



End-line Assessment on Human Rights and Access to Justice in Armenia

October 2019

Disclaimer

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List of Abbreviations

ABA ROLI	American Bar Association Rule of Law Initiative
AJAT	Access to Justice Assessment Tool
APEA	Applied Political Economy Analysis
CEPA	Comprehensive and Enhanced Partnership Agreement
ECA	Europe and Central Asia
EU	European Union
GIZ	German Organization for Technical Cooperation
HRC	Human Rights Council
HRDO	Human Rights Defender's Office
HRO	Human Rights Organization
HRSM	Human Rights Support Mechanism
MICE	Media for Informed Civic Engagement
NGO	Non-governmental Organization
OSCE	Organization for Security and Co-operation in Europe
PSA	Public Service Announcement
UN	United Nations
UNDP	United Nations Development Program
UPR	Universal Periodic Review
USAID	United States Agency for International Development

Executive Summary

While recent political and economic developments in Armenia appear to be creating an opening for reform in access to justice and human rights protection in the country, the situation remains highly dynamic, and there is a range of political, economic, social, and cultural factors that will continue to challenge both Armenians seeking remedy for human rights abuses and the Armenian government in delivering on its duties and responsibilities in the field of human rights.

This report, which is the product of the American Bar Association Rule of Law Initiative, the Caucasus Resource Research Center-Armenia, and Pact, considers the current status of many aspects of access to justice and human rights in post-revolutionary Armenia and provides insights into specific areas where efforts for improvement can be directed. To do so, the report combines quantitative and qualitative methods, including a nationally-representative perceptions survey, as well as semi-structured interviews based on the American Bar Association Rule of Law Initiative's Access to Justice Assessment Tool.

Exposure to and Perceptions of Human Rights

Overall, the end-line assessment showed positive dynamics in exposure and perceptions of human rights over the last two years. The following findings support such claims:

- The share of respondents who reported believing there is “some respect” for human rights in Armenia increased by around 25 percentage points. At the same time, the share of respondents believing there is “not much respect” decreased by around 10 percentage points, and the share of respondents believing there is “no respect at all” decreased around 20 percentage points.
- The share of respondents who reported considering that human rights had “definitely” been violated in three of four hypothetical cases of human rights violations (rights to non-discrimination, education, and association and assembly) increased by around 10 percentage points. This demonstrates better understanding of human rights.
- From 2017 to 2019, the share of respondents who reported considering human rights organizations as “helpful” increased by around 5 percentage points, and the share of respondents who reported considering human rights organizations as “not helpful” decreased by around 20 percentage points. Likewise, the share of respondents who reported considering human rights organizations as “trustworthy” increased by around 5 percentage points, and the share of respondents who reported considering human rights organizations as “not trustworthy” decreased by around 20 percentage points.
- The share of respondents who reported either “fully trusting” or “rather trusting” the HRDO increased by around 20 percentage points.
- Levels of trust in nearly all state institutions increased dramatically. For instance, the share of respondents who reported either “fully trusting” or “rather trusting” the President increased by around 60 percentage points.
- The share of respondents who reported their household encountering a human rights-related problem decreased by around 5 percentage points.
- The share of respondents who reported “not thinking they needed advice or legal help” for their human rights-related problem decreased by around 5 percentage points.

Pathways to Justice

Nearly all of the interviewed HROs reported that representatives of the post-revolutionary government appear more open to discussing issues relating to violations of socio-economic rights, rights of persons with disabilities, and judicial reforms. For instance, due to provision of equipment by certificates, persons with disabilities have gained an opportunity to choose the most appropriate option for themselves. Although the pension received by persons with disabilities remains low, the minimum monthly pension was raised from 16,000 AMD (roughly 34 USD) to 25,500 AMD (roughly 54 USD) in January 2019. The HRDO has upgraded its website and made it accessible for people with disabilities. The website now provides an opportunity to download an application through which public representatives can get notifications and updates from the HRDO. The website has been updated with a text-to-speech feature for people with disabilities, ensuring their access to information.

Over the last two years, after the ‘Velvet Revolution’, a rapid reduction in the number of deaths in combat conditions (i.e., ceasefire violations) has occurred. HROs report a newfound willingness among Ministry of Defense officials for cooperation.

Taking into account the key achievements described above, it also should be noted that the following issues still need to be addressed: levels of legal and human rights awareness; access to information, including legal information about rights and remedies; quality legal aid and representation; inequality and exclusion at various levels of society; financial and other forms of vulnerability; harmful behaviors and stereotypes; and support, especially via inclusive and sensitive policymaking.

The percentage of surveyed households who reported encountering a human rights problem in the 18 months prior to the interview period was low in 2017 (16 percent) and even lower in 2019 (9 percent). In 2019, the top three human rights problems people reported facing are related to economic and social factors: a lack of equal opportunities in employment, a lack of equal access to social services, and hate speech and harassment, with more than half of problems encountered referring to the top two alone.

A major barrier to access to legal aid and legal help has been a lack of knowledge about whether people should seek assistance and, if so, where they should seek such assistance. Survey findings from 2017 and 2019 alike show that a majority of Armenians who reported having a human rights problem did nothing to resolve their problem, either because they did not think they needed to do so or did not know to whom to turn. Moreover, they did not contact a person, group, or institution to look for a resolution to their problem out of a sense of powerlessness, believing that this would “only waste time” or “be useless anyway.” Those surveyed who did take their problem somewhere reported that they chose to take their problem to a government office or a third party, such as a family member, friend, or a local leader for mediation or negotiation.

The Human Rights Defender’s Office and the Judiciary

Over the last two years, the HRDO has reported receiving an increasing number of applications, which is most likely related to improved trust by citizens toward state institutions and a reinvigorated willingness by the state to provide solutions for social issues. This is as well an indication of raised awareness on HRDO. The number of thematic coordination meetings with state agencies and non-governmental counterparts has grown since the revolution. Capacity-building

training sessions for NGOs and advocacy groups and meetings with journalists take place regularly, with a particular focus on the issues of working on and reporting about sensitive subjects, namely disability rights, domestic violence, and LGBT issues.

In fact, as a preemptive response, the HRDO is currently organizing campaigns focusing on women's rights and anti-discrimination. The HRDO is currently considering opening divisions and involving specialists and experts outside of legal circles to address specific groups with vulnerabilities, such as the elderly, children, women, military conscripts, sexual minorities, and persons with disabilities. Though the HRDO already sends delegations to the regions of Armenia frequently, the HRDO has an incentive to open representative offices outside of Yerevan in order to become more accessible.

Judicial reform has been one of the most prioritized topics of discussion in post-revolutionary Armenia. The draft strategy of legal and judicial reform has been emphasized by the representatives of the Ministry of Justice and has been presented as the first step in the government's judicial reform efforts. The key aspect of the government's judicial reform efforts is the establishment of a fully independent, impartial, professional, transparent judiciary that enjoys widespread public trust and whose functioning is in full compliance with EU and Council of Europe norms and standards. Both local Armenian and international expertise is needed in order to achieve this goal.

1. Introduction

The American Bar Association Rule of Law Initiative (ABA ROLI) commissioned a leading national research firm in Armenia, the Caucasus Resource Research Center-Armenia (CRRC-Armenia), to carry out this end-line study in 2019 for the program “Stronger Institutional Guarantees for Human Rights in Armenia” funded by the United States Agency for International Development (USAID).

The program aims to strengthen Armenia’s Human Rights Defender’s Office (HRDO) to serve as an effective liaison between rights-holders and duty-bearers by building the institutional capacity of the HRDO, creating stronger linkages between the HRDO, HROs, and other stakeholders, and supporting the development of more effective public communication by the HRDO. As part of the program’s monitoring and evaluation efforts, this end-line assessment was undertaken to follow up on a previous baseline assessment from 2017 and to help ABA ROLI measure the impact of its program activities. This end-line study will inform program decision-making and investment decisions, with the ultimate aim to strengthen the HRDO and its functioning.

Section one of the report includes an overview of the broader program, of which this assessment is a part, and details the role of the assessment in the wider scope of the program. Section two is a methodological note that adds to the methodology as presented in the baseline report. Section three includes the main findings from the survey and an applied political economy analysis; the quantitative data there is supplemented by qualitative data, including summaries of relevant case studies. Finally, sections four and five provide conclusions and recommendations, respectively.

2. Methodological Note

See the baseline report for a detailed description of the methodology of this study.

The end-line assessment survey was carried out among 1200 respondents, and qualitative case studies were conducted based on the methodology also described in the baseline report. The survey sample consisted of adults from different age categories, educational levels, economic situations, and settlement types.

In the framework of the end-line assessment, the applied political analysis (APA) was directed to the activities of Armenia’s HRDO during the past two years. The main objective of the analysis was to assess the HRDO’s activity in the context of recent significant political changes, including, but not limited to, defining incentives, new opportunities, challenges and ways to move forward.

The APA is focused on:

- Current political and economic preconditions for and major events affecting the activity of the HRDO;
- Social attitudes – both in general and in terms of politics – toward the concept of human rights, the activity of the HRDO, and perceptions of the HRDO;
- The role of the HRDO in the protection and promotion of human rights, its mandate and priorities;

- Key local and international actors in the area of the protection and promotion of human rights and their relations with the HRDO;
- The main challenges and constraints for the more effective operation of the HRDO;
- Potential options and steps for further empowerment of the HRDO in the future.

The data presented in the APA are taken from public sources, including interviews, speeches, reports and statements both by human rights defenders and other national and international institutions and other actors. In some cases, data source references are minimized in order not to overload the document with information of technical nature, particularly those facts that are well-known with no mandatory need for verification.

The findings of the end-line assessment can be considered as a background and steering advice for HROs to develop a roadmap to change their *modus operandi* in the new political context, evolving needs and expectations within Armenian society. These findings will help such organizations to look at the gaps and challenges and to proactively find solutions.

Assessment results will also be useful for a wide audience to evaluate the developments around HROs and the HRDO in Armenia. It may be taken into consideration by ruling political parties, international and civil society organizations and Armenian society generally, in an effort to better understand the core functions and goals of human rights institutionalization in the country.

Lastly, the assessment results can be used for future researchers on Armenia's human rights sector in general and the HRDO in particular.

3. Findings

Overall, the end-line assessment showed positive dynamics in exposure and perceptions of human rights over the last two years. For instance, the share of respondents who reported believing there is "some respect" for human rights in Armenia increased by around 25 percentage points. At the same time, the share of respondents believing there is "not much respect" decreased by around 10 percentage points, and the share of respondents believing there is "no respect at all" decreased around 20 percentage points. Similarly, from 2017 to 2019, the share of respondents who reported considering human rights organizations as "helpful" increased by around 5 percentage points, and the share of respondents who reported considering human rights organizations as "not helpful" decreased by around 20 percentage points. Likewise, the share of respondents who reported considering human rights organizations as "trustworthy" increased by around 5 percentage points, and the share of respondents who reported considering human rights organizations as "not trustworthy" decreased by around 20 percentage points.

In a similar vein, the share of respondents who reported considering that human rights had "definitely" been violated in three of the four hypothetical cases of human rights violations (rights to medical care, non-discrimination, and association and assembly) increased by around 10 percentage points. This demonstrates better understanding of human rights.

Levels of trust in nearly all state institutions increased dramatically. For instance, the share of respondents who reported either "fully trusting" or "rather trusting" the President

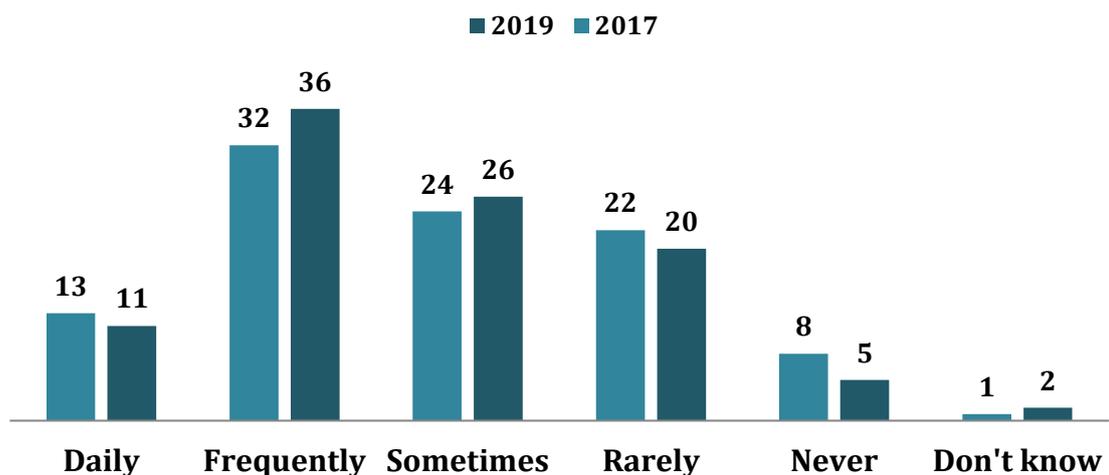
increased by around 60 percentage points. The share of respondents who reported either “fully trusting” or “rather trusting” the HRDO increased by around 20 percentage points.

Finally, the share of respondents who reported their household encountering a human rights-related problem decreased by around 5 percentage points. The share of respondents who reported “not thinking they needed advice or legal help” for their human rights-related problem decreased by around 5 percentage points.

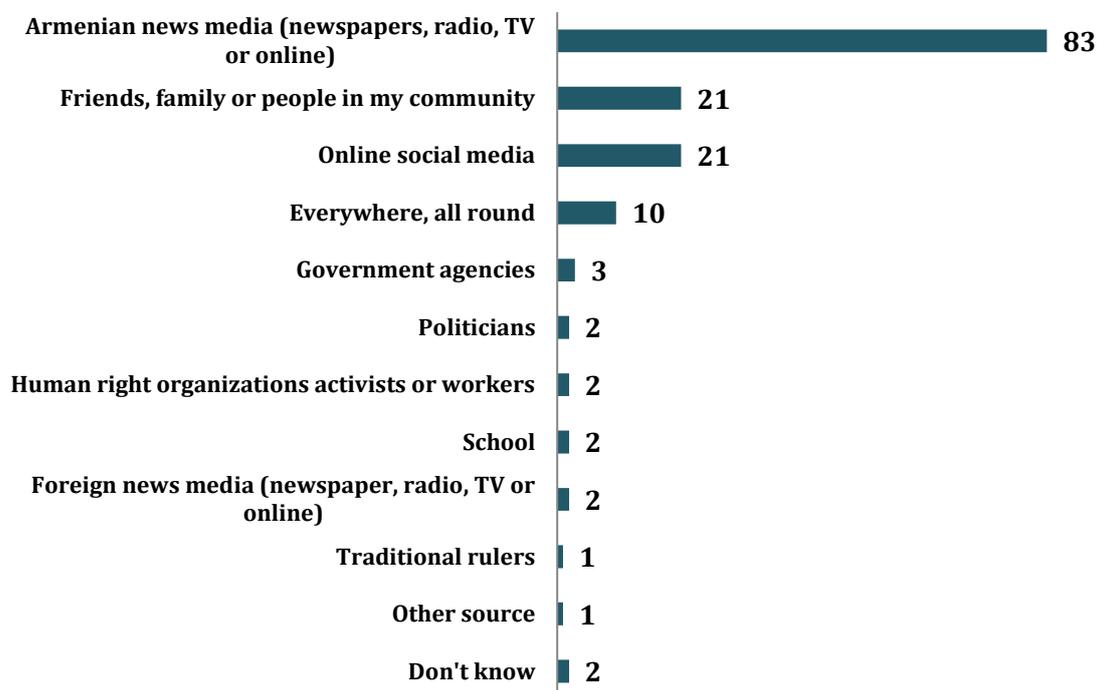
3.1 Human Rights Knowledge

The charts below demonstrate the prevalence of human rights terminology among the general public. As shown, “human rights” as a term was reported to be quite well-known, suggesting that “human rights” has become a pervasive discourse in Armenia. In 2019, 47 percent of respondents mentioned hearing the term “frequently” or “daily” (Chart 3.1). In this regard, there was some 2-4 percent increase in the exposure of human rights language compared to 2017. A major source of information about human rights is the Armenian media (83 percent of the respondents that have heard the term), followed by online social media (21 percent of the respondents that have heard the term) and relatives, friends and people from one’s community (21 percent of the respondents that have heard the term). This can be attributed to a higher popularity of Armenian television in general rather than to the particular quality of coverage on human rights issues in the media. Interestingly, the options for “social media” and “relatives, friends and people from one’s community” are equally represented, and the option “everywhere, all around” was mentioned by 10 percent of respondents, meaning that “word of mouth” is also an important factor.

Relatively high exposure to human rights language in Armenia
Chart 3.1. In your daily life, how often do you hear the term “human rights”?



