



Efficiency Assessment Report

On the Armenian National Strategy on Human Rights Protection

Institute for Democracy and Human Rights (IDHR)

non-governmental organization

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Preface

The initiative to compile and publish this report was determined by our intention to emphasize the importance of Human rights in the establishment of genuine democracy. It has been about a year since the approval of the National Strategy on Human Rights Protection and the corresponding Action Plan, yet little has been reported about the accomplished works or attained impact. The issue of Human rights should constantly be on the public agenda, as their implementation and protection are inherently connected with human dignity, freedoms, social justice, safety and security. Human rights are standards of justice that regulate human relationships, on the one hand, and those between people and state government, on the other.

The publication of this report aims to encourage various social groups to participate, have their voice heard and have an impact in the policies, laws and decrees adopted.

The report was compiled by the Institute of Democracy and Human Rights (IDHR) non-governmental organization, on the initiative of its members and via their voluntary input. We expect the publication of the report to enable a discussion on issues the country is currently facing and their solutions from a human rights perspective. We believe in the importance of discussing issues from the stance of a civil state, governed by the rule of law, from the viewpoint of a constitution, human dignity and welfare, and universal human rights are the value and ideological bases for all of the above-mentioned.

We are ready to cooperate with all willing to pursue activities in this field. We are open for discussions, criticism and cooperation.

1. Initiation, Development and Content of the Armenian National Strategy and Action Plan on Human Rights Protection

1.1. Legal bases of the Strategy and Action Plan

The Republic of Armenia (RA) National Strategy on Human Rights Protection was approved on October 29, 2012, in compliance with the presidential directive N° NK-159-N¹:

According to the president's executive order, the strategy-based action plan was to be ready by January 29, 2013, but it was actually approved only at the beginning of the year of 2014. Our attempts to find out the reasons for the delay via phone calls to the Secretariat of the National Security Council (the body coordinating the process) have proved inefficient.

The Action Plan envisaged for the years 2014-2016 was approved by decree N° 303-N of the RA Government as of February 27, 2014² and came into effect on April 12 of the same year.

1.2. Reasons behind the Strategy Development Initiative

The development and approval of the mentioned strategy was determined by the EU/Armenia Action Plan of the European Neighbourhood Policy, and particularly the List of Activities for 2012-2013 ensuring the implementation of the program discussed³.

According to the Vienna Declaration of 1993⁴, the UN member states were offered to develop national action plans for promotion and protection of human rights. There were occasional talks about it in Armenia, yet concepts and strategies regarding only some rights and issues were developed and implemented. The development of the unified human rights strategy was launched in Armenia in 2012, when the state assumed the respective obligation to expand its relations with the European Union.

¹ <http://www.president.am/hy/Directives/item/838/>

² <http://www.justice.am/storage/uploads/HR1.pdf>

³ <http://www.nsc.am/index.php?m=11> (57.B. clause 36)

⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx> (clause 71)

Despite the circumstance that the development of the strategy did not stem from the current demands or priorities of the public agenda, it is still essential for civil society and state institutions, as it ensures human rights are valued and prioritized in social relations. However, the strategy currently tends to degrade into a fictitious document, since the main players and beneficiaries of this process do not perceive themselves as such. Discussions on the policy efficiency and implementation of the goals formulated within the strategy may promote real participation, ownership and strategic steps for the strengthening and protection of human rights.

1.3. The Participation of Civil Society in these Processes

A number of NGOs partook in the development of the strategy and the action plan; their suggestions were partially or fully accepted or declined. This does not suggest, however, full public participation in these discussions or an opportunity for various strata of society to voice their opinions.

At this stage of program implementation no civil society representative partakes in the general coordination, assessment and monitoring activities, which are fully controlled by the state administration. Among participants of the program are a range of NGOs which have beneficiaries and current projects addressing certain human rights and corresponding legal acts, e.g. rights protection for people with disabilities, children, women, etc. Yet, their participation is not determined by the afore-mentioned strategy; even prior to its approval, these specialized NGOs always tried to participate in and have impact on the processes of policy and law ratification via various mechanisms. We do not dispose of any verified data as to whether the strategy has resulted in a more efficient cooperation, nor do we aim to address the issue in this report per se.

