities with other scholars, as well as organize and join permanent or temporary scholarly associations; (3) refuse to participate in any scholarly research that may have a negative impact on humans, society, or the environment; (4) publish and publicize the products of their research; and (5) freely use, disseminate, and exchange scholarly information, except that protected by a state, official, commercial, or other secret. LAW ON SCHOLARLY ACTIVITY art. 5(1). Scholars also have the right to establish and participate in voluntary non-governmental associations, including academic and educational societies and unions. *Id.* art. 11.1. The only legal limitations on academic and scholarly freedoms are the scholars' duty to refrain from causing damage to human life, health, and the environment as a result of scholarly activity, and the duty to adhere to ethical criteria and intellectual property rights. *Id.* art. 5(2).

Overall, interviewees noted no serious problems with the right to academic freedom or freedom of association for faculty members or universities. Most interviewees indicated that these rights are guaranteed by law and observed in practice. The MOE sets the tone of allowing institutional freedom as long as this freedom is within the scope of the national educational outcomes. Faculty can research and publish on any legitimate academic topic, are free to join groups or associations, and are encouraged to take part in academic conferences, although limited funding often prevents them from utilizing these opportunities to full extent. Participation in professional associations is encouraged, and all political and professional affiliations are respected, although several interviewees suggested that political affiliation may be an issue in some particular universities. Political affiliation generally does not adversely affect faculty who do not subscribe to the espoused political view. However, some individuals noted that there may be faculty self-censorship.

VI. Institutional Holdings and Capacities

Factor 20: Access to Legal Materials

Students and faculty have adequate access to the full range of laws and legal materials (national and international) relevant to curriculum subjects and the eventual practice of law, with materials available in all official state languages where appropriate.

Conclusion	Correlation: Negative
<p>Although access to legal materials has improved in the past few years, deficiencies in physical holdings and the quality of materials remain because of funding issues. Armenian legal education institutions lack international and comparative sources, updated Armenian sources, and current commentaries. The institutions also have materials that are too theoretical and lack practical application. Finally, faculty and students often do not have sufficient access to libraries.</p>	

Analysis/Background:

Adequate library and information services are recognized as one of the mandatory standards for licensing of educational activity in Armenia. LAW ON EDUCATION art. 41(1)(4). To verify compliance with this requirement, the initial licensing evaluation investigates, *inter alia*, whether a higher educational institution possesses relevant educational materials in adequate quantities as established by the MOE. LICENSING PROCEDURE art. 13(d). If an institution lacks its own library, it may comply with the licensing requirements by showing a current contract for the use of another institution's library. *Id.* See also Factors 2 and 3 above for additional details.

The LL.B. State Educational Criteria provide further specific guidance as to the quantity and types of educational materials in any institution granting an LL.B. degree, underscoring the crucial importance of access to textbooks and methodological resources. In general, law school libraries must have: (1) complex educational and methodological textbooks for each course of the curriculum; (2) textbooks, practical assignment books, codes, a collection of legal acts and regulations, and other educational materials for each course of the curriculum, in a quantity that satisfies the educational needs of each student; and (3) subscription to periodical publications, which includes, at a minimum, the Official Register of the Republic of Armenia, the Official Register of Normative Acts of the Republic of Armenia, the Register of Constitutional Law of the Republic of Armenia, and the Inter-University Collection of Academic Works on *Issues of Jurisprudence*. See LL.B. STATE EDUCATIONAL CRITERIA art. 6.3.

In practice, the assessment team identified a number of problems with access to legal materials in the Armenian law schools, including: outdated materials; lack of international and comparative sources, especially in state and private institutions; lack of sources in Armenian; materials that are too theoretical and lack practical application; insufficient access by students, faculty, and legal professionals to the materials available; and lack of updated commentaries. Some law schools have better holdings and better access to various national, international, and comparative legal materials than others, and access to legal materials has improved somewhat in the past few years with increased availability on the Internet; however, large deficiencies remain in physical holdings and the quality of materials.

The collapse of the Soviet Union impacted the curriculum content and materials available or relevant in Armenia. Law textbooks slowly became obsolete as new legislation was passed in both Armenia and Russia. In addition, the inability of Armenia to immediately produce its own textbooks led to a shortage of textbooks pertaining to new legislation. As a result, the assessment team observed that the sources on domestic legislation are not always sufficiently up to date. YSU has started to fill this void by publishing its own textbooks and making them



available to other institutions. Textbooks written and published by YSU law professors are currently used in most state and private institutions. YSU interviewees informed the assessment team that they plan to update the criminal and civil law textbooks every 2 years, while other textbooks should be updated every 3 years. Several years ago, YSU had received funding from the OSI for the development and publication of some textbooks, but has not received additional funds since then.