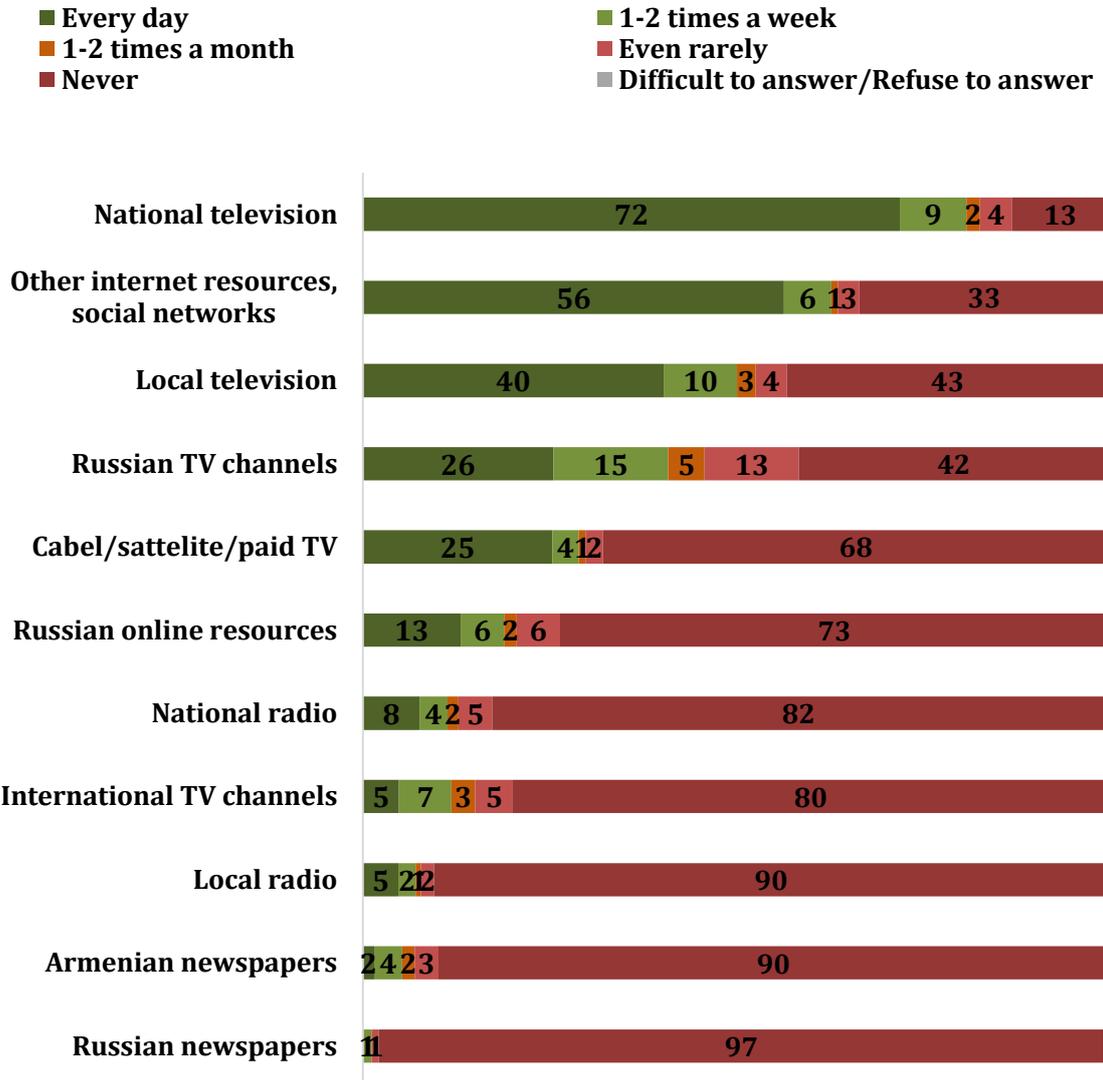
A major source of information about human rights is the Armenian news media
Chart 3.2. Where do you get your sources of information about human rights?



According to the CRRC-Armenia “Media for Informed Civic Engagement (MICE)” survey conducted in 2019, national television was the most frequently used source of information in Armenia. A large majority (72 percent) of respondents who participated in the MICE survey reported watching national television channels every day. The second-most frequently consumed source of information was the Internet, with 56 percent indicating that they used other Internet resources and social networks every day. “Local television” and “Russian television channels” were watched on a daily basis by 40 and 26 percent of respondents, respectively, followed by cable, satellite or paid television channels, consumed by 25 percent each day (*Chart 3.3*).

Television and Internet are the most used media among Armenians

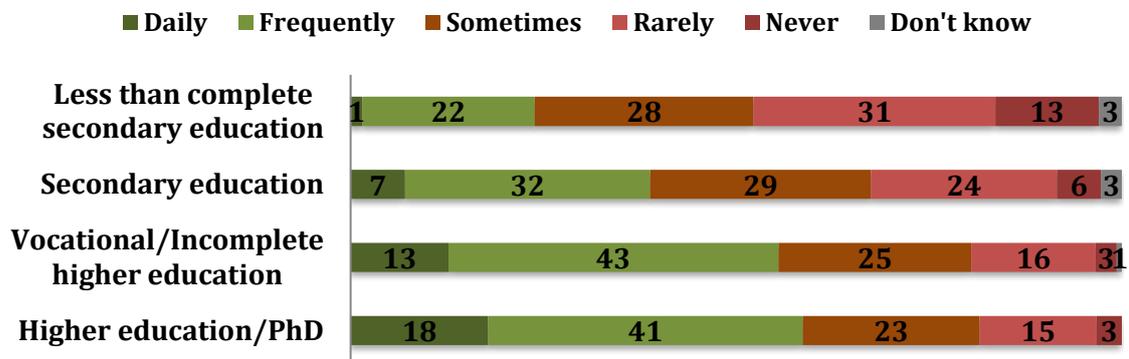
Chart 3.3 How often do you use the following sources?



Respondents' level of education was connected with exposure to the term "human rights." People with higher education reported hearing the term "human rights" most frequently, and those having less than complete higher education reported hearing the term less frequently (*Chart 3.4*).

**Relatively low exposure to human rights language
among those having less than complete higher education**

Chart 3.4. In your daily life, how often do you hear the term “human rights”?



3.2 Perceptions of Human Rights

Beyond just hearing the term “human rights,” whether or not the public has positive perceptions of human rights is also an important indicator. The survey asked respondents how strongly they associated a range of terms – some positive and some negative – with the idea of human rights.

As shown in *Chart 3.5*, in 2019 respondents mostly associated the term “human rights” with promotion of free and fair elections (88 percent reporting “a lot” or “some”), women’s rights (86 percent reporting “a lot” or “some”), and protection from torture (83 percent reporting “a lot” or “some”). A very high percentage of interviewees also pointed out protecting the interest of people in rural and urban areas (81 percent and 83 percent reporting “a lot” or “some” respectively) as being associated with the term “human rights.” Promoting equal access to housing, health care, education and social services was associated with the term “human rights” among 78 percent of the respondents, while 63 percent also associated it with “promoting values and ideas of other cultures.” On the other hand, as many as 52 percent of respondents said that they associated the term “human rights” “a lot” or “some” with “protecting foreign business interests.”

Free and fair elections



88%

Women's rights



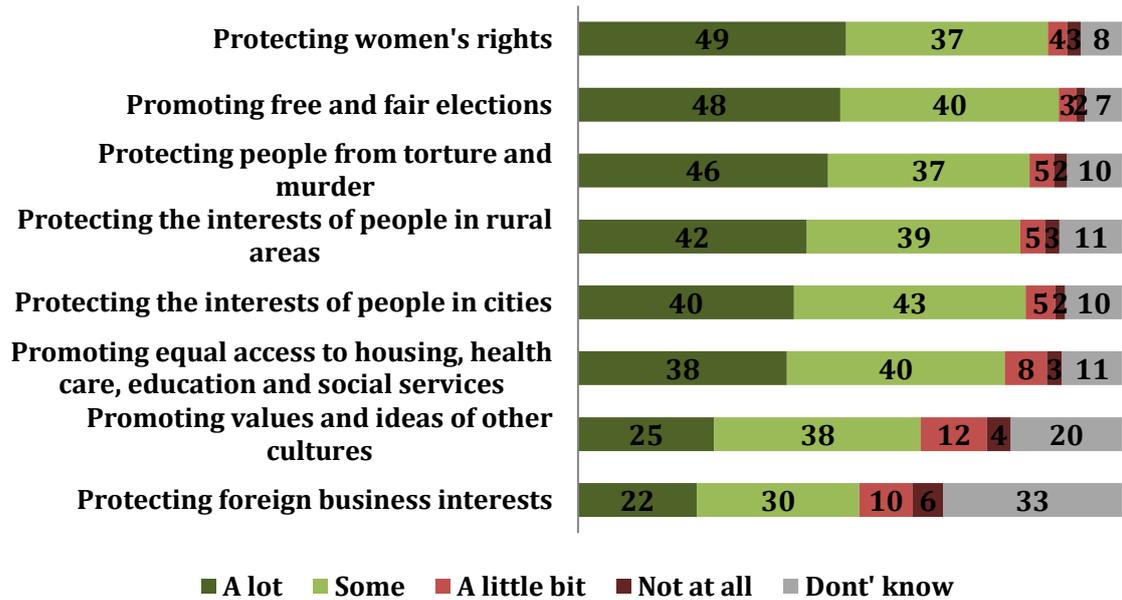
86%

Protection from torture



83%

In 2019 free and fair elections are the primary association with the term “human rights”
 Chart 3.5. In your opinion, how strongly will you associate the terms “human rights” with...?



Notwithstanding the associations presented above, people tend to evaluate hypothetical situations involving rights violations differently than two years ago. Respondents were given four hypothetical situations, involving the right to medical care in prison, the right to non-discrimination, the right to education, and the right to association and assembly, respectively, and asked whether they believed a rights violation had occurred (Box 1).

Box 1: Hypothetical Situations: (A) Right to Medical Care in Prison, (B) Right to Non-Discrimination, (C) Right to Education, (D) Right to Association and Assembly.

Situation A

I would like you to imagine that a man is kept in prison for three months, during which he has only one small meal per day and no access to medical services. He has a brain stroke, requiring surgery, and the hospital lacks the necessary medical equipment to treat his stroke. The prison administrators refuse to give him medication or allow surgery to be carried out outside of the prison, and he dies.

Situation B

I would like you to imagine that a woman, while pregnant, who was employed as a nurse, becomes ill and seeks medical attention from her doctor. The doctor carries out some tests, including blood tests, without disclosing the nature of the tests. He later informs the woman that she was positive for Hepatitis C. The woman never consented to testing and received no pre- or post-test counseling. The doctor subsequently fires the woman on the grounds of her Hepatitis C status, explicitly citing concerns that she would infect others. All attempts by the woman to plead with the doctor for her job back fail, and there is no severance or compensation paid. Emotional and psychological trauma causes the woman to have a miscarriage.

Situation C

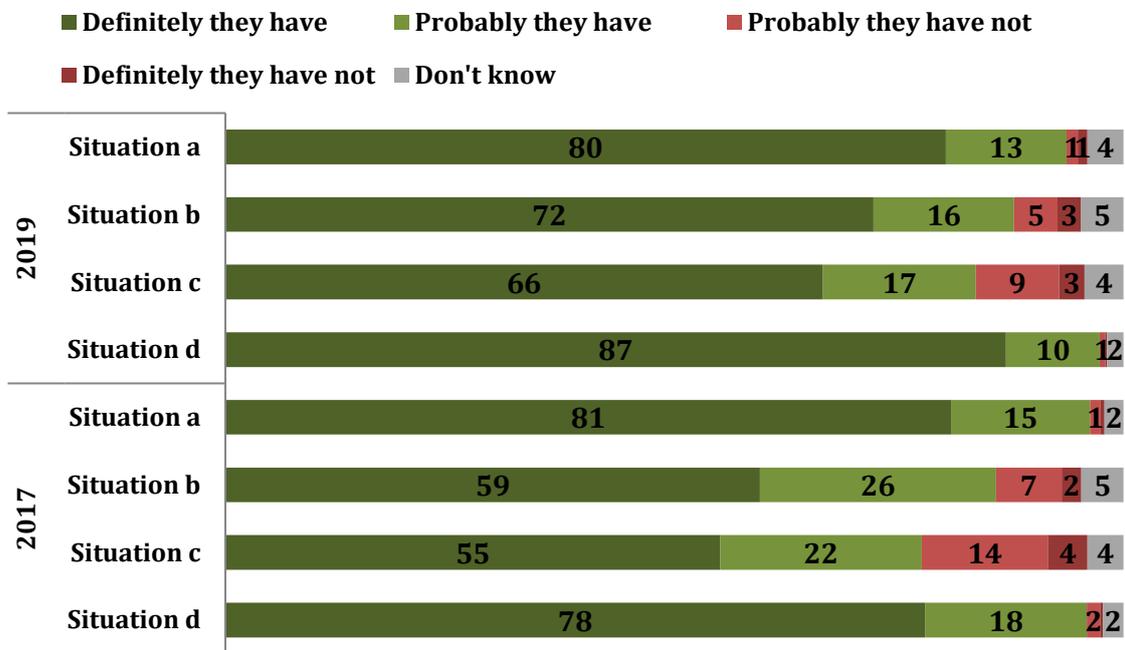
I would like you to imagine a rural couple who have a school-aged daughter who is paralyzed, unable to move independently, and has problems with speech. The couple goes to the school in their village to register their daughter. The school tells the couple that they should not bother to register their daughter because she will not be able to communicate with the other students and would negatively impact the classes.

Situation D

I would like you to imagine a journalist who is actively involved in covering mass demonstrations against a new government policy that raises the price of electricity and other utilities. During the demonstrations, the police severely beat those persons in attendance, including the journalist, even though the journalist was wearing press credentials, and it was otherwise clear that he was at the demonstrations in his professional capacity.

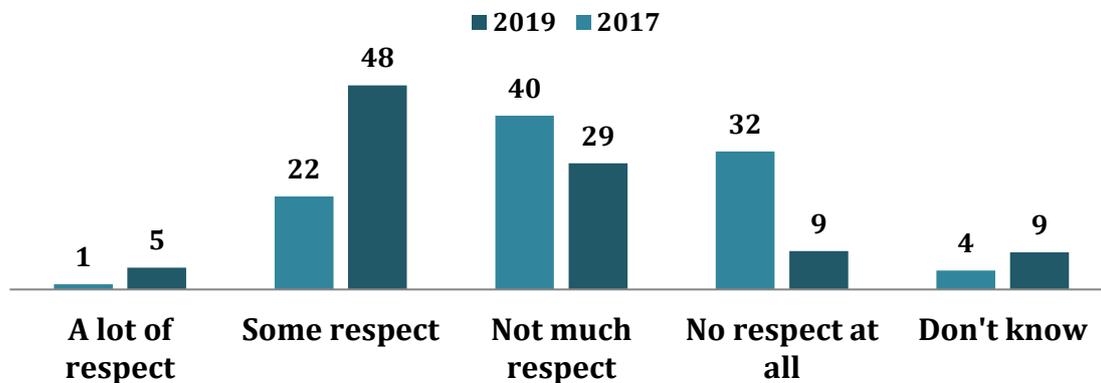
As shown in *Chart 3.6*, situations B and C, which refer to social and economic rights, presented the least obvious violations for respondents, with 8 percent and 12 percent of respondents in 2019, respectively, reporting they thought human rights “probably” or “definitely” had not been violated. For situations A and D, relating to civil and political rights, these responses accounted for only 2 and 1 percent, respectively. Compared to 2017, however, the number of those who consider that human rights were “definitely” violated in situations B, C and D has increased by more than 10 percentage points. In case of situation A, the percent was high in both years.

Violations of social and economic rights are less likely to be seen as human rights violations than violations of civil and political rights
 Chart 3.6. Do you think that the [person's] human rights have been violated?



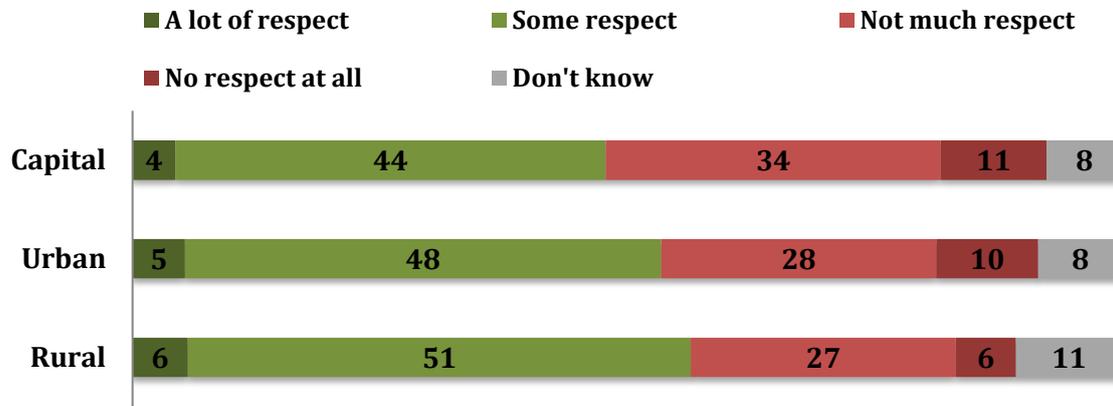
As Charts 3.7-3.9 show, the perceived respect for human rights in Armenia has changed since 2017. In 2017, 72 percent of respondents said there was “not much” or “no respect at all” for human rights, while in 2019 this number decreased to 38 percent. Surprisingly, the negative perception was higher in Yerevan (45 percent) than in other urban (38 percent) or rural areas (33 percent). Also, according to Chart 3.9, the better the economic situation of a household, the better its perception or respect for human rights.

38 percent of the surveyed population believes that there is “not much” or “no respect” for human rights
 Chart 3.7. How much respect is there for individual human rights nowadays in Armenia?



Compared to the regions, people living in the capital are more prone to believe there is “not much” or “no respect” for human rights in Armenia

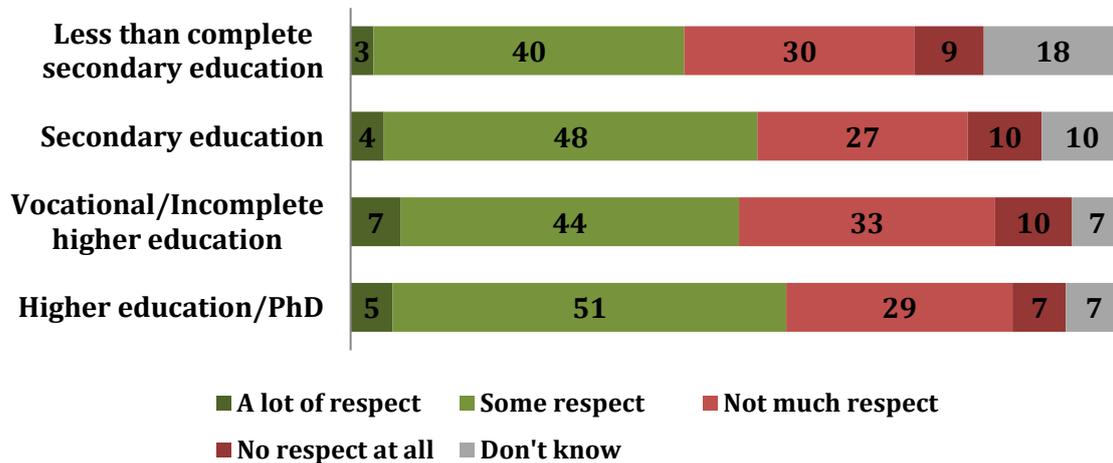
Chart 3.8. How much respect is there for individual human rights nowadays in Armenia?



