

## **The Defender's Assessment of the RA State Committee of the Real Estate Activities in 2011**

### **Shortcomings and problems identified**

- In some cases the State Committee of the Real Estate of the Republic of Armenia (hereinafter Cadastre) provided citizens with information existing in the system, but which wasn't sufficient for implementation of the required functions.
- During the state registration the Cadastre in certain cases required from citizens such documents or refused the state registration for such reasons which are not foreseen by the Legislation.
- Some lands formerly provided to citizens with gardening purposes and not used by the latter for a long time were included in a communities' land balance and given to other people by community leaders. In these cases the Cadastre did not take into account the fact of lands previously given to citizens by gardening firms, and the rights of the new owners have been registered upon them.
- In certain cases the information given to persons on state registration of property rights and registered rights and restrictions did not coincide with reality.
- The Cadastre officers, in assessing the cadastral value of property, in certain cases were not led by coefficients foreseen by the Legislation.
- Discussions of the Human Rights Defender's recommendations on reconsidering the norms that contradict the legal acts of a higher legal force have been carried out with delay (for instance, the RA Government decision N719, made on 7th April, 2005, the 30.10.2008 joint official clarification of the RA State Committee of the Real Estate President and the Yerevan Mayor).

### **Positive developments**

- During 2011 comprehensive reforms in the real estate cadastre system have been implemented, which aimed at increasing transparency of the system functions, simplification of administration, exclusion of necessity of the official-citizen direct contact, hence leading to the reduction of corruption risks.
- Since 25th April the applicants have an opportunity to get the registration certificates in shorter terms by means of applying coefficients towards charged fees.
- The compulsory notary ratification requirement of real estate transactions (except for unilateral transactions), foreseen by the RA Civil Code, has been eliminated; in this respect an institute of execution of transactions by recognition of authenticity of signatures has been imported by cadastre system, and execution of transactions in cadastre system in the order prescribed has been carried out free of charge.
- By introduction of electronic document circulation system between cadastre offices and territorial subdivisions the applicants got an opportunity to introduce applications on registration of rights and provision of information and obtain the documents by their choice in any cadastre service office (even without coming to a service office – by e-mail) regardless the real estate location.
- The obligatory requirement of providing information about the real estate property or an obligatory requirement of property measurement or technical inspection in case of state registration of rights emerged from deals with regard to the property.
- The requirement to introduce applications about implementation of functions of providing information and a state registration of rights according to the location of the property has been eliminated, as well as specialized facilities- service offices have been established aiming to serve applicants to use the system services.

*The list of the identified positive developments, gaps and shortcomings is not exhaustive.*

*The introduced Chapter (9) of the HRD Annual Report 2011 is available in full at [http://pashtpan.am/pages/downloadPdf/file\\_id/631](http://pashtpan.am/pages/downloadPdf/file_id/631).*

*The HRD Annual Report 2011 was developed based on the complaints received by the Staff of the Human Rights Defender, legislation analysis, trustworthy and non-disclaimed publications in press, reports of the international and local organizations as well as information received during the interviews with field specialists and human rights defenders.*