Access to foreign legal sources is also somewhat problematic or lacking, except in foreign affiliated institutions. For example, the available Russian sources are not always directly applicable for Armenia. In addition, because Armenia is a member of the Council of Europe, the ECHR case law is applicable, but most private institutions do not have these sources. Students can usually find treaties on the Internet, and translations are available on the website of the Ministry of Foreign Affairs (translation and publication was funded in part by ABA ROLI). Many interviewees also cited a lack of common law sources and noted that Russian translations are usually all that are available. However, some university representatives suggested that most international sources should be provided in English, French, or Russian rather than in Armenian, because the use of these languages is the practice in most countries and the translation into Armenian delays the availability of these resources.

Insufficient quantities of textbooks appear to be a problem in almost all law school libraries. Although students have the option of purchasing textbooks for their own use, they are expensive, usually ranging between AMD 4,000-7,000 (approximately USD 11-20), so most frequently students will simply copy the textbooks they need. Interviewees also indicated that the textbooks are of varied quality and that many are too theoretical and lack practical application, do not include sufficient commentaries on new legislation, and contain outdated material. Essentially, many interviewees stated that textbooks should include more hypotheticals and practical problems in order to make them more useful.

Access to materials in individual institutions depends on access to facilities. According to interviewees, library access is often treated as a privilege for students. Many complained that library staff are not helpful or knowledgeable and that students had lengthy waits to gain access. Many libraries are open short hours. The YSU law library, for instance, is only open from 9 a.m. to 4 p.m. Similarly, the library at Progress University of Gyumri is only open from 9 or 10 a.m. until 4 or 5 p.m. In addition, because the teaching methodology relies on theoretical lectures and memorization of relevant laws, libraries are not utilized as much as in the common law countries. Interviewees also commented that students are often unaware of the resources that are available to them.

Interviewees believed that YSU had the best library holdings of all state schools. All national laws are available, as are many international sources. Recently, the school received a EUR 70,000 grant to purchase new EU documents and laws, as well as EUR 20,000 to purchase journals and other publications for the European Law and Integration Center. The new library funded by the EU will also have Internet access to enable students to conduct legal research online. YSU also has plans to offer its students and faculty access to an online judicial case law database, but needs funding to implement this. Nonetheless, interviewees felt that YSU still needed additional materials, and that the library premises needed additional reading areas/rooms. Gavar State University has a main library, a separate law library, and a human rights library, but lacks sufficient Armenian and international law textbooks and other sources. Students do have access to the ECHR case law and the legal clinic's materials; however, many students are not aware of the availability of these resources.

The situation appears worst in many private law schools, which have poor or non-existent libraries and materials. A significant number of these institutions have to rely on leased library space. However, one of the private universities inspected by the assessment team, Progress University of Gyumri, reported having an adequate library, although it did not have a separate reading room.

The situation in foreign-affiliated institutions is better, possibly because they have access to English, French, and Russian sources through their sponsoring countries. French University has a large library and reportedly very good sources, mainly because the Council of Europe provides materials, though predominantly in French. Russian-Armenian (Slavonic) University was reported to have “good” resources, especially in Russian, although the library is apparently underused. AUA is seen as having “adequate” to “good” sources, but many of them are in English and the availability of Armenian-language resources is insufficient.

Factor 21: Physical Facilities and Technological Capacities

Institutions providing legal education possess adequate physical facilities and technological capacities to meet the needs of their current program of legal education and anticipated growth.

Conclusion	Correlation: Neutral
<p>Physical facilities for instruction available at most law schools are merely adequate, but some institutions are currently updating and expanding. Technological capacities are improving, but access to the Internet or legal databases is lacking in most institutions, even though computer labs exist. Acquiring funding remains the main obstacle for substantial improvements.</p>	

Analysis/Background:

The Law on Education contains a general requirement that an educational institution’s physical and technological facilities should be sufficient to handle the educational and academic issues facing a particular program. See art. 48; see also LL.B. STATE EDUCATIONAL CRITERIA art. 6.4. The institution receives its buildings, equipment, and other property from its founder (i.e., the Government of Armenia in the case of state universities), and they are supported and developed with the state budget funds and/or the institution’s own funds. LAW ON EDUCATION arts. 45(1), 48. All facilities must comply with the current sanitary and technical norms. LL.B. STATE EDUCATIONAL CRITERIA art. 6.4. In addition, law schools must provide their students and faculty access to legal databases such as IRTEK or Lexis-Nexis, as well as the opportunity to connect to various other information network systems via the Internet or the Intranet. *Id.* art. 6.3.