With regard to educational differences, those with less than complete secondary education have slightly less belief in the level of respect for human rights, compared to those with higher education (18 percent of those with lowest level of education “don’t know” or do not have a specific response to the question, as opposed to 7 percent with the highest).

Education positively affects the perceived level of respect for human rights in Armenia

Chart 3.9. Respect for human rights by level of education.

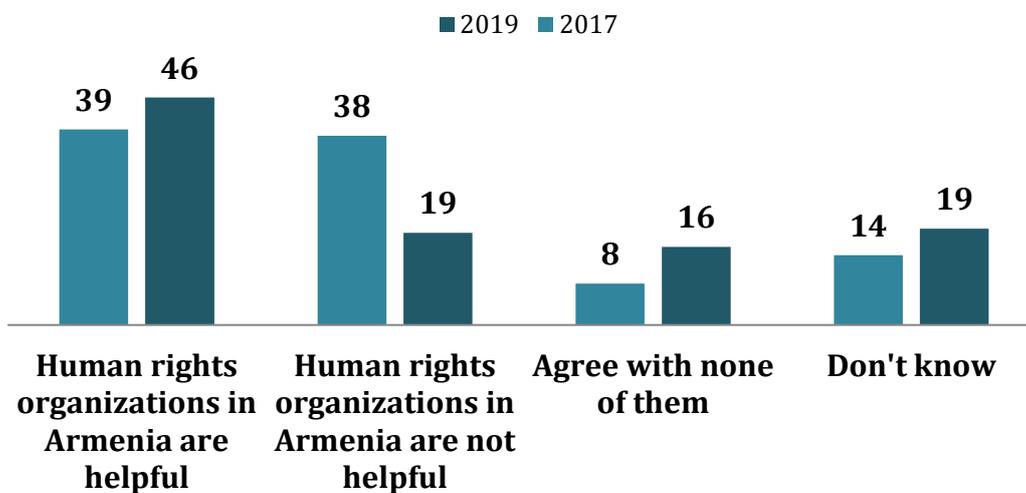


3.3 Perceptions and Trust of Human Rights Organizations

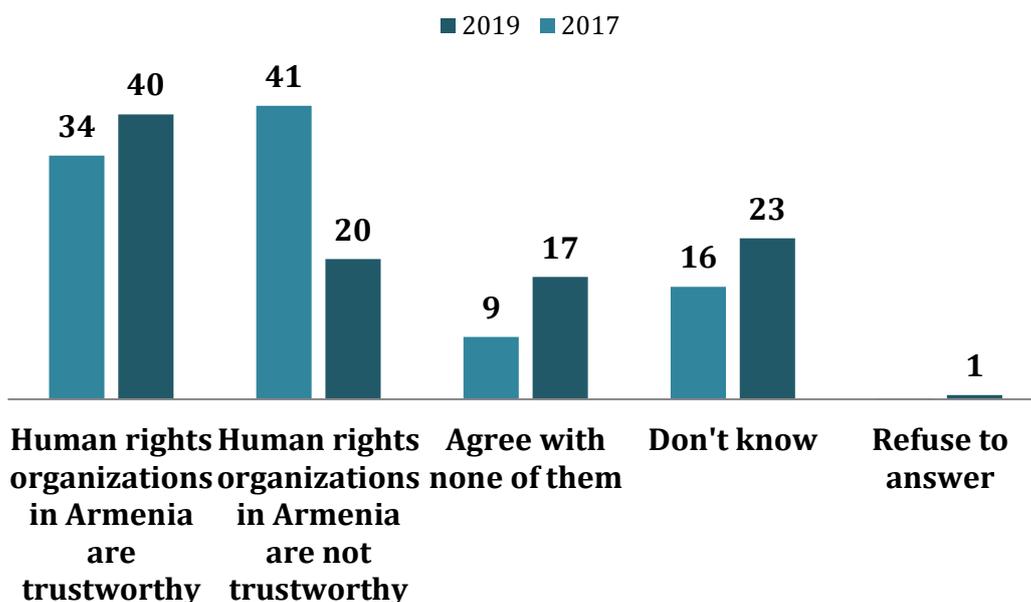
To find out what ordinary people thought of HROs, the survey asked whether they agreed more with the statement “human rights organizations are not helpful,” or “human rights organizations are helpful.” As seen in *Chart 3.10*, there has been improvement in the perception of HROs since 2017. Almost the same percentage of respondents viewed them as “helpful” (39 percent) and “not helpful” (38 percent) in 2017 whereas in 2019 the percent is 46 and 19 respectively. The same trend occurs in the assessment of HROs’ trustworthiness,

with twice as many respondents considering HROs trustworthy in 2019 (Chart 3.11) than in 2017. Among those who agreed with the statement that HROs are not trustworthy, 41 percent mentioned “strongly agree,” with the other 69 percent mentioning “agree,” while for those who consider HROs trustworthy, it was 20 percent. In line with the perceived levels of respect for human rights described above (Charts 3.10-3.11), the perception of HROs was much worse in Yerevan (Charts 3.12-3.13) than in other urban or rural areas and was positively correlated with the economic situation of the household in question (Charts 3.10 - 3.12).

The number of people who consider HROs “helpful” has increased
 Chart 3.10. Please tell me which of the following statements you agree with?
 Statement 1: Human rights organizations in Armenia are not helpful.
 Statement 2: Human rights organizations are helpful.

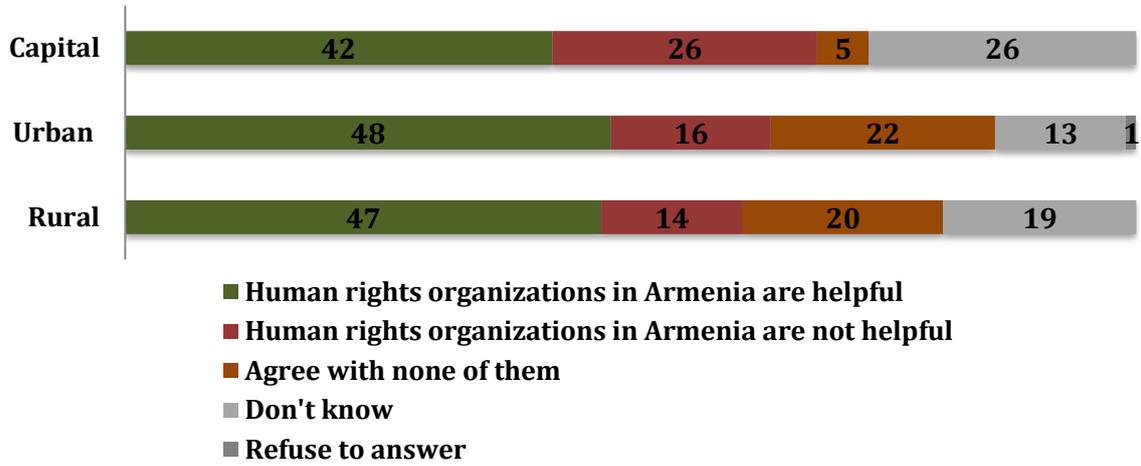


The level of trust toward HROs has increased
 Chart 3.11. Please tell me which of the following statements you agree with?
 Statement 1: Human rights organizations in Armenia are trustworthy.
 Statement 2: Human rights organizations are not trustworthy.



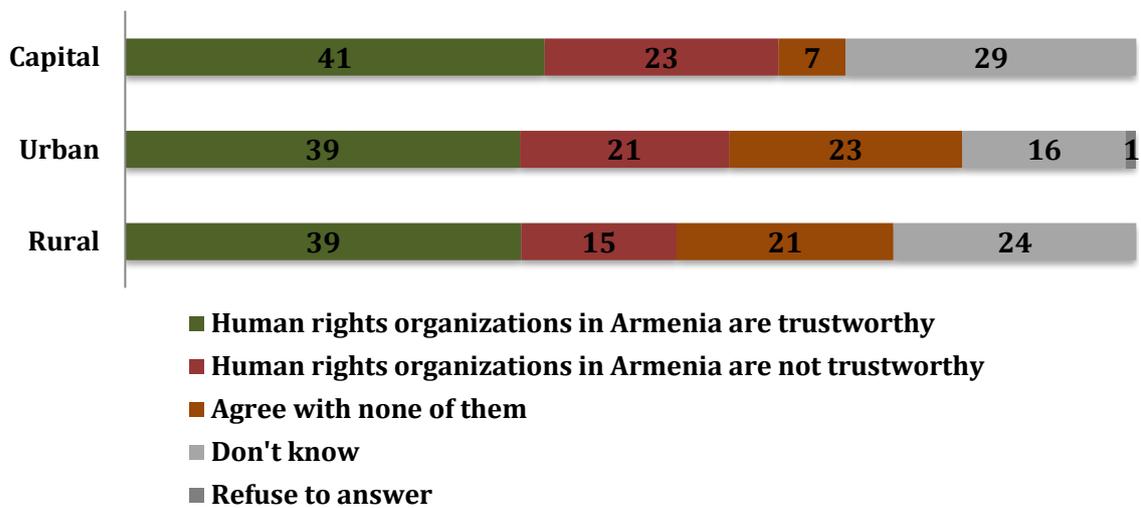
In the capital the surveyed population are less inclined to think of HROs as “helpful”

Chart 3.12a. Human rights organizations' helpfulness by settlement type



The level of distrust toward HROs is higher in the capital

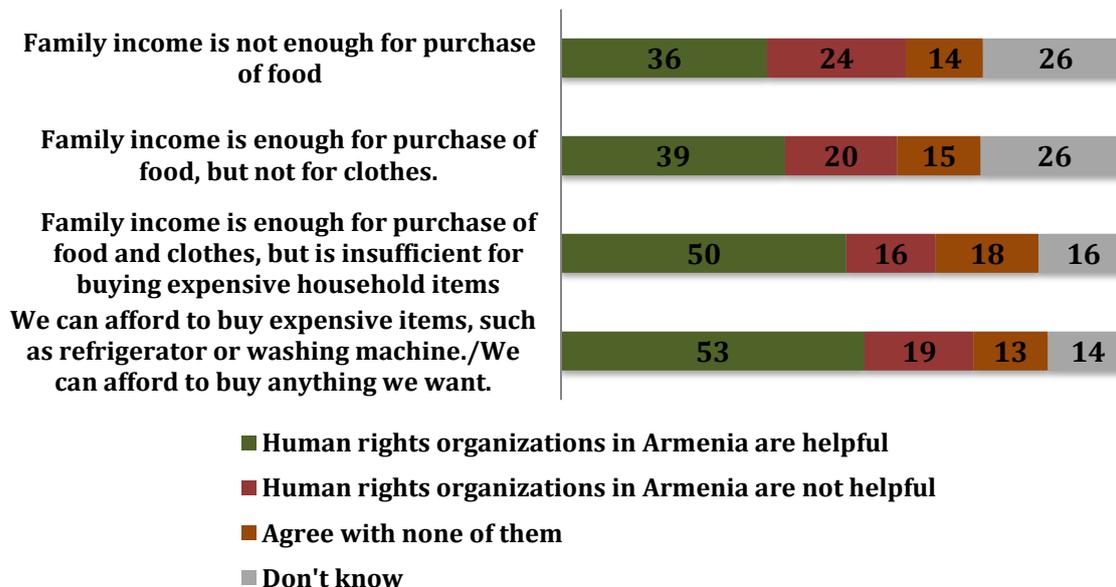
Chart 3.12b. Human rights organizations' trustworthiness by settlement type



As shown in the chart below, the share of people reporting that HROs were useful was significantly higher in the socio-economic group which mentioned that they could afford expensive items or buy anything they wanted.

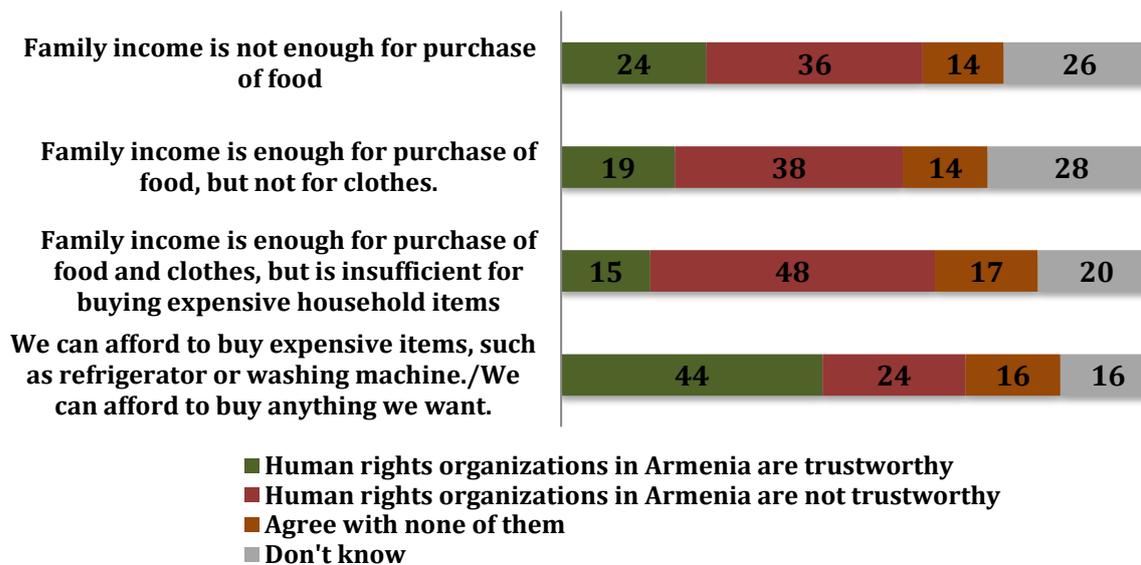
**The better the economic situation of a household,
the more people are inclined to consider HROs “helpful”**

Chart 3.13. Human rights organizations' helpfulness by economic situation of a household



**The economic situation of a household
positively affects the level of trust toward HROs**

Chart 3.14. Human rights organizations' trustworthiness by economic situation of a household



Not surprisingly, the higher the level of education, the less people are hesitant (those who responded “agree with none of them” or “don’t know”) regarding the helpfulness and

trustworthiness of HROs. However, with an increase in education, the responses distribute between both categories.

Chart 3.15. Human rights organizations' helpfulness by education level

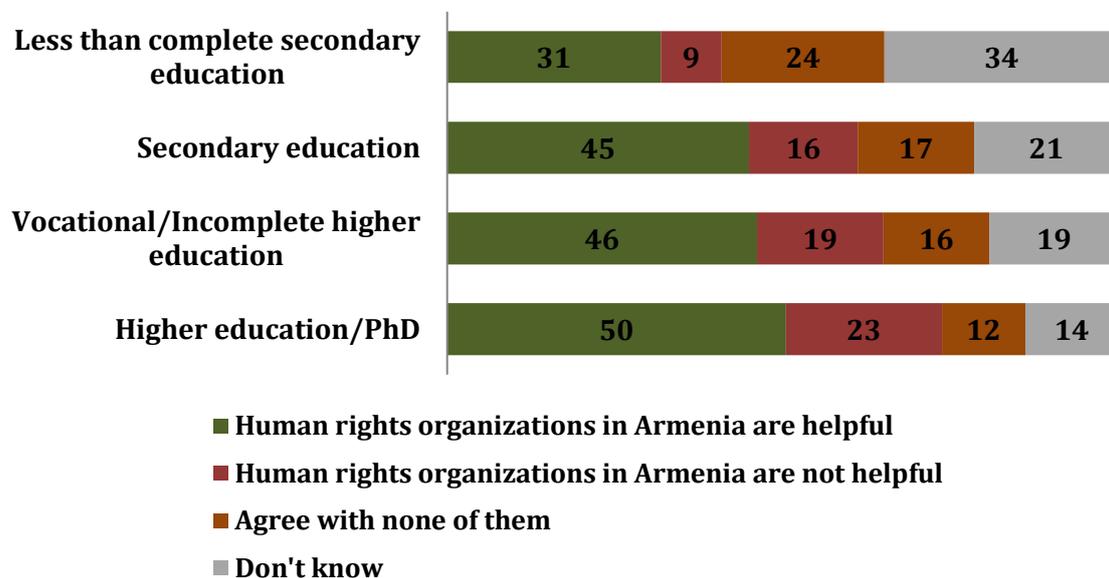
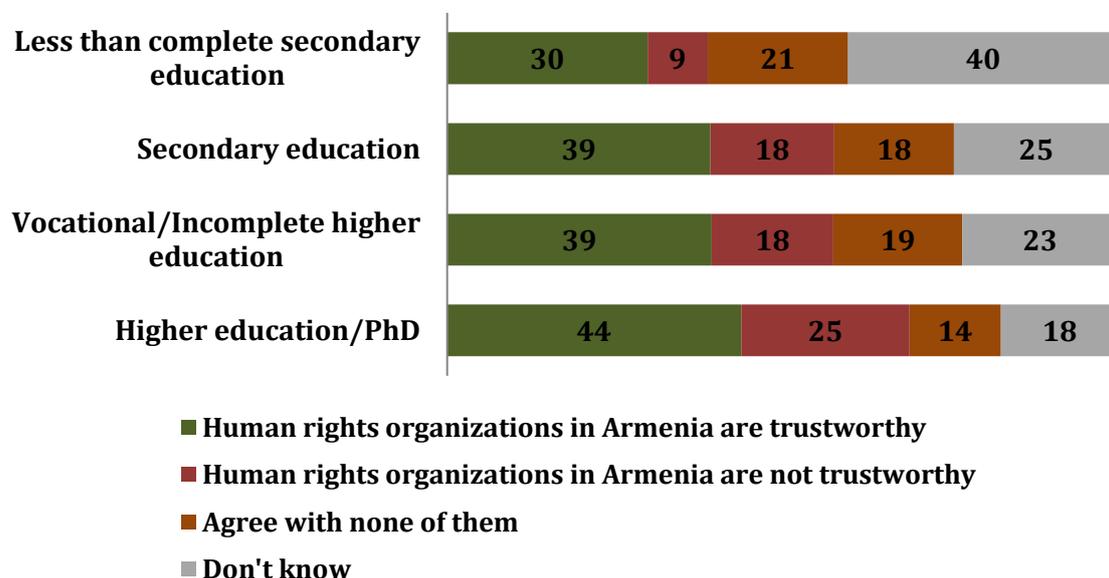
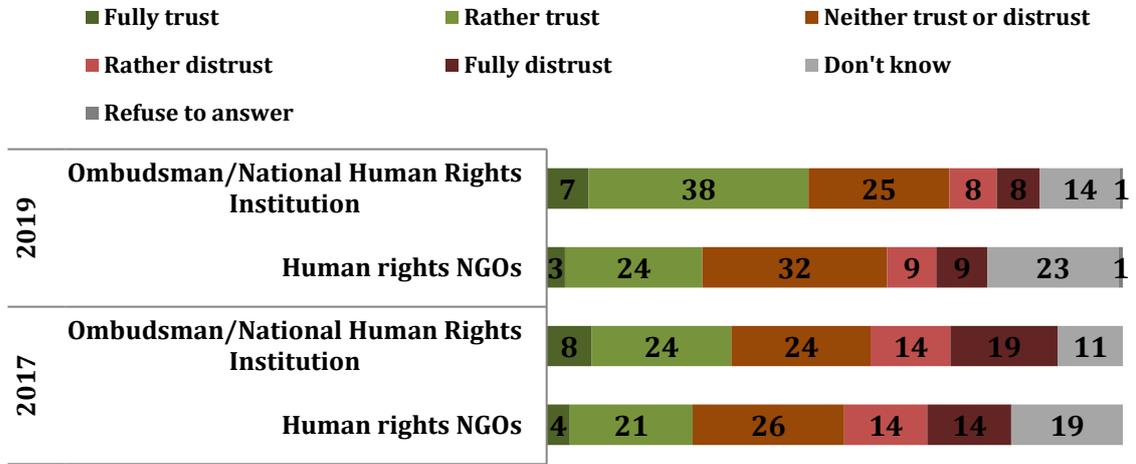