1.4. The Relation of the National Strategy on Human Rights Protection to Other Concepts and Programs in the Field

Apart from the mentioned strategy, a range of other programs operate in the field of Human Rights Protection which mostly relate to certain categories of human rights or rights protection for individuals pertaining to particular groups, e.g.:

- "Poverty Reduction Strategy Program" which was renamed into "Sustainable Development Program" in 2008,
- "Strategic Gender Policy Programme for 2011-2015",

- “2011-2015 Strategic Action Plan to Combat Gender-based Violence”,
- “National Programme for the Protection of Children’s Rights in the Republic of Armenia”,
- “Social Defense Strategy of 2006-2015 for People with Disabilities”,
- “The 2010-2012 National Program for Combating Trafficking in Persons (Human Trafficking) in the Republic of Armenia”,
- “2012-2016 Strategic Programme for Legislative and Judicial Reforms in the Republic of Armenia”.

The National Strategy for Human Rights Protection has an integrative and coordinative function and it also covers issues which had not been addressed before.

2. The Compliance of the Strategy and the Action Plan

The National Strategy on Human Rights Protection is essentially a universal document that includes the following as critical conceptual elements:

- The general strategy and guidelines,
- Amendments to be made in the respective legal acts,
- A section targeted at raising the level of education and public awareness,
- Inclusion of other strategies operating in the field of Human rights,
- The use of Human rights as a standard for other state policies,
- A section on monitoring and evaluation of the strategy,
- Enhancement of existing mechanisms of Human rights protection and introduction of new alternative mechanisms.

It was envisaged that the implementation mechanisms will be reflected on a more practical level in the Action Plan, yet the latter seems incomplete; it mostly involves amendments to legal acts and some educational activities, such as trainings for civil servants. Conversely, the development and introduction of new alternative mechanisms, which would contribute to the efficiency of human rights protection, is not envisaged. The Action Plan does not provide for assessment and monitoring mechanisms, steps towards raising legal awareness of general public or principles of using human rights as a universal standard.

More specifically, the Action Plan does not make provisions for the attainment of the following of the 11 strategic goals: 1, 5, 6, 9, 10, 11 and partially 7⁵. These mostly concern the use of human rights as a standard and culture during decision making,

⁵ The RA National Strategy on Human Rights Protection (pp. 8-9, Section 2, Chapter 2.1, Clause 15)

general public awareness, capacity development for civil society, introduction of new and alternative mechanisms of rights promotion and protection, etc.

Out of 7 principles of strategy implementation, no activities are envisaged for principles 4, 5, 6 and 7⁶ in the Action Plan, especially for issues concerning public engagement, civic participation, education, evaluation and monitoring.

The Action Plan does not provide for any initiative to implement clause 24, set forth by the strategy⁷; we refer to the establishment of the Inter-Agency Coordination Committee, where civil society representatives should also have their contribution.

Experience has shown that good laws and legal acts are essential, yet insufficient for the protection of human rights. Unless people can understand and implement them, unless they have the necessary abilities, opportunities and impact to do so, even the best laws will prove inefficient in the promotion and protection of human rights. There are plenty of good laws in Armenia that do not operate and are not implemented by its citizens.

3. Our Approaches to Efficient Implementation of the Strategy

To ensure full and efficient implementation of the strategy, the mentioned omissions should be amended in the Action Plan and aligned with the strategy. The observations presented in this section aim to point out and rectify the omissions in the Action Plan. They are by no means final and are subject to additional discussions and further reconciliation in due time and environment. The observations presented hereby have been compiled by us or included here based on documents put in public circulation by other organizations and civic groups. We have tried to systematize and group these suggestions in accordance with strategy goals and omissions in the Action Plan.

We particularly deem it important to amend the following sections and activities:

3.1. Educational Programs

The Action Plan should include the spheres of formal and non-formal education. There should be more opportunities to accrue knowledge of human rights within the system of formal education: this includes not only the subjects taught, the appropriate classes and

⁶The RA National Strategy on Human Rights Protection (pp. 9-10, Section 2, Chapter 2.2, Clause 16)

⁷The RA National Strategy on Human Rights Protection (p.11, Section 2, Chapter 2.4, Clause 24)

groups, but also the democratic administration and management of education, as well as shaping behaviors conforming to human rights. The development of public administration standards based on human rights should also refer to the administration of the whole system of formal education.