To verify compliance with these requirements, the initial licensing evaluation investigates, *inter alia*, the data on the institution’s facilities and their compliance with sanitary norms; the availability of a training lab furnished with the relevant MOE-approved materials and of a computerized classroom; and the availability of training, clinical, pedagogical, and professional internship facilities. LICENSING PROCEDURE art. 13(a), (e)-(f). If an institution lacks its own training labs or computer classrooms, it may comply with the licensing requirements by showing a current contract for the use of another institution’s facilities. *Id.* art. 13(e). See also Factors 2 and 3 above for additional details.

Interviewees indicated that physical facilities available at most law schools, whether state, private, or foreign-affiliated, were merely adequate. The situation in state universities is gradually improving, but significant progress is limited primarily by lack of funding. Thus, the YSU has adequate physical facilities. The campus is very large with enough classrooms and other facilities, such as the legal clinic, a new computer lab, and a moot courtroom. YSU is also renovating several buildings on campus, including one for the law faculty. Gavar State University has a new classroom wing, but there is no money from the state to complete it and reliance on the University’s own revenues has slowed the progress. Overall, interviewees felt that Gavar State University was struggling financially to provide and maintain these facilities, but that they are currently adequate.



While the situation in private law schools varies, interviewees reported that their facilities were mostly poor. Many have too few classrooms and practical instruction rooms. However, the two private universities visited by the assessment team (Progress University of Gyumri and Mkhitar Gosh University) reported having sufficient physical facilities and an adequate number of classrooms.

By contrast, the situation in foreign-affiliated institutions tended to be adequate and better than at private law schools and at most state universities. For example, facilities at French University were seen as good, with a sufficient number of classrooms and facilities for practical instruction. AUA also has good facilities, including fairly modern classrooms, a computer lab, and a moot courtroom. Russian-Armenian (Slavonic) University likewise has sufficient facilities, rooms for practical instruction, and a moot courtroom. However, practical instruction rooms are underutilized.

Adequate access to technology, including electronic legal databases, is lacking in most facilities examined. Although computer labs exist and are available in most institutions, there is generally limited or no access to the various legal databases and paid search engines. As with physical infrastructure, the situation is gradually improving, but technological expansion is hampered by limited funding. Although various NGOs and international organizations provide some support, the MOE needs to fund this effort adequately.

The law library at YSU is implementing an online catalogue, and there is a new computer lab with adequate (albeit not great) Internet access and free IRTEK and Lexis-Nexis available to students. The TEMPUS Programme is supporting YSU's efforts to develop a computer center and improve the library. Gavar State University also has a computer lab with adequate Internet access, which is usually open from 9 a.m. to 10 p.m.

Many private universities reportedly lack sufficient computer facilities. For example, Mkhitar Gosh University reported that Internet access and other technology was lacking. However, Progress University of Gyumri has a computer lab, although it is only open from 9 or 10 a.m. to 4 or 5 p.m. Students have access to only one Armenian paid legal database.

The situation in foreign-affiliated law schools appears to be better than in other universities. For example, a few interviewees commented that computer labs at French University have better technology and many more computers than most universities in France. AUA students can access the Internet through the Legal Research Center, as well as 2 main computer labs with about 30-40 computers each. The labs provide access to IRTEK and are adding LawNet in 2007. Russian-Armenian (Slavonic) University has a computer lab with plenty of computers and various legal databases, mainly as a result of the required distance learning with Russia. However, because the computer lab is also used for practical class requirements and lectures, it is often not available to students.

Factor 22: Class Size and Administrative/Support Staff

Institutions providing legal education have a reasonable student to teacher ratio, appropriate class size, and sufficient administrative and support staff to achieve the educational goals of the institution.

Conclusion

Correlation: Neutral

The MOE's policy to determine the number of students admitted to state law schools increases class size and student to teacher ratio, and may undermine effective and interactive teaching. This leads to larger than optimal enrollment numbers, particularly at YSU. Class sizes in private and foreign-affiliated institutions tend to be smaller. Administrative/support staff varies in quality, with better support available at the foreign-affiliated institutions than in the state or private ones. Because of funding deficiencies, law schools are unlikely to alleviate these problems.