Chart 3.16. Human rights organizations' trustworthiness by education level



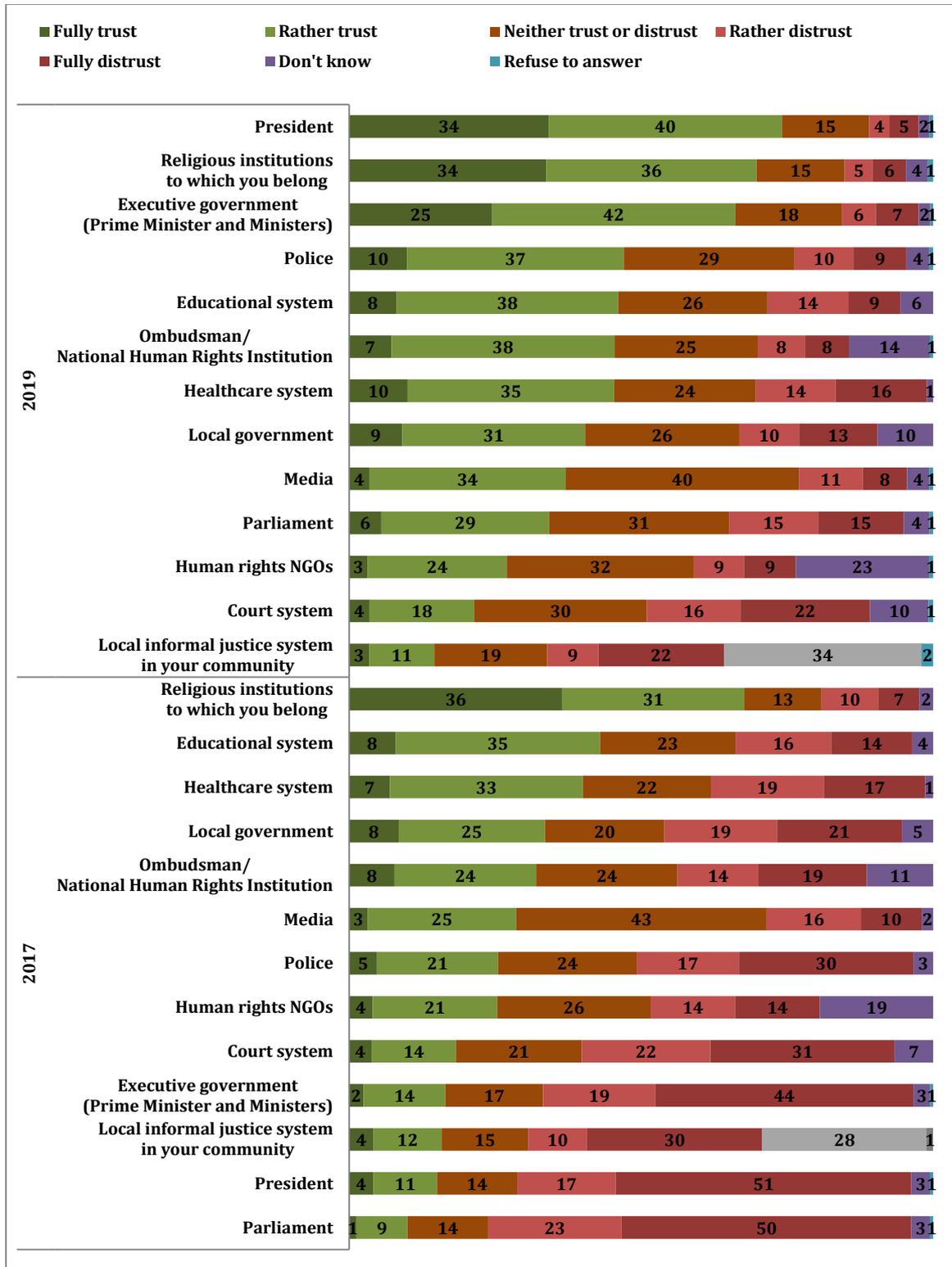
Overall levels of trust in various institutions have increased in 2019, as compared to 2017. This change, along with other changes in perceptions, can also be attributed to the 'Velvet Revolution' that took place in early 2018. In light of this event, human rights NGOs were less trusted than, for example, the media, and were similar (in figure) to the court system. People expressed more trust in the HRDO than HROs, and additionally, the level of trust toward the HRDO has increased in 2019, compared to 2017 (Chart 3.17 and 3.18).

Chart 3.17. There was more trust in the HRDO than HROs.



Compared to other institutions, HROs are trusted more

Chart 3.18. Please assess your level of trust toward social institutions and human rights institutions in Armenia



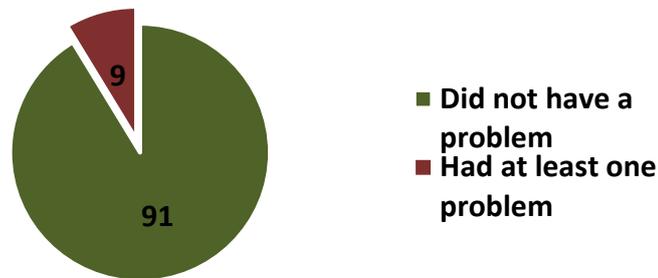
3.4 Pathways to Justice

3.4.1 Key Human Rights Problems

As shown in *Chart 3.19*, 9 percent of the population have encountered a problem related to human rights in the last 18 months (from the date of the interview). According to *Chart 3.21*, those problems referred to a lack of equal opportunities in employment (38 percent) and a lack of equal access to social services (36 percent), followed by hate speech or harassment (12 percent), land disputes (8 percent) and inequality of educational opportunity (8 percent). Torture, corruption, extortion, bribery and problems obtaining identification cards or birth certificates were also reported as problems (6 percent each).

2019: 9 percent of the surveyed households reported encountering problems

Chart 3.19. I would now like to ask you about different kinds of problems you or your household might have had. Please only include problems you or a household member has had, not situations where you or a household member helped somebody else with their problem. Respondents or respondent's household members who encountered problems (percentage)



2017: 16 percent of the surveyed households reported encountering problems

Chart 3.20. I would now like to ask you about different kinds of problems you or your household might have had. Please only include problems you or a household member has had, not situations where you or a household member helped somebody else with their problem. Respondents or respondent's household members who encountered problems (percentage)

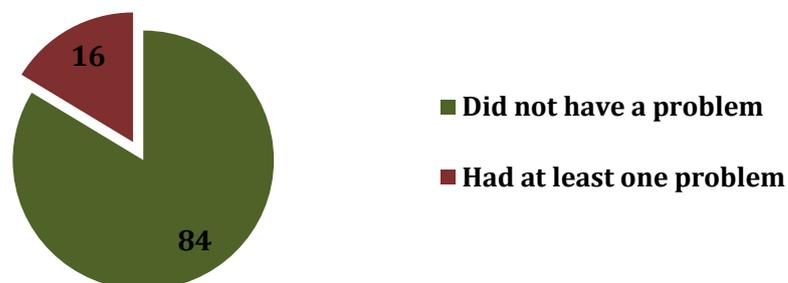
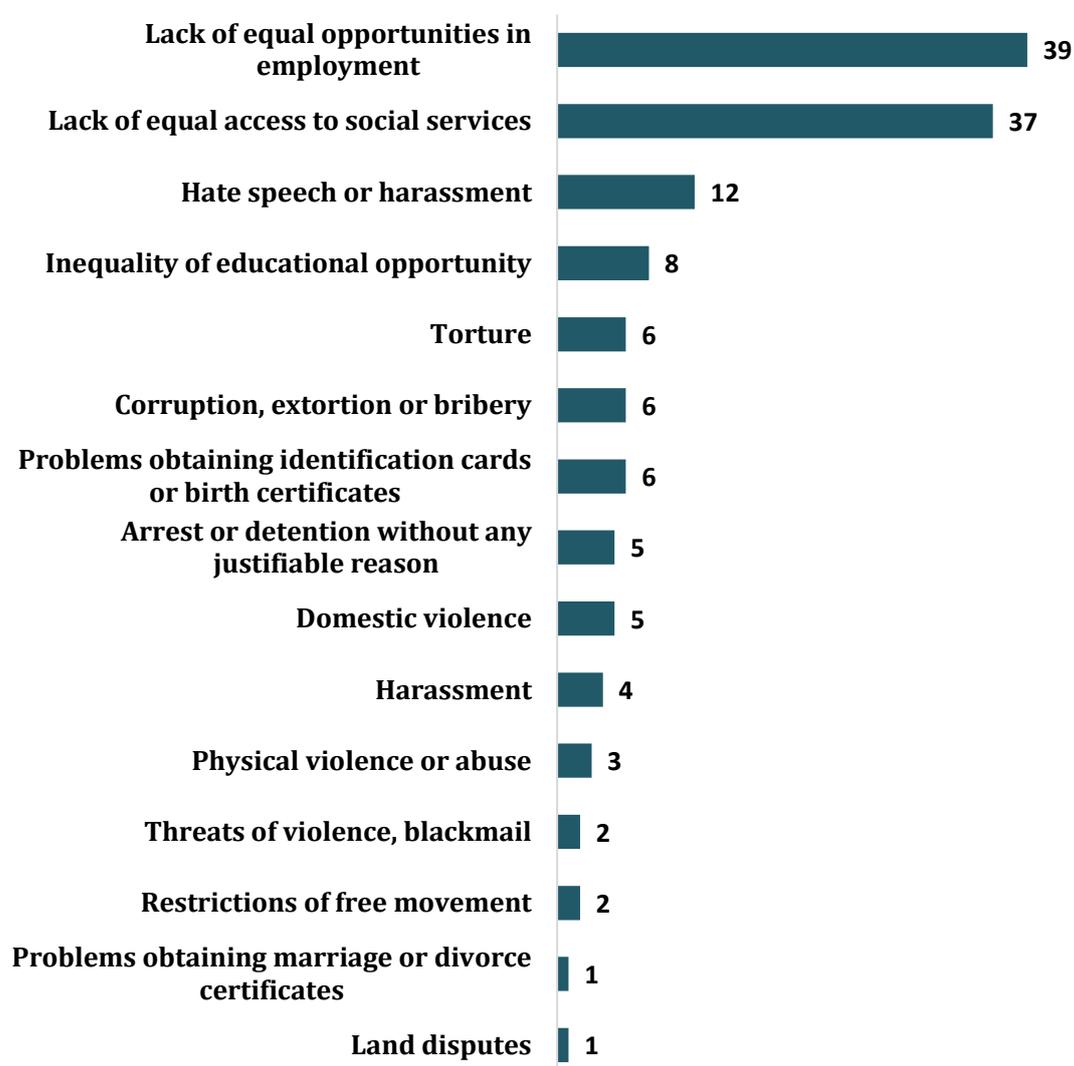
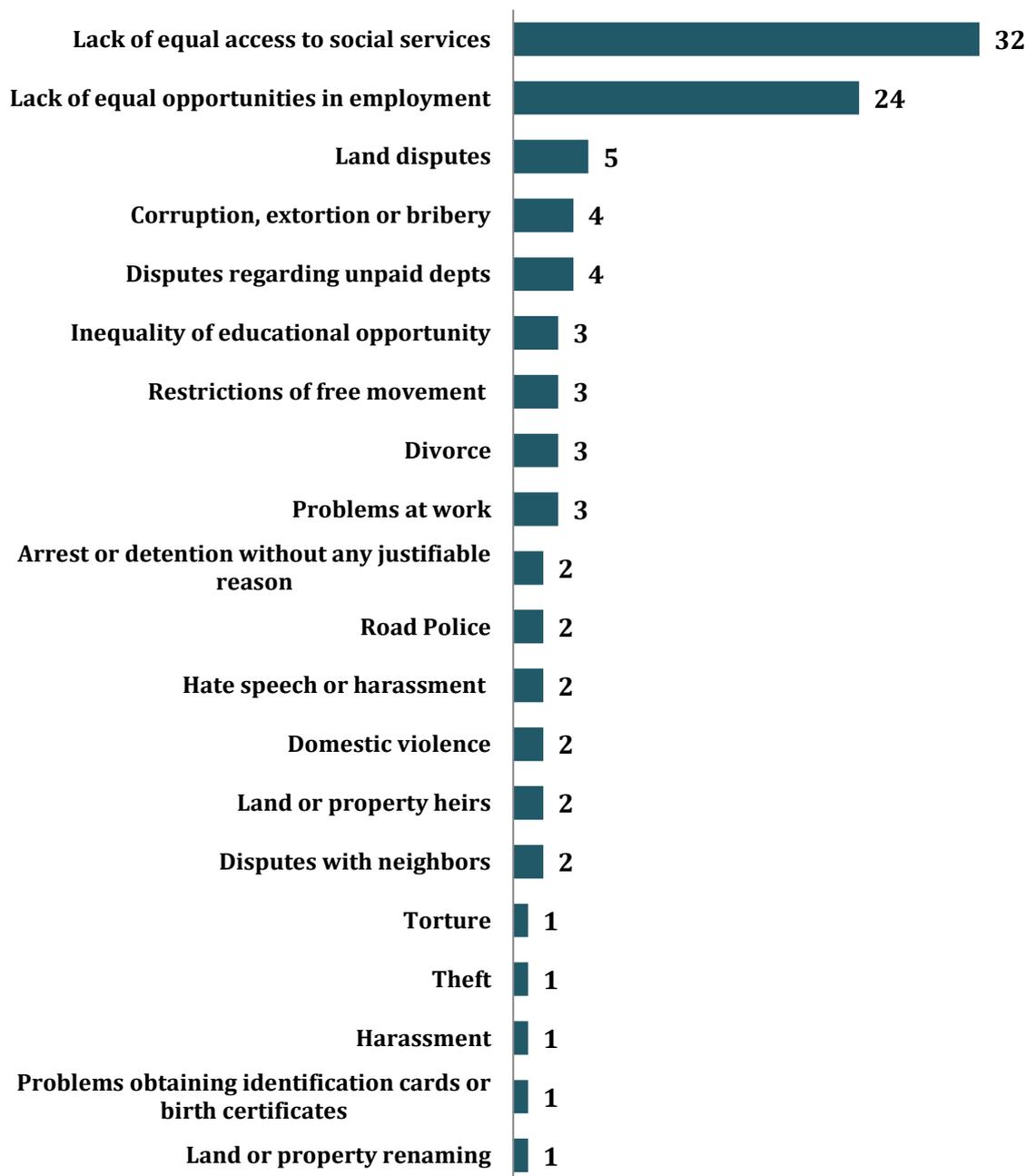


Chart 3.21. Encountered problems mostly referred to lack of equal opportunities for improvement and lack of access to social services