The non-formal education system in Armenia includes programs implemented by civil society institutions, foundations, civic groups and initiatives on a voluntary basis, via personal contributions or foreign grants – all of these are very limited resources. The Armenian government should allot funds from the national budget for organizing education in the sphere of human rights and democracy, and in order to raise levels of democratic political awareness and culture among general public. Educational programs should also teach about public campaigns, success stories therein, create new behaviors and alternative spaces. All of the aforementioned should aim at cultivating and promoting the value system of universal human rights, democracy, constitution and civil state governed by the rule of law. It is time the Armenian government assumes responsibility for education and development of its citizens. It looks like the Armenian government has delegated this function to external actors and makes no steps in this direction. The Government needs to support education in these spheres, the same way as it financially assists and grants privileges to professional education. A positive example: as of October 16, 2014, the Government allocated 213.838.000 AMD (roughly 400.000 EUR) from its reserve fund to the Ministry of Education and Science and “AYB” Educational Foundation for a training of 2000 teachers⁸.

3.2. The Use of Human Rights as a Main Criterion and Principle during Adoption and Implementation of All State Policies, Programs and Decisions

In this connection, standards and guidelines, necessary for the activity of public and territorial administration bodies should be developed. This includes setting feasible goals at all stages and levels, as well as micro and macro programs targeted at their attainment. At the same time, relevant assessment and supervision methods and indicators need to be developed. As a primary step, the indicators developed by the Office of the United Nations High Commissioner for Human Rights could be translated and localized for Armenia.

⁸ <http://gov.am/en/news/item/7597/>

3.3. Creation of New and Alternative Mechanisms, and Capacity Development to Contribute to Human Rights Protection and Promotion

The mechanisms of Human rights protection in Armenia are mostly provided via traditional system of justice, which is far from being perfect. The court system operates comparatively slow and lacks immediate response mechanisms. As for the Human Rights Defender's Office, it is a relatively new institution, with a narrow scope of authority limited to documentation of violations of human rights by the state and local government bodies, whereas human rights are violated not only by the above-mentioned bodies, but also by non-state structures (local and international). Moreover, within the society, too, situation issues and infractions occur which violate human rights and dignity. The new and alternative approaches suggest:

- Introduction of simplified and fast mechanisms of appeal for decisions taken by the state and local government bodies, and associated accountability measures.
- Capacity development for civil society, as well as mechanisms ensuring adequate and accountable response by respective state and local administrations to the civil society appeals. To ensure efficient public supervision by civil society, it is essential to grant full authority to civil society institutions to file complaints and appeals in the court and state appellate system in general addressing the rights protection of individual citizens, groups and society in general, on issues within their competency and mission.
- Alongside with the aforementioned, we should create new opportunities and regulations for self-organized and self-governed units to start act in various spheres, while the currently operating ones should improve their efficiency to be able to sovereignly discuss and protect human rights.

3.4. The Participation of Civil Society Representatives in Program Implementation, Evaluation and Monitoring

To ensure public participation in the Strategy implementation, it is essential to ensure participation by civil society agents at all levels and stages of the program, the opportunity to communicate their suggestions, while the respective bodies should adhere to the principle that these suggestions should be genuinely discussed and accepted for the participation to be real rather than fictive, for the sake of legitimization of the process.

The Institute for Democracy and Human Rights (IDHR) is an independent non-governmental organization based in Yerevan, Armenia.

IDHR's main goal is to contribute to the development of democracy in Armenia based on the principles of human rights, social justice and solidarity. IDHR cultivates volunteer-based, non-profit, civically conscious, responsible, proactive and committed activist action and culture.

IDHR's mission is to empower and mobilize actors that may generate radical positive social change in Armenia. IDHR works mainly with youth. We organize educational programs on active citizenship, support the self-organization of civic groups, analyse socio-economic public policies and formulate alternative policies, we raise the public political consciousness through publications and other resources. We attach a great importance to the creation of crossroads between activists, academics, artists and citizens from different cultures, countries and spheres for the purpose of sharing knowledge and experience, cooperation, and search for solutions to global problems.

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