Analysis/Background:

The Law on Education and other relevant legislation contain no direct guidelines as to the appropriate class size or student to faculty ratios. However, as discussed in Factor 5 above, it is the MOE that determines the number of seats that each state university must make available for the incoming students each academic year and in each profession. State universities do not have any input in this process and must admit and educate every student that the MOE sends to them. Based on the Government-approved quotas for free education in higher professional educational institutions, the Government allocates the per-student state funding for state universities for each academic year. LAW ON EDUCATION art. 46(2)-(3). State universities can also admit additional tuition-paying students. *Id.* art. 46(5). Non-state universities approve their own budgets, but are not permitted to spend smaller amounts per student than those spent at state institutions. *Id.* art. 47(2).

For the 2006-2007 academic year, most law schools had 40 or more students in upper-level classes. Many interviewees stated that the high ratio of students to faculty in Armenian law schools is an acute problem, which is seen as a major detriment to effective and interactive instruction. A significant number of interviewees reported that in the large classes, teaching is not interactive, classes are unruly, and students often cannot hear lecturers. Even when classes seem smaller, in a few institutions, this occurs because students do not attend classes.

The problem with large class sizes appears particularly severe at YSU, where the student to faculty ratio is seen as too high by the vast majority of interviewees. The YSU Law Faculty admits 200 students per year, yet its budget and facilities are sufficient to accommodate only 130 students. Therefore, lectures usually have at least 100 students, and seminars have 30 or more. Because the classes are so large during the first 2 years, one interviewee commented that problem-solving is only possible in upper division and smaller courses. The ratio is better at smaller state universities that admit smaller numbers of students. Gavar State University has a ratio of about 20:1 in lectures and 15:1 in most seminars. Sometimes, however, there would be up to 30 students in practical courses and in some seminars, which had created problems.

The student to faculty ratio also tends to be better in private and foreign-affiliated institutions. For example, Progress University of Gyumri has a ratio of 25-30 students per professor. French University is viewed as having a good class size, with about 54 students in the 3rd year and 9 students in the 6th year (i.e., in the LL.M. program). The student to faculty ratio at the AUA's LL.M. program is about 18:1. By contrast, the perceptions of class size at Russian-Armenian (Slavonic) University were mixed, with some interviewees reporting quite good lecture ratios and others finding them mixed or even poor.

It should be noted that some interviewees did not see class size and student to faculty ratios as a problem. Instead, they felt that the quality of professors was a bigger issue, expressing an opinion that if professors were good, then they would be effective regardless of the class size. Or, they believed that teaching methodology was unaffected by the class sizes, and that professors should know how to encourage and motivate their students to learn.

The number of administrative and support staff is determined by each university. Faculty and student expectations of support staff and services vary by institution. Interview responses indicated a wide range in the quality of the existing support staff, such as career services, library, and administrative staff. Thus, support staff at the YSU Law Faculty is seen as adequate and better than in other parts of the university, private institutions, and smaller state universities. Support staff and services in smaller state law schools outside Yerevan are seen mainly as a resource for the faculty. However, most interviewees felt this situation did not undermine effective teaching.

Support staff in foreign-affiliated higher education institutions was generally considered adequate. Interviewees perceived French University support staff to be sufficient in number and fairly responsive. For instance, the University brings in advocates and other legal professionals to teach resume writing and give advice on skills. It also provides students 6 hours of career development services per semester. While support staff at Russian-Armenian (Slavonic) University is mentored by senior staff and faculty, there were conflicting accounts as to whether students receive good support services. The University also has a career center, but it is not seen as very useful. Comments indicated that the support staff at the AUA library is not always responsive or adequate.

Overall, most interviewees felt that administrative and support staff and services were poor, but their expectations were low because they recognize that funding is limited. One interviewee also commented that students who want a good educational experience will find ways to make support staff work with them.

List of Acronyms

ABA ROLI	American Bar Association's Rule of Law Initiative
AMD	Armenian dram
AUA	American University of Armenia
CIS	Commonwealth of Independent States
ECHR	European Court of Human Rights
EHEA	European Higher Education Area
ENIC	National Information Center for Academic Recognition and Mobility
EU	European Union
GRE	Graduate Record Examination
HQC	Higher Qualification Commission
LAS	Licensing and Accreditation Service
LERI	Legal Education Reform Index
LL.B.	Bachelor of Law
LL.M.	Master of Laws
MOE	Ministry of Education and Science
OSI	Open Society Institute
SAC	State Admission Commission
SEC	State Examination Commission
TOEFL	Test of English as a Foreign Language
UNESCO	United Nations Economic, Social and Cultural Organization
USAID	United States Agency for International Development
USD	United States dollars
WASC	Western Association of Schools and Colleges
YSU	Yerevan State University