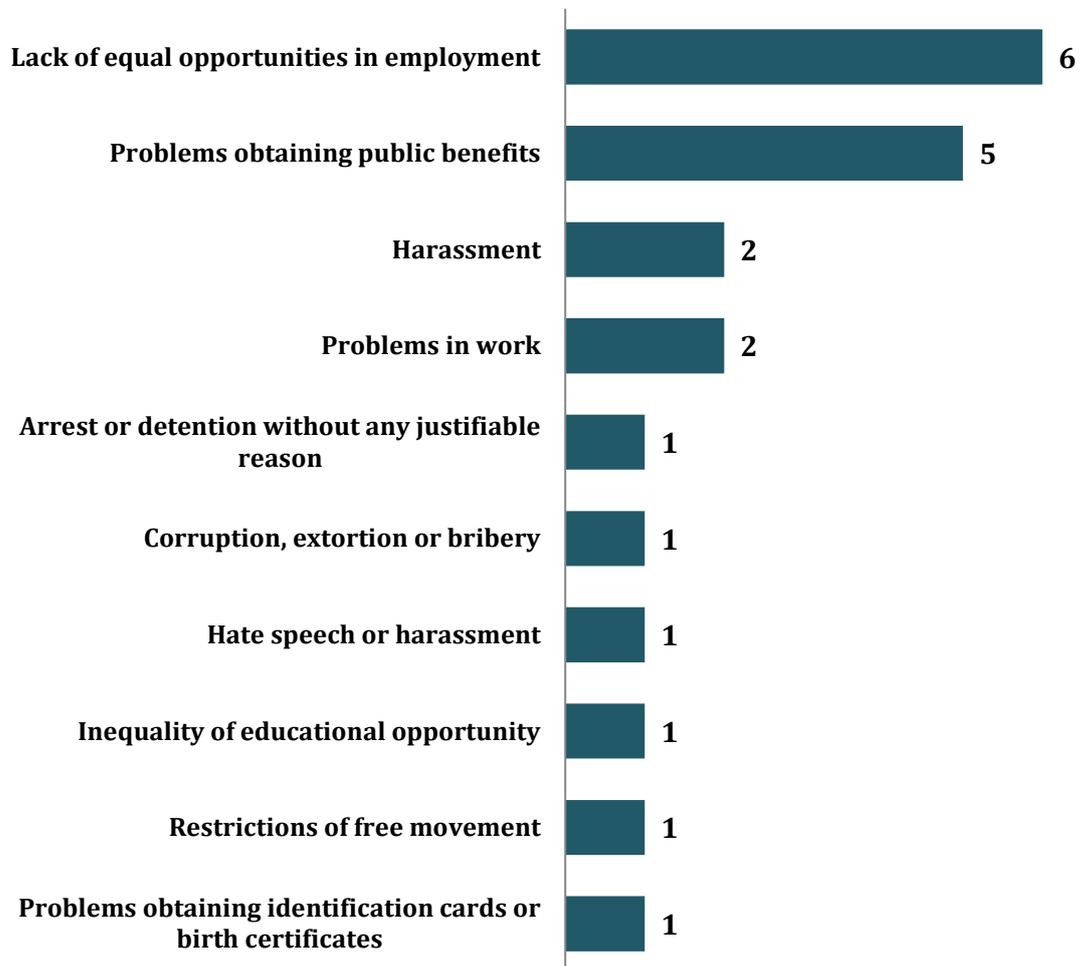
More than half of most recent problems encountered refer to problems obtaining public benefits and lack of equal opportunities in employment

Chart 3.22. Most recent problem faced by the respondent or a member of respondent's household (percentage)



Secondly, lack of equal opportunities in employment and problems obtaining public benefits were mentioned as major issues

Chart 3.23. Second most recent problem faced by the respondent or a member of respondent's household (number of cases)

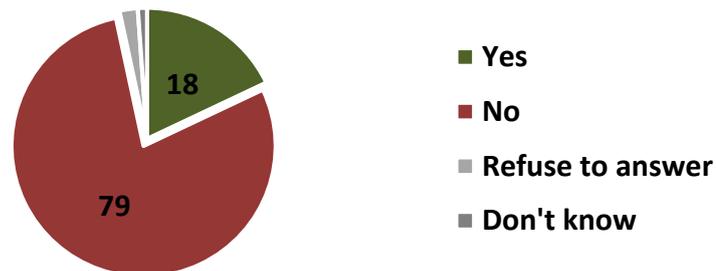


3.4.2 Advice and Representation

As shown in the chart below, a majority of respondents or their household members reported not having received legal advice or legal help while encountering a human rights-related problem.

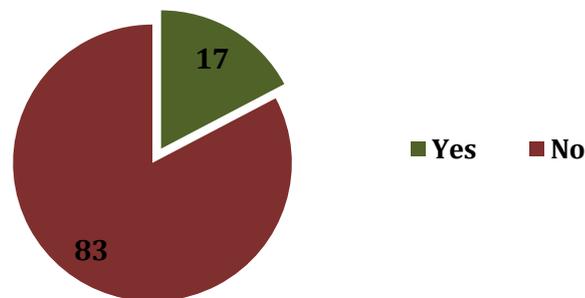
2019: Among the number of those encountering a problem, only 18 percent received any legal advice or legal help

Chart 3.24. While the problem was occurring, did you or anyone in your household receive legal advice or legal help from another person or group, for example, a local leader or an attorney?



2017: Among the number of those encountering a problem, only 17 percent received any legal advice or legal help

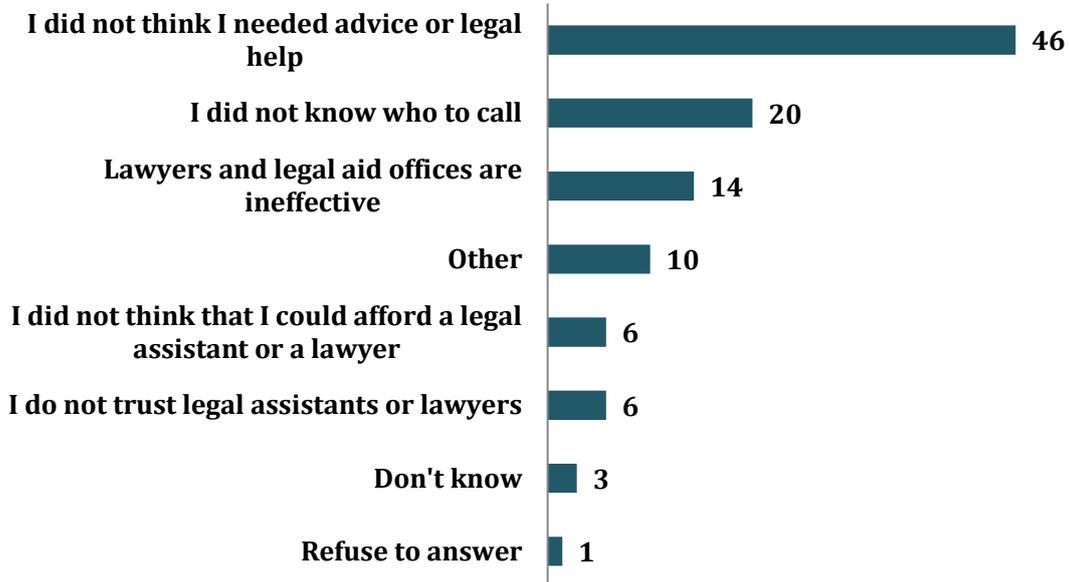
Chart 3.25. While the problem was occurring, did you or anyone in your household receive legal advice or legal help from another person or group, for example, a local leader or an attorney? (percentage of those respondents who reported having a problem)



As *Chart 3.26* shows, a majority of people who did not attempt to get legal advice or legal help either “did not think they needed” it or “did not know who to” turn to (46 and 20 percent respectively).

Most people who did not receive any legal advice or legal help mentioned they did not think they needed it or did not know who to call

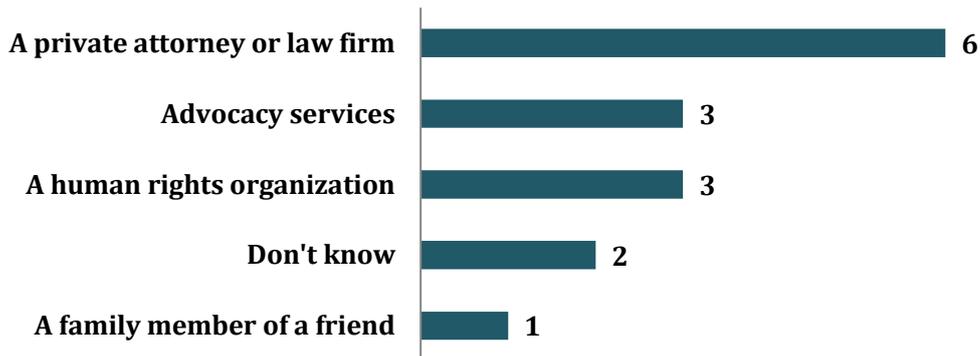
*Chart 3.26. Why didn't you attempt to get legal advice or legal help?
(percentage of those respondents who reported not having received legal advice or help)*



As shown in *Chart 3.27*, those who eventually received legal help typically went to a private attorney or law firm (43 percent) or an advocacy service or human rights organization (19 percent each). Relatively fewer people received advice from informal sources, such as family or friends, or a governmental legal aid office (14 percent altogether).

18 percent of the surveyed population received legal advice or legal help from HROs

*Chart 3.27. From whom did you or your household receive legal advice or legal help?
(number of cases)*

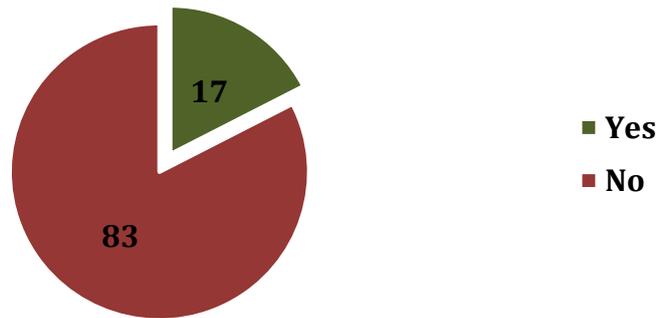


3.4.3 Access to Dispute Resolution Mechanisms

As shown in *Chart 3.28*, the vast majority of surveyed respondents (out of those who reported having a problem either themselves or in the household) reported not having contacted a person, group, or an institution to look for a resolution to the problem (83 percent). However, hypothetically, many more respondents (73 percent versus 17 percent) responded that they would go to a person, group or institution to look for a resolution to their problem (*Chart 3.28*).

The majority of those reporting having had a problem do not go to a person, group or institution to look for a resolution to their problem

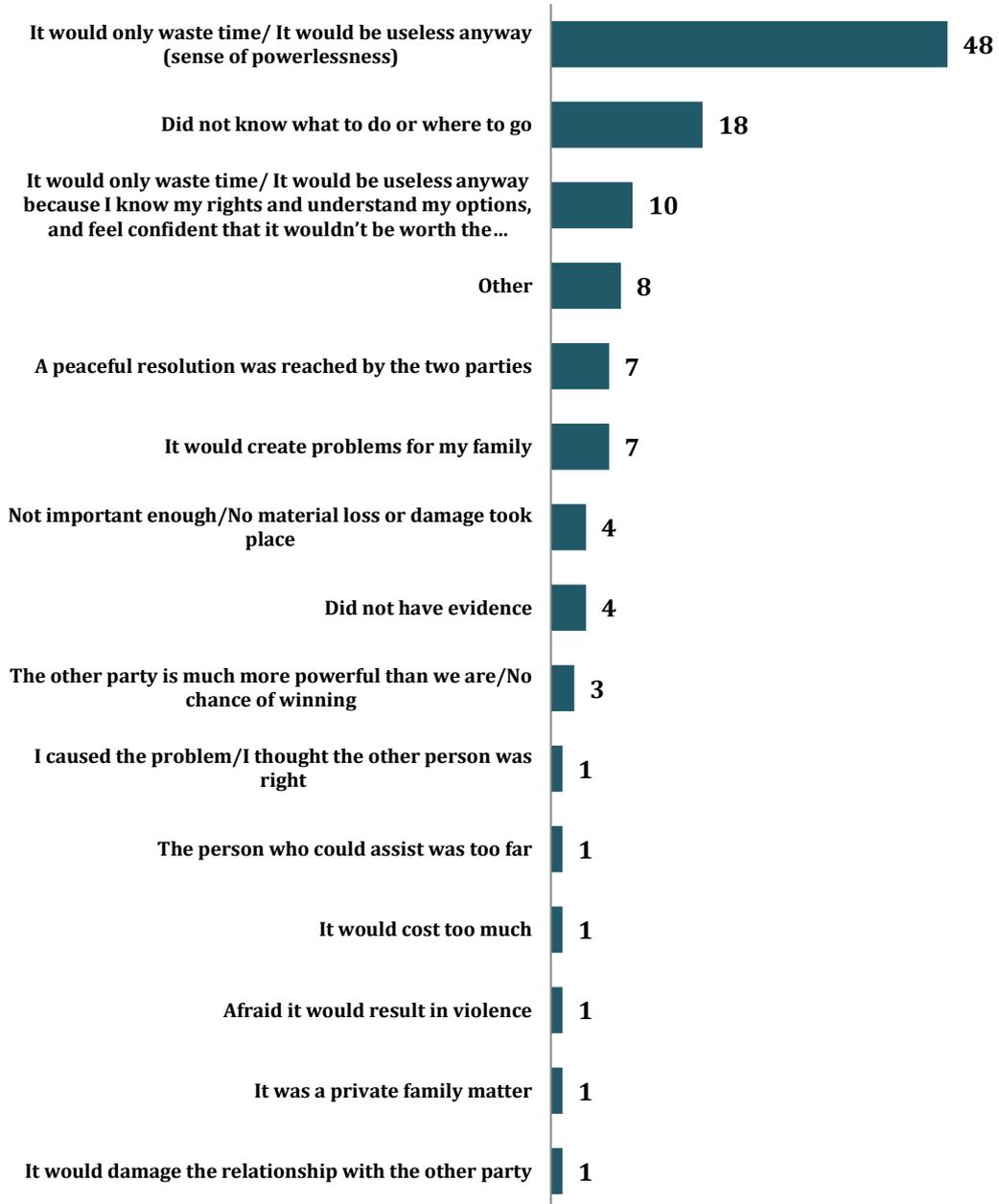
Chart 3.28. Did the respondent or a member of the household go to a person, group or institution to look for a resolution to his/her problem? (percentage of those respondents who reported having a problem)



In the following chart, 48 percent of respondents answered that they did not “go to another person, group, or institution to look for a resolution” to their problem because “it would only waste time/it would be useless anyway (sense of powerlessness).” 18 percent answered that they “did not know what to do or where to go.” 10 percent mentioned “it would only waste time/it would be useless anyway because I know my rights and understand my options, and feel confident that it wouldn’t be worth the trouble (sense of empowerment).”

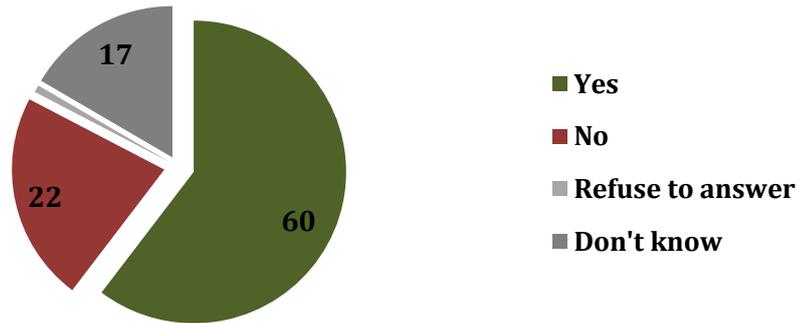
Among various reasons for not going to a person, group or institution to look for a resolution to their problem, 40 percent of surveyed population consider themselves as powerless

Chart 3.29. Why didn't you or your members of your household go to another person, group or institution to look for a resolution to your problem?



Hypothetically, people are inclined to think they would go to a person, group or institution to look for a resolution to their problem

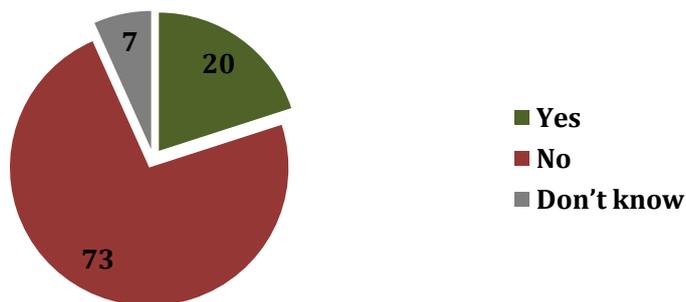
Chart 3.30. I'd like you to imagine the four hypothetical situations described above (Box 1) and imagine what you would do if you were in that situation. Would you go to a person, group or institution to look for a resolution to your problem? (percentage of those respondents who reported not having a problem)



A similar discrepancy was observed when respondents were asked about an additional person, group, or organization they turned or would turn to. According to *Chart 3.32*, 40 percent of respondents said they would take a problem somewhere else, but only 20 percent of those who reported having a problem actually did so. This again shows that when it comes to a real situation people encountering problems do not apply to HROs, while more people in theory would do this.

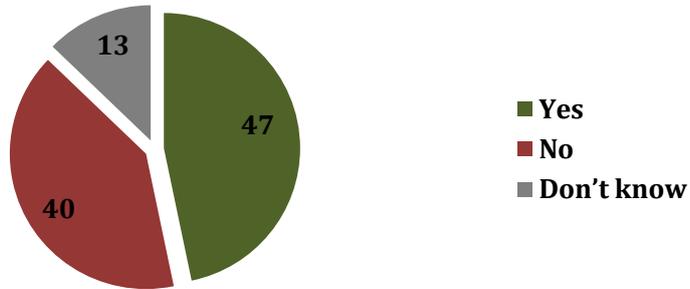
20 percent of respondents took the problem to more than one person, group, or institution

Chart 3.31 In addition to this person, group, or institution, did someone in your household, or the other party, take the problem somewhere else?



40 percent of the respondents would not take the hypothetical problem to more than one person, group, or institution

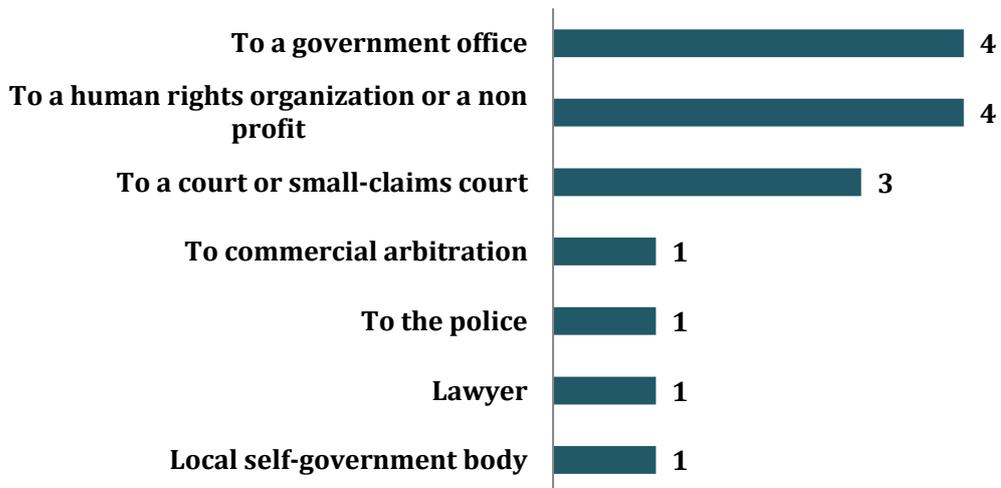
Chart 3.32. In addition to this person, group, or institution, would you take the problem somewhere else? (percentage of those respondents who thought they would go to a person, group or institution to look for a resolution the problem)



The charts below show that in an imaginary or hypothetical situation, people would think about the HRDO as the first instance that they would apply for help, perhaps due to the name of the office and the relatively higher level of trust shown toward the organization. It can be hypothesized that when encountering problems in real life, people associate the concrete problem with a concrete body or informal third-party to which they could apply directly. This said, that concreteness of the encountered problem shifts the attention of people to those subjects or parties that they think would provide appropriate solutions to their exact problems.

The HRDO, courts and government offices are the first choices when Looking for a resolution to a hypothetical problem

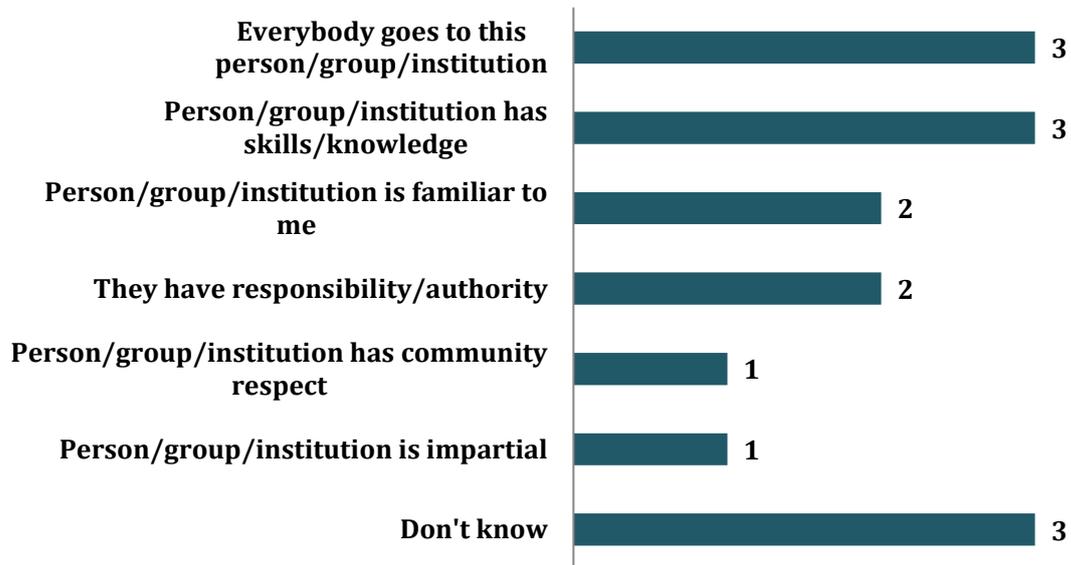
Chart 3.33. Where would you take the problem, if hypothetically had one? (percentage of respondents who thought they would go to a person, group or institution to look for a resolution the problem)



The choice of a given institution to apply to was mostly determined by its reputation and perceived skills or knowledge (Chart 3.34).

Reputation and persons/groups/institutions' skills/knowledge are the main determinants of choosing the person, group or institution

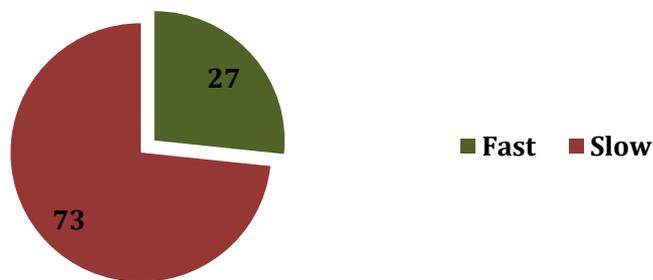
Chart 3.34. What was the main reason why you or someone in your household decided to go to this particular person, group, or institution instead of going somewhere else? (number of cases)



As shown in Charts 3.35-3.38, most respondents who chose to take the problem to a person, group, or institution thought the process was “slow” (73 percent), but relatively “cheap” (53 percent). A high percentage of “don’t know” answers in the question about cost might indicate that people have a vague idea how much those services typically cost (51 percent). On the other hand, according to Charts 3.35-3.38, people who would seek a resolution of a problem thought the process would be “fast” but “expensive.”

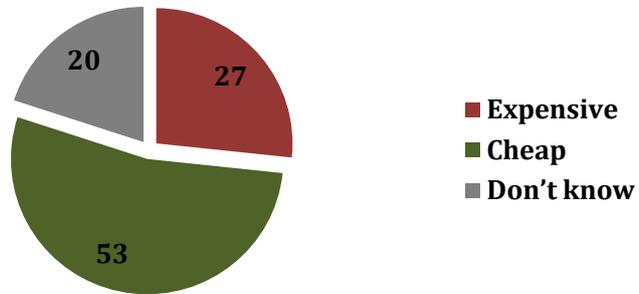
The number of those who consider the process as fast is not high

Chart 3.35. Do you think that the process was fast or slow? (percentage of those respondents who reported having received legal advice or help)



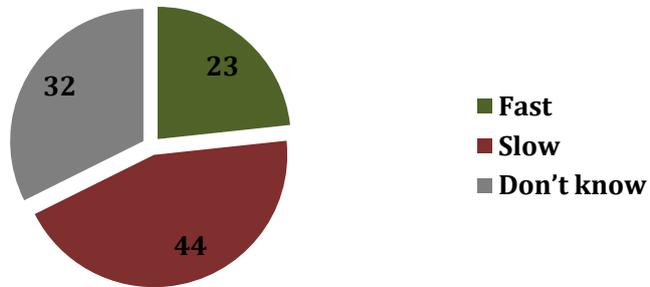
The number of those who consider the process as expensive is not high

*Chart 3.36. Do you think that the process was expensive or cheap?
(percentage of those respondents who reported having received legal advice or help)*



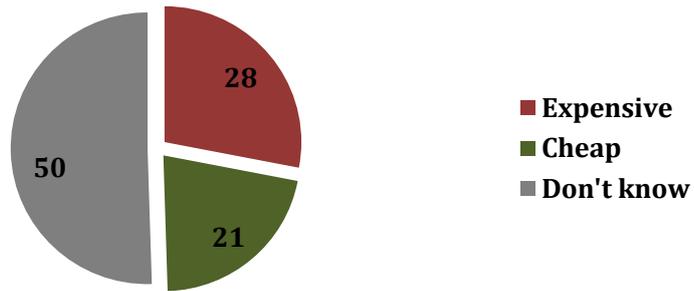
The majority of the respondents expected the duration of the process to be slow, unlike in real cases of actual occurred process

*Chart 3.37. Do you think that the process would be slow?
(percentage of those respondents who thought they would go to a person, group or institution to look for a resolution the problem)*



What people perceive the costs of the process to be in a hypothetical situation is not significantly differing from a real situation

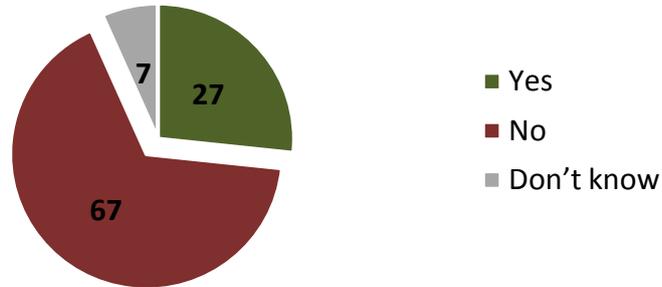
*Chart 3.38. Do you think that the process would be expensive?
(percentage of those respondents who thought they would go to a person, group or institution to look for a resolution the problem)*



3.4.4 Fair Procedure and Enforceable Remedy

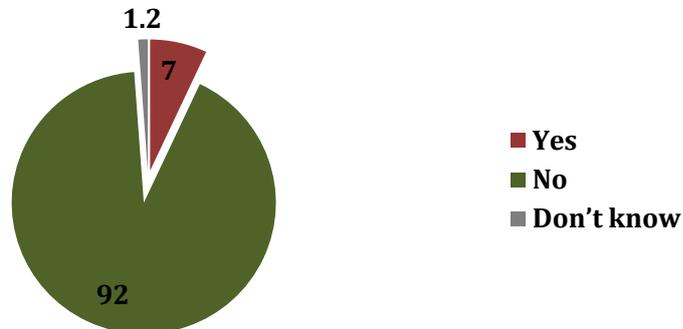
Only 27 percent of respondents who went through the resolution process thought, that regardless of the resolution, the process was “fair,” and 7 percent reported experiencing threats or physical violence from other parties (Charts 3.39-3.46).

A majority of surveyed respondents perceive the resolution process to be not fair
Chart 3.39. Regardless of the resolution, do you think that the process was fair?



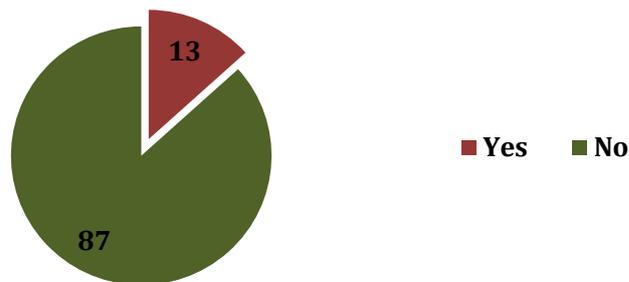
According to the chart below, in most of the cases, the parties involved in the problem did not resort to threats or physical violence during the problem or settling the problem.

In 7 percent of cases parties resort to threats or physical violence
Chart 3.40. Did any of the parties resort to threats or physical violence during the problem or in the process of settling the problem?

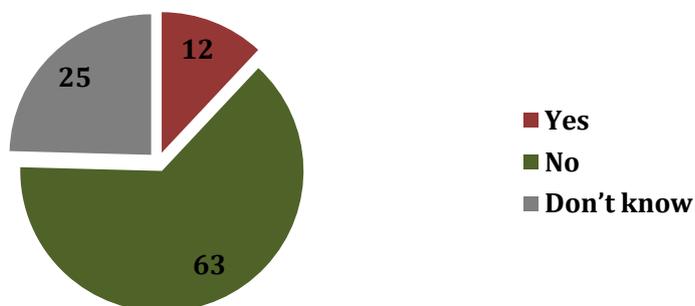


The charts below show that 12 percent of people would expect to be asked for a bribe. In actuality, 13 percent reported having been asked to pay a bribe.

In 13 percent of cases the respondent mentioned being asked for a bribe
Chart 3.41. During the process were you asked to pay a bribe?

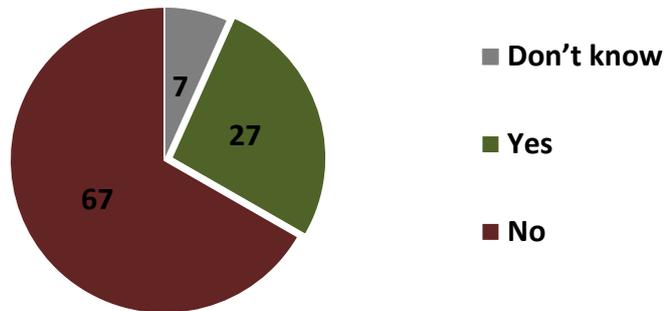


The expected level of corruption (being asked for a bribe) is relatively low among the surveyed population
Chart 3.42. Do you think that, during the process, you would be asked to pay a bribe? (percentage of those respondents who thought they would go to a person, group or institution to look for a resolution the problem)

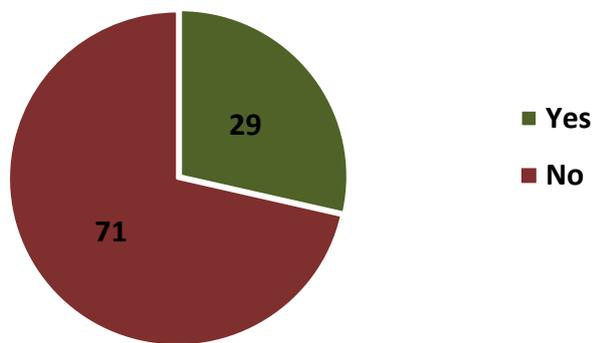


100 percent of respondents who went through the resolution process reported hoping to achieve a fair application of the law to their problem. As shown in *Chart 3.43*, in only 27 percent of cases did the institution come to a resolution of a problem. Moreover, only 29 percent of people thought the resolution was fair (*Chart 3.44*). In comparison, according to *Chart 3.45*, 58 percent of those who said they would seek a resolution would expect the resolution to be fair – still a low number, considering their reported concerns over expected costs.

Only 27 percent of cases reached a resolution for the problem
Chart 3.43. Did the institution come to a resolution for the problem?

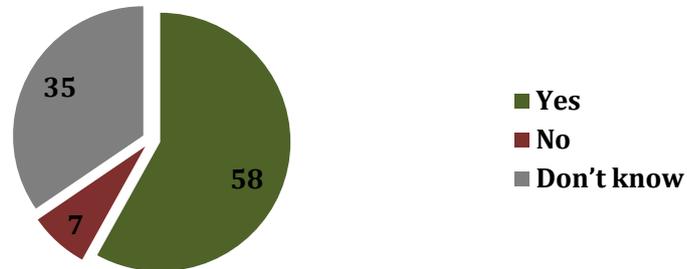


The majority of the respondents were unsatisfied with the fairness of the resolution
Chart 3.44. Do you think that this resolution was fair?



More than half of those not reporting a problem expect a fair resolution

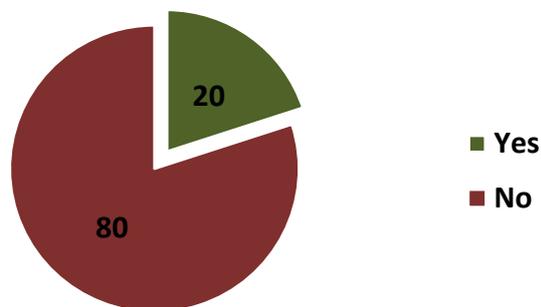
*Chart 3.45. Do you think that the resolution would be fair?
(percentage of respondents who thought they would go to a person,
group or institution to look for a resolution the problem)*



On the positive side, only 20 percent of respondents have had another issue with the same party after the resolution of a problem, as shown in *Chart 3.46*.

The share of those reporting to have another problem with the same party is low

Chart 3.46. Did you have another problem with the same party?



3.5 Barriers and Challenges Facing Vulnerable Populations

This section explores vulnerable groups in depth, namely: persons with disabilities, victims and survivors of domestic violence, persons whose right to medical care and life has been violated, and persons whose socio-economic rights have been violated. In the last two years the protection of the rights of these groups has seen both some improvement and the creation of new barriers, as compared to the baseline data.

3.5.1 Persons with Disabilities

As of July 2019, around 190,000 persons with disabilities were listed in the Medical and Social Expertise Agency's system. There were state initiatives which contributed to improvement of protection of rights of persons with disabilities. On the other hand they continue to face socio-economic issues, leading to poorer health and medical treatment, a lower quality of education, limited employment prospects, and restrictions on their movement.

Armenia is yet to adopt the Law on the "Protection of Rights and Social Inclusion of Persons with Disabilities."

Key Achievements in Protection of Rights of Persons with Disabilities over the Last Two Years

Representatives of organizations involved in the protection of disability rights express hope that the new government could make significant changes in the near future see the willingness of state authorities towards reforms in this respect. Despite the wide variety and severity of problems, specialists were even able to point to several positive changes over the last two years:

- The representatives of the new government are more open to discussing issues related to rights violations and are more ready to make positive changes in this field;
- Due to provision of equipment by certificates, persons with disabilities have gained an opportunity to choose the most appropriate option for themselves;
- Although the pension received by persons with disabilities remains low, the minimum monthly pension was raised from 16,000 AMD (roughly 34 USD) to 25,500 AMD (roughly 54 USD) in January 2019. An increase (even modest) in the pension is notable progress.
- The appointment of Zaruhi Batoyan as the Minister of Labor and Social Affairs has had a significant and positive effect on public perceptions of persons with disabilities, challenging widespread stereotypes whereby many people view disability as inability.
- The HRDO has upgraded its website and made it accessible for people with disabilities. The website now provides an opportunity to download an application through which public representatives can get notifications and updates from the HRDO. The website has been updated with a text-to-speech feature for people with disabilities, ensuring their access to information.

Key Barriers and Challenges for Persons with Disabilities

Although the representatives of the new government are more open to disability rights issues, the lack of established mechanisms for improvement and reform still hinders the protection of rights.

Even though the mandatory provision of equipment by certificates has allowed the persons with disabilities to choose the equipment they receive, the use of the certificate system forwards private service providers the personal data of persons with disabilities without their consent, violating their right to the protection of personal data.

Another issue related to service provisions is the procedure for obtaining certificates for physiotherapy courses. Though persons with disabilities are legally provided with an opportunity for two physical therapy sessions per year, long waiting times to receive certificates for therapy sessions result in many refusals by persons with disabilities to take advantage of the free therapy sessions to which they are legally entitled.

Ongoing issues with high levels of inaccessibility in public places and on public transport remain major, unsolved problems in this field.

Lack of Legal Awareness and Quality Legal Representation

Cases of rights violations rarely reach the court system due to several factors, including: the vulnerable social position and status of persons with disabilities; their lack of awareness of their own rights; a lack of access to human rights organizations; and a lack of lawyers who are trained in disability rights defense. The defined state fee for persons with disabilities who aim at legal advice exceeds the monthly pension for persons with disabilities, which continues to be a major obstacle.

Limited Access to Information

Many persons with disabilities have very limited access to information, including legal information about their rights and remedies. There is a lack of information available in accessible formats that would enable persons with disabilities to make informed decisions.

Lack of Access to Education for Students with Disabilities

The conditions needed to ensure that education is accessible and affordable for children and youth with disabilities are often lacking. Public transportation to educational institutions is still not widely available, and public places are rarely designed in an accessible way. The educational materials and qualified specialist staff members needed in special education are absent at many educational institutions in the country. Many persons with disabilities are unaware of their legally-guaranteed right to free education at both the vocational and higher educational levels in Armenia.

Inability to Move Freely

The absence of a stand-alone law on discrimination that is comprehensive enough to cover freedom of movement, including transport services, remains a vital, yet unaddressed, issue.

Lack of Equal Employment Opportunities

Persons with disabilities face serious employment problems. Persons with disabilities are constantly subjected to discriminatory attitudes and mistrust by employers. Employers remain largely unaware of the capabilities and abilities of persons with disabilities, question their capabilities, prefer not to hire them, and are unaware of existing laws encouraging employers to hire persons with disabilities.

Financial Vulnerability and Corruption

There are cases of rights violations of the rights of persons with disabilities in local medical stations and hospitals. Corruption, discriminatory attitudes, a lack of sensitivity, issues related to physical accessibility, problems with the availability of certain medicines, and delays in medicine delivery remain widespread. Accessibility of services for adults with disabilities who do not have caregivers of

their own remains a long-standing issue. The procedure for receiving a pension also poses risks for petty corruption, as the lack of ATM machines in many small towns and villages requires people with disabilities to visit a local post office to collect their monthly pension.

3.5.2 Victims of Domestic Violence: Protection and Access to Justice

Armenia's legal framework for the rights and protections of women is based on the Republic of Armenia Law "On the Prevention of Domestic Violence and Protection of the Victims of Domestic Violence and Restoration of Solidarity in the Family," which was approved by the National Assembly in December 2017. The law provides grounds for initiating prosecution against perpetrators of domestic violence, though the Criminal Code in its current form does not classify domestic violence as a crime. Since October 1, 2010 the Coalition to Stop Violence against Women has been uniting the organizations concerned with domestic violence issue in Armenia demanding a just investigation and prevention of incidents of domestic violence.

Key Achievements in Protection of Rights of Victims of Domestic Violence over the Last Two Years

The new government's appointment of several people who previously worked with the Coalition to Stop Violence against Women to prominent positions is a positive development leaving hope for positive changes.

HROs have continued raising awareness on the issue, as a result of which more and more women are aware of their rights and possible channels to access justice. Some HROs have even successfully created networks to combat domestic violence.

The HRDO has intensively raised public awareness on the issue over the last two years. The office has activated the network on the issue. The HRDO has disseminated numerous Public Service Announcement (PSA) among the general public, CSOs, media.

Key Barriers and Challenges for Victims of Domestic Violence

Legislative Shortcomings

One key challenge for victims of domestic violence is ongoing legislative shortcomings. According to those interviewed, the relevant laws lack mechanisms for application and enforcement. Likewise, training activities for police officers and staff members of state human rights bodies were still reported by HROs to be incomplete and insufficient.

Lack of Institutional Capacity and Judicial Efficiency

Interviewees report that victims of domestic violence are often not provided timely assistance, and perpetrators are often not punished in a timely manner. These problems are compounded by the fact that the police, the primary state body to which victims of domestic violence apply, has no clear strategy for domestic violence prevention.

Problems relating to non-responsiveness and ineffectiveness extend beyond the police. Representatives of human rights NGOs mentioned that they often receive no responses from the HRDO when they apply with cases of torture or other cruel, inhumane, or degrading treatment.

Likewise, judges charged with investigating cases of domestic violence often do not have the appropriate professional qualifications or background in domestic violence cases. The judiciary suffers from a lack of specialized judges in general, meaning that domestic violence cases are often investigated exactly as other criminal cases would be handled.

Lack of Legal Awareness

Interviewees suggest that the majority of victims of domestic violence in Armenia have limited knowledge of their own rights under the law. The complex legal terminology employed in such cases makes raising legal awareness more difficult. Oftentimes, victims of domestic violence are not familiar with the relevant organizations to which they can apply, or the legal consequences they can expect from doing so.

Harmful Social Stereotypes

The issue of domestic violence remains a taboo topic in the Armenian society. It is known that families try concealing possible cases of violence and this mentality can extend even to state bodies. For instance, police officers frequently make comments like, “It is a family. That is how it should be in the family. You have to keep silent and obey.”¹ In many cases, it is considered disgraceful and shameful for victims of domestic violence to discuss the abuse they have faced, subjecting them to further psychological pressure.

Barriers to Accessibility in the Regions

The problems detailed above are more severe for victims of domestic violence living in the regions. For example, whereas a victim of domestic violence in Yerevan could easily afford the 100 AMD [roughly 0.20 USD] fee for public transport to visit a human rights organization, a victim of domestic violence in a region may not be able to afford several thousand AMD needed to quickly reach a regional capital of Yerevan and apply to a HRO or a shelter.

Moreover, patriarchal social values are more deeply engrained in the regions than in urban centers, and even if a woman uses public transportation to reach a HRO, she may be recognized by others in her community. Given the rural family structure, she may need to ask for money or disclose her intention to leave for the capital or another central location, which will in turn again disclose her intention to apply for a HRO.

In fact, NGO representatives have reported that one new challenge has emerged in the past two years: in November 2018, the post-revolutionary government declared a general amnesty, freeing hundreds of prisoners, including perpetrators of domestic violence cases. One woman (who was interviewed over the base-line assessment) whose abusive husband had been freed as part of the amnesty has appealed to the European Court of Human Rights to review the case. At present, proceedings are ongoing.

3.5.3 Military Conscripts’ Rights

Military service in Armenia is an obligation for all male Armenian citizens (who are deemed fit for service) upon reaching age 18 and lasts for a period of two years. Mandatory military service is regulated by the Republic of Armenia Laws on “Military Service”, on “Conscription”, and on “Defense.” The protection of servicemen’s rights and freedoms during conscription and military

¹ Field research materials (FRM), lawyer, 18.06.2019.

service is one of the most pressing issues in Armenia's human rights landscape today and **intersects with issues related to the rights of persons with disabilities, the right to medical care and life, the right to justice, and socio-economic rights.**

Key Achievements in Protection of Conscripts' Rights over the Last Two Years

- The most tangible result of the 'Velvet Revolution' in this sphere has been the rapid reduction in the number of deaths in combat conditions (i.e., ceasefire violations), as compared against previous years. According to the Peace Dialogue NGO, only two out of the 21 fatalities recorded in the army during the first six months of 2019 were due to ceasefire violations. For comparison, 23 of the 66 recorded fatalities in 2017 were due to ceasefire violations.² An HRO representative attributes this change to agreements reached between the governments of Armenia and Azerbaijan in September 2018.
- Moreover, human rights NGOs report a newfound willingness among Ministry of Defense officials for cooperation. For instance, working meetings have been held between members of the Ministry of Defense and representatives of HROs.
- Draftees with mild mental retardation, are no longer conscripted into military service. However, the composition of military medical commissions has largely not changed, meaning that misdiagnoses may still continue.
- Finally, HROs mentioned that the number of applications from conscripts regarding rights violations has increased over time as draftees become increasingly aware of their rights and improved their legal consciousness in this field.

Key Barriers and Challenges in Protection of Conscripts' Rights

Rights of Persons with Disabilities

There have been recorded cases where persons with disabilities were drafted into the military service. Representatives of HROs reported that fitness studies are often conducted in an incomplete way, particularly as it relates to mental health issues. A lack of affordable medical services means that men often discover their health problems only when tested for fitness for conscription. Moreover, the Ministry of Justice has the final authority to make a decision regarding conscription when two or more doctors' conclusions on fitness are in contradiction.

Right to Justice: Lack of Institutional Capacity and Judicial Efficiency

Interviewees report that the investigation of cases is rarely completed in a timely manner due to case overloading in courts. In many cases, investigations tend to be carried out in a way that is biased in favor of military officers. Military officers often enjoy impunity in cases of rights violations, especially in cases of torture. Representatives of HROs have reported that the Ministry of Defense has a history of directing investigators to cover up rights violations.

Socio-Economic Rights: Barriers to the Accessibility of Justice in the Regions

The problems detailed above are more severe for conscripts living in the regions, of lower socio-economic status, or with lower levels of education. For instance, the issues relating to the right to medical care described above are oftentimes most acute for conscripts in poorer financial situations. Likewise, legal consciousness and awareness of one's rights under the law tend to be lower among

² Peace Dialogue NGO [online]. Available at: <https://safesoldiers.am/> [accessed on 05.07.2019]

groups of lower socio-economic status. The HROs that participated in this study emphasized that a conscript's poor financial situation was often reported to be a major barrier in that conscript's ability to access justice mechanisms.

Other Barriers to the Accessibility of Justice

Unwritten and informal rules, norms, and 'organizational culture' in the armed forces can hinder the quest for justice. National and sexual minorities face social exclusion and severe mistreatment. Violations of the presumption of innocence in the armed forces are widespread. For instance, conscript deaths are often officially reported as suicides.

Finally, legislative shortcomings persist. For instance, in cases where potential draftees win their appeals against the Ministry of Defense, the legislation, in its current form, does not envisage material or non-material compensation for plaintiffs.

3.6 The HRDO

The HRDO was established as a state institution in 2004 to protect and promote human rights, and its establishment has been a significant step toward systematic human rights protection and promotion in Armenia.³ The Republic of Armenia Law “On the Human Rights Defender” was adopted on 21 October 2003 and entered into force on 1 January 2004.⁴ The HRDO was also recognized as a National Preventive Mechanism under the Optional Protocol to the Convention against Torture.⁵ According to the Association for the Prevention of Torture, NPMs are state-level institutions mandated to conduct regular visits to places where persons are deprived of liberty and to publish annual reports on torture prevention issues in the country in question.⁶ The HRDO’s core functions include: monitoring; publishing research, recommendations, and opinions; complaint handling; legal assistance; advising the government, parliament, and other public bodies; supporting the work of human rights defenders; cooperation with civil society organizations; promoting human rights education and conducting training sessions; and conducting awareness-raising activities.⁷

Since the ‘Velvet Revolution,’ the HRDO has reported receiving an increasing number of applications,⁸ which is most likely related to improved trust by citizens toward state institutions and a reinvigorated willingness by the state to provide solutions for social issues. The revolution has not influenced the HRDO’s level of independence, which is already quite high, even by international standards.

The number of thematic coordination meetings with state agencies and non-governmental counterparts has grown since the revolution. Capacity-building training sessions for NGOs and advocacy groups and meetings with journalists take place regularly, with a particular focus on the issues of working on and reporting about sensitive subjects, namely disability rights, domestic violence, and LGBT issues.

When prioritizing issues, the HRDO considers both human rights concerns that have persisted in the long term and political and social issues of the day. Aside from receiving and reviewing complaints, the HRDO conducts public monitoring to formulate its monthly and annual priorities. The fact that the HRDO has a separate department for issues in the armed forces reflects a priority there. Otherwise, the HRDO is also prioritizing anti-discrimination and domestic violence, given the ongoing discussions of the ratification of the Istanbul Convention. In fact, as a preemptive response, the HRDO is currently organizing campaigns focusing on women’s rights and anti-discrimination. From this perspective, it can be seen that the work of the HRDO can be influenced by political and public processes. New priorities include transitional justice, reforms in judicial system, and the introduction of a system for juvenile justice.

Given the large number and broad scope of issues to handle and institutions to supervise, the education and specialization of the HRDO’s staff members is of paramount importance. The HRDO is currently considering opening divisions and involving specialists and experts outside of legal circles

³ [European Network of National Human Rights Institutions.](#)

⁴ RA [Law “On Human Rights Defender”.](#)

⁵ Constitutional Law of The Republic of Armenia on Human Rights Defender, available at: <http://www.ombuds.am/en/legislation/the-law-on-the-ombudsman.html>.

⁶ Association for the Prevention of Torture, <https://www.apt.ch/en/national-preventive-mechanisms-npms/>

⁷ European Network of National Human Rights Institutions, The Human Rights Defender of the Republic of Armenia (December 19, 2017), available at: <http://www.ennhri.org/The-Human-Rights-Defender-of-the-Republic-of-Armenia>.

⁸ The section from here to 3.8 is based on field research materials (FRM), Representatives of the HRDO, 01.08.2019.

to address specific groups with vulnerabilities, such as the elderly, children, women, military conscripts, sexual minorities, and persons with disabilities.

Though the HRDO already sends delegations to the regions of Armenia frequently, the HRDO has an incentive to open representative offices outside of Yerevan in order to become more accessible. The HRDO works to disseminate informational materials and flyers among the public to inform citizens of their rights and the process for applying to the HRDO.

In addition to the high number of individual cases that the HRDO receives directly, the HRDO is also automatically attached to any cases that are submitted to the police or to the Ministry of Social Affairs. Moreover, other state bodies occasionally ask for the HRDO's opinion before implementing a new policy, which both demonstrates the HRDO's trustworthiness and high level of professionalism and contributes to the HRDO's very high workload. As a result, the HRDO deals with high expectations and an overreliance on its services by many stakeholders, including other state bodies, NGOs, and the general public. To that end, the HRDO is also conducting awareness-raising campaigns to inform other state institutions where to best refer for advice and case precedents.

In recent years, much debate has revolved around the idea of establishing separate ombudsmen for various prioritized issues. However, such a division of areas and responsibilities would likely prove difficult, as there are many areas of overlapping interest. For this reason, as well as the additional financial burden on the state of doing so, the Venice Commission has recommended that the government of Armenia not proceed with the establishment of separate ombudsmen. Rather, the government should focus on opening HRDO representation in all of Armenia's regions.

Sufficiently and efficiently addressing the needs and expectations of state bodies, NGOs, and the general public remains the biggest challenge the HRDO faces today. Doing so requires the HRDO to exercise diligence and caution in addressing sensitive cases, particularly where civil society and the general public expect the HRDO to criticize the actions of other state bodies. The vast amount of work that the HRDO is expected to complete—monitoring of state bodies, awareness-raising among stakeholders, holding thematic coordination meetings, and providing legal guidance, among many others—forces the HRDO to be thorough and practical when collaborating with other actors, particularly on cases involving sensitive topics or where the HRDO's public image is at risk.

3.7 Judiciary

Judicial reform has been one of the most prioritized topics of discussion in post-revolutionary Armenia. The draft strategy of legal and judicial reform has been emphasized by the representatives of the Ministry of Justice and has been presented as the first step in the government's judicial reform efforts.⁹ The strategy is meant for guideline for adopting new legislation governing the proper functioning of the judiciary. However, the Ministry representatives have also emphasized that legislation does not always translate into concrete changes in behavior, meaning that the judiciary itself must also change its functioning. Only then will widespread public trust in the judiciary – the ultimate goal of the government's reform program – be possible.

The key aspect of the government's judicial reform efforts is the establishment of a fully independent, impartial, professional, transparent judiciary that enjoys widespread public trust and whose functioning is in full compliance with EU and Council of Europe norms and standards. Both local Armenian and international expertise is needed in order to achieve this goal.

⁹ This section is based on the notes from roundtable discussion on the draft strategy of legal and judicial reform for 2019-2023 that took place on 10 September 2019, Yerevan.

Aside from the establishment of a fully democratic judiciary (as described above), the Ministry of Justice representatives have emphasized the following reforms as government priorities:

- Establishing a “transitional justice commission” with a fact-finding mandate to investigate corruption and human rights violations in Armenia prior to the ‘Velvet Revolution’ of April-May 2018, with a particular focus on investigating the events of 1 March 2008.
- Supporting anti-corruption efforts, particularly as they relate to the ongoing privatization of state-owned assets.
- Preventing gender-based violence, ensuring women’s access to justice, supporting women’s participation in public life, and ratifying the Istanbul Convention.
- Preventing torture and ensuring the right to life for all Armenian citizens.

Ministry of Justice representatives have seemed genuinely open to constructive criticism, and it seems that they truly want to understand the perspective of CSOs and HROs.

3.8 Political and Economic Foundations of Realization of the HRDO Core Mandate

This section takes a closer look at key political, economic, social, and cultural factors and trends that form the overall context for realization of the core mandate of the HRDO, attempting to understand underlying set of conditions.

The HRDO’s activities are regulated by the amended Constitution of the Republic of Armenia (2015), which envisages the HRDO’s functions and powers, the election of the Human Rights Defender (HRD or Ombudsman), and safeguards for the activities of the HRDO. The changes relate to the procedure for the candidacy of the HRD, the mandate of the HRDO, financial, personal and institutional guarantees for the HRDO and HRD, and the HRDO’s overall structure. As a result of these reforms, the position of the HRDO has been significantly strengthened.

Four people have held the position of HRD since the establishment of the HRDO in 2004: Larisa Alaverdyan (2004-2006), Armen Harutyunyan (2006-2011), Karen Andreyan (2011-2016), and Arman Tatoyan (2016-present).

The information and data presented in this analysis are taken from public sources, including interviews, speeches, reports, and statements by HRDO staff members and other national and international institutions and actors.

3.8.1 Foundational Factors: Post-Revolutionary Prospects

Following the ‘Velvet Revolution’, the newly-formed parliament and cabinet members appear inclined to be more reactive and receptive to the HRD’s speeches and actions than under previous administrations.

Former HRDs have allegedly faced retaliation for their work, including severe remarks and responses to their “uncomfortable” official statements and reports, including on personal level.¹⁰ Indeed, it is worth mentioning that none of the three former HRDs have completed the six year term of their office. The first HRD was dismissed from the post (with a sort of “ill-founded” rationale that the procedure for the HRD’s appointment and election had changed); the second HRD left for a different position in UN (explaining that he could not turn down such an opportunity); the third HRD simply

¹⁰ See, for example: <https://www.youtube.com/watch?v=UV3SdmZ8gLM>, <https://www.youtube.com/watch?v=iypQRyoetIE>, <https://armtimes.com/hy/article/75223>.

resigned (stating that “the institution’s activity cannot be effective in such circumstances any longer”). Moreover, at some point, they have all alleged pressure on them by ruling political figures.¹¹ In 2010, the UN Human Rights Special Rapporteur urged the Armenian government to “recognize the role of the Ombudsperson [HRD] as an important actor within Armenian society” and characterized the HRD’s work climate as “difficult” for effective operation.¹²

On the other hand, the perception of the HRDO by the general public, as well as by international organizations and civil society organizations (including NGOs and mass media organizations), has changed in positive ways during the last two years. The increasing number of complaints issued to and handled by the HRDO¹³ and wider cooperation between the HRDO, on the one hand, and NGOs and international organizations, on the other, are key indicators of growing trust in the institution.

The HRDO’s activity is funded from the Republic of Armenia state budget. In addition, the HRDO builds on cooperation with international donor organizations to receive indirect financial support, particularly for the joint organization of conferences, seminars, workshops, and trainings, as well as for the production and dissemination of human-rights-related publications and other materials.

In terms of cooperation with international organizations, the HRDO is actively involved in different projects funded and/or implemented by relevant United Nations offices (UNDP, UNFPA, UNICEF, UNHCR, etc.), the European Union, the Council of Europe (European Court of Human Rights, Human Rights Commissioner, Ministers, Committee, etc.), USAID, and foreign embassies operating in Armenia.¹⁴ From a structural perspective, there is a special Division of International Cooperation within the HRDO coordinating collaboration with international stakeholders.

The HRDO has also enhanced its collaboration with civil society organizations. In particular, two bodies were established by the HRD to provide expert support to the institution: the Expert Council for the Prevention of Torture and the Expert Council on Issues Related to the Human Rights of Armed Forces Personnel. Both bodies are NGO-inclusive, enjoying the representation of the most active human rights defenders and activists in their respective areas.¹⁵ The HRDO also has a designated Unit of Public Relations, which is the organization’s main contact point with journalists.

The HRDO covers all the directions of protection of human rights in the whole country. The HRDO fulfills its broad mandate by the advancement of legislation (the provision of legal opinions on draft legislation, the development of draft legislation, etc.), the investigation of individual complaints, the detection of systemic human rights issues, recommendations toward resolutions of human rights violations, the promotion of human rights education, conducting regular site visits to closed and semi-closed facilities (including upon the HRDO’s own initiative), and the provision of legal advice to complainants and the public. The HRDO has a special focus on the protection of the human rights of vulnerable groups, such as conscripts, persons deprived of liberty, children, and persons with disabilities. These prioritizations derive both from the statutory commitments of the HRDO and various human rights challenges continuously pending on the groups mentioned above.¹⁶ In

¹¹ See, for example: <https://a1plus.am/hy/article/10261>, <https://www.youtube.com/watch?v=e6aQuM3DUFk>, <https://www.azatutyun.am/a/2294870.html>, <https://www.azatutyun.am/a/27494525.html>, <https://galatv.am/hy/137011/>.

¹² [UN, Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Armenia, 23 December 2010](#), para. 22.

¹³ [Human Rights Defenders Annual Report, 2018](#): 10.754 complaints were addressed to the HRD in 2018 compared to 6.417 in 2017 and 5.113 in 2016.

¹⁴ [Human Rights Defender’s Annual Report, 2018](#), pp. 35-44.

¹⁵ [Expert councils adjunct to HRDO](#)

¹⁶ [Human Rights Defender’s Ad Hoc Reports](#)

addition, the HRDO enhances its activity related to the protection of the human rights of the population inhabiting frontline areas and other areas affected by Armenia's ongoing military conflict with Azerbaijan. The HRDO has conducted a number of visits and fact-finding missions to villages in Armenia near the border with Azerbaijan to highlight the main challenges of the population there.¹⁷

The HRDO is given a mandate to protect the human rights and fundamental freedoms of any person in Armenia, regardless of race, nationality, language, age, sex, religion, social status, sexual orientation, or other personal or social characteristics. Anybody is entitled to lodge complaints with the HRDO. Remarkably, legislative amendments were made in 2018 to entitle the relatives of persons deprived of liberty, members of the armed forces, minors, and other vulnerable group to lodge complaints to the HRDO as well.¹⁸ The only exception covers public officials, who can apply to the HRDO for protection only in their personal capacity, but not in an official one. Private entities and NGOs retain the privilege of applying to the HRDO as well. However, the HRDO's activity is not limited to acting upon complaints. HRDO investigations of human rights violations can also be based on the HRDO's own initiative if it is believed there is an urgent need to intervene for the protection of human rights. Protection by the HRDO is free of any charges to all applicants seeking legal help.

3.8.2 Rules of the Game: Operations and Developments

The Republic of Armenia Constitution and Constitutional Law "On the Human Rights Defender" (hereafter, the Constitutional Law) comprise the core regulatory framework for the HRDO's operation. The Constitutional Law was adopted in 2016 after the passage of the Armenian constitutional referendum in 2015. The Constitutional Law defines the powers, procedure, and guarantees for the activities of the HRD, the procedure for the election and termination of the HRD, the HRD's powers, the peculiarities of the legal status of persons holding state service positions within the HRDO's staff, and the mechanisms for their appointment and dismissal.

The HRD is an independent official who observes the maintenance of human rights and freedoms by public and local self-government bodies and officials, and, in cases prescribed by law, also by organizations. The HRD also facilitates the restoration of violated human rights and freedoms and works to improve normative legal acts related to human rights and freedoms.¹⁹

According to the Constitutional Law, the HRD will:

- Be entrusted with the mandate of the National Preventive Mechanism provided by the Optional Protocol (adopted on 18 December 2002) to the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- conduct monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child (adopted on 20 November 1989) and ensure the prevention of violations of the rights of the child and children's rights protections; and,
- conduct monitoring of the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities (adopted on 13 December 2006) and ensure the prevention of violations of the rights of persons with disabilities and protect human rights in this area.

The HRDO executes its mandate by:

- Investigating and resolving complaints;

¹⁷ [Human Rights Defender's Report on Fact-Finding Mission in Chinari Village](#)

¹⁸ [Constitutional Law "On Human Rights Defender of RA"](#), article 16, para. 4.

¹⁹ [Constitutional Law "On Human Rights Defender of RA"](#).

- Conducting monitoring, site visits, and fact-finding missions and developing reports with detailed recommendations;
- Helping draft and encouraging the advancement of legislation, bringing cases before the Constitutional Court, and initiating legislative amendments;
- Raising human rights awareness and advocating for human rights protections through the production and dissemination of documents and other materials; and,
- Providing legal opinions to national and international judicial stakeholders.

The HRD is elected for a term of six years by the National Assembly upon his or her recommendation from the relevant parliamentary standing committee. There are a number of legal guarantees to secure the HRD's independence and the effective implementation of the functions vested with the HRDO. One of the very basic principles is envisaged in Article 6 of the Constitutional Law, which states that the HRD may not, during his or her term of office and thereafter, be prosecuted or held liable for the activities carried out as part of his or her mandate, including for opinions expressed at the National Assembly. Criminal prosecution against the HRD may be instituted, and he or she may be deprived of liberty only upon the consent of the National Assembly, by at least three-fifths of the total number of legislators. Furthermore, the HRD may only be deprived of liberty without the consent of the National Assembly if caught in the act of committing a criminal offence or immediately thereafter. The HRD may not, during his or her term of office and thereafter, furnish explanations or be questioned as a witness with regard to applications or complaints addressed during his or her term of office, the essence of documents obtained during examinations or considerations, or the decisions rendered by him or her. Correspondence, phone conversations, postal messages, telegram messages, and other forms of communication used by the HRD related to the exercise of his or her powers are subject to monitoring only by a court decision upon a motion by the Prosecutor General, and only if related to the need to prevent or detect grave or particularly grave crimes.

The Constitutional Law also stipulates several guarantees for the activities of persons holding office within the HRDO and experts involved with the National Preventive Mechanism (NPM). When criminal prosecution is instituted on any ground against a person holding office within the staff of the HRDO or an expert of the NPM, or in cases where he or she is in any way deprived of liberty, the body conducting the proceedings will be obliged to promptly inform the HRD, immediately after obtaining data about the person in question.

Furthermore, only upon the written consent of the HRD may persons holding office within the staff of the HRDO and experts of the NPM furnish explanations or be questioned as witnesses with regard to the essence of applications or complaints addressed to the HRD or decisions rendered by the HRD based on examinations or provide them to other persons for familiarization.

In line with other constitutional guarantees, the Constitutional Law provides funding and social guarantees for the HRDO's activities. The Constitutional Law states that appropriate funding will be ensured at the expense of the funds of the state budget for the smooth operation of the HRDO. In other words, the budget of the HRDO constitutes a part of the state budget. The activities of the HRDO and the NPM are to be funded from the same budget line. A key element of the provisions regulating the provided funding is that the amount of funding allocated from the state budget to the HRDO, as well as to the NPM, cannot be less than the amount provided the year before.

The HRDO receives assistance from state and local self-governing bodies. The Constitutional Law states that central and local self-government bodies, organizations, officials, or representatives are obliged to provide the HRDO with the necessary materials, documents, information and clarifications — free of charge and within the shortest length of time possible — and otherwise assist in the

HRDO's activities. The HRD, within the scope of his or her powers, enjoys the right to priority reception at state and local self-governing bodies, organizations, officials, and representatives. State and local self-government bodies, organizations, officials, and representatives are obliged to guarantee the possibility of unimpeded and confidential communication of the HRD or his or her representatives with any person held in a place of deprivation of liberty. Conversations in private with the HRD or his or her representatives are not to be subject to intervention or wiretapping. Moreover, complaints and other documents addressed to the HRDO, as well as requests or other documents sent to the HRDO, are not subject to verification or censorship. Such documents must be sent to the HRDO without delay upon receipt by relevant bodies or organizations, no later than 24 hours after receipt.

Another assurance for the operation of the HRDO is the liability for obstructing the activities of the HRDO, which means that any interference, not provided for by law, with the activities of the HRDO are prohibited. It should be noted that obstructing the exercise of powers reserved for the HRDO by the Constitution and the Constitutional Law, as well as threatening the HRD or insulting or displaying clearly disrespectful attitude toward him or her will entail criminal liability. Failure to provide the materials, documents, information or clarifications requested by the HRD within the deadlines prescribed by Constitutional Law will entail administrative liability.

3.8.3 The Here and Now: Revolution and Post-Revolution

Since 2018, Armenia has witnessed a wave of unprecedented social-political changes, which put the HRDO in a complicated position in terms of effective operations. All of these major events contained human rights-related components, which could not and should not have fallen beyond the HRDO's attention. Notably, the HRDO did not refrain from active interference in any occurrences with assumed violations of human rights, even some of those considered by general society as "unpopular." This balanced and purely professional approach to politically-sensitive issues seems to have contributed to a positive change in the HRDO's image and reputation overall. As previously mentioned, recent developments in Armenia opened new prospects and challenges for the HRDO's activity. In April, 2018 Nikol Pashinyan, the leader of opposition party "Civil Contract" started a march from Gyumri, a major city in northern Armenia, to the capital, Yerevan. The march was declared as a protest against the ruling Republican Party and the potential third term in power of its leader, Serzh Sargsyan. Pashinyan announced a plan is to commence a range of civil unrest actions, including by blocking roads and buildings and by generating a civil movement to end the governance of the ruling political actors.²⁰ Afterwards, in light of massive demonstrations in Yerevan and in other regions, Serzh Sargsyan resigned as prime minister on 23 April 2018,²¹ and Pashinyan was elected as prime minister by the National Assembly (parliament) on 8 May 2018.²²

Later on, Pashinyan's political party, the "My Step" alliance, won in snap parliamentary elections with around 70 percent of the votes. As a result, Pashinyan was elected prime minister by parliament and a new cabinet was formed. OSCE/ODIHR stated in their preliminary conclusions that the "early parliamentary elections were held with respect for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms. Open political debate, including in the media, contributed to a vibrant campaign, although cases of inflammatory rhetoric online were of concern. The general absence of electoral malfeasance, including cases of vote-buying and pressure on voters, allowed for genuine competition. The integrity of campaign finance was undermined by a lack of regulation, accountability, and transparency. Despite the

²⁰ [Protest march to Yerevan More details](#)

²¹ [Serzh Sargsyan's resignation](#)

²² [Prime Minister Nikol Pashinyan](#)

shortened timeframe, the elections were well-administered. Election day proceeded calmly and peacefully, with all stages assessed positively by almost all IEOM observers, indicating general adherence to the procedures.”²³ Though OSCE/ODIHR made some observations about the necessity of further improvement of electoral processes in Armenia in the final report, the overall assessment of the snap elections was overall more positive as compared to the previous elections.²⁴

The demonstrations during April were massive, leading to the use of force by the authorities. Many cases of arbitrary administrative detentions and usage of excessive force were reported by demonstration participants, civil activists, human rights defenders, and media representatives. Moreover, there were even cases of rights violations of journalists themselves. In addition to power abuse by police officers, assaults of demonstration participants were committed by gang groups, including violent acts and hate speech.

After Pashinyan’s election as prime minister on 8 May, criminal investigations were initiated regarding both the aforementioned human rights violations and cases of systemic corruption and other signs of abuse of power by a range of former and acting high- and mid-ranking officials. The most notable case so far has been the criminal prosecution initiated against former President Robert Kocharyan, who has been charged with overthrowing the constitutional order (punishable under Article 300.1 of the Republic of Armenia Criminal Code), as well as for corruption. The former charge derives from the forceful dispersal of assemblies by the authorities and tragic incidents occurring during and after anti-government protests in March 2008 following that year’s presidential election. In the same case, former Minister of Defense Mikhail Harutyunyan, former Deputy Minister of Defense Yuri Khachaturov, and former Chief of Staff Armen Gevorgyan were also included in the criminal proceedings and charged with different criminal offenses related to abuse of power.

Moreover, criminal prosecution was initiated against several other officials with corruption-related charges. Among them were former Head of Compulsory Enforcement Service Mihran Pogosyan (for power abuse and embezzlement), former Chief Bodyguard of the President Vachagan Ghazaryan (for illicit enrichment), retired general and Member of Parliament Manvel Grigoryan (for illegal possession of firearms and embezzlement), former Commander of the Police Force Levon Yerosyan (for violent abuse of power), and Mayor of the town of Masis Davit Hambardzumyan (for organization and participation in violent mass disorder). Notably, several judges were also arrested and charged with bribery within a short period of time. All these criminal proceedings are still ongoing at the moment.

Within the course of investigation in these cases, several rulings by the judiciary (mainly by judges appointed by former presidents) have caused strong dissatisfaction and protests by the public and members of acting government. Pashinyan addressed a speech to the public calling on concerned citizens to block court buildings and prevent judges entering their workplaces. In this context, five members of High Judicial Council (HJC)²⁵ resigned including Head of the HJC and former Chair of Constitutional Court Gagik Harutyunyan. In light of these events, the concept of transitional justice and the vetting of state officials appointed by previous authorities and still holding their positions, is being increasingly promoted by both the ruling political elite and civil society organizations.

The post-revolutionary government adopted a comprehensive program in 2019 that defines the strategic directions and priorities of the new administration. The program declares the importance of shaping a competitive and inclusive economy in compliance with the highest technological, industrial and environmental standards within the upcoming five-year period. To achieve this step,

²³ [OSCE/ODIHR International Election Observation Mission preliminary conclusions](#)

²⁴ [ODIHR Election Observation Mission Final Report](#)

²⁵ High Judicial Council is an independent body that ensures independence of courts and judges.

critical emphasis is put on: the insurance of external and internal security in Armenia and Nagorno-Karabakh (Artsakh); the improvement of people's well-being through the establishment of necessary preconditions for the protection of human rights, free creativity, and free and dignified living; the continued development of democracy and democratic institutions, rule of law, and equality of all before law; the establishment of a truly independent judiciary with effective mechanisms for checks and balances; the improved accountability and transparency of the government, including fights against corruption; the separation of politics and entrepreneurship; and the promotion of foreign investments and fight against poverty.²⁶

Another remarkable development during the post-revolutionary period is the ratification of a Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one hand, and the Republic of Armenia, on the other hand (hereafter, CEPA).²⁷ In the period from April 2018 to July 2019, 14 EU member states ratified CEPA.²⁸ CEPA is a comprehensive document that envisages wide-ranging cooperation between the EU and Armenia in areas including security, business development, financial stability, employment opportunities, education, environmental protection, and, perhaps most importantly, strengthening democracy and human rights. The agreement sets up an independent Civil Society Platform composed of Armenian and EU organizations, which will monitor the implementation of the agreement and may make recommendations to the Armenian authorities and to the EU in this regard.²⁹

The HRDO has made tangible efforts to ensure the protection of human rights along the course of extraordinary processes occurring in the country described above. The HRDO was involved in the monitoring of the demonstrations from the very beginning. The HRDO has operated in a 24/7 schedule since the commencement of massive demonstrations calling for mutual respect of human rights by all the involved parties during the events.³⁰ The HRDO has continuously conducted visits to police stations to make sure the observance of the human rights of demonstration participants by providing legal advice, registering cases of alleged human rights violations, and preventing occurrence of such violations on the spot, as possible.³¹ Moreover, human rights violations of demonstration participants were described in the HRDO Annual Report following the revolution.³²

Additionally, the HRD has officially expressed his deep concerns about the growing prevalence of hate speech (including on digital platforms), particularly toward human rights defenders and attorneys.³³ In light of official statements and announcements regarding criminal investigations with the involvement of the former high-ranking officials mentioned above, as well as overall public tension toward the accused persons, the HRD has not refrained from emphasizing the importance of respect toward the fundamental principle of presumption of innocence.³⁴ With the same approach, the HRD has paid visits to the places of deprivation of liberty of Robert Kocharyan³⁵ and Manvel Grigoryan,³⁶ followed by official statements on their conditions. Last but not least, the HRD has not hesitated in expressing his concerns regarding Pashinyan's call to block the court buildings by

²⁶ [RA Government Program](#)

²⁷ [CEPA](#)

²⁸ [CEPA ratification details](#)

²⁹ [CEPA overview](#)

³⁰ [HRD's statement on the events in Yerevan](#)

³¹ [HRD's statement on visits to police stations](#)

³² [Demonstrations and human rights violations](#)

³³ [Condemnation of hate speech by HRD, In protection of attorneys](#)

³⁴ [HRD on respect of presumption of innocence](#)

³⁵ [HRD's visit to former president Robert Kocharyan](#)

³⁶ [HRD's visit to former president Manvel Grigoryan](#)

emphasizing the importance of adherence to safeguards in the operation of the judiciary and judges.³⁷

In parallel with the measures mentioned above taken in respect of human rights protection during drastic changes in the country, the HRDO has operated on in its usual directions as well. The HRDO has conducted its visits to penitentiaries, asylums, and child care institutions, publicizing a number of ad hoc reports on the situation in these closed or semi-closed institutions. Recommendations were created to improve the protection of the human rights of these vulnerable groups following monitoring visits by the HRDO.³⁸ Protection of the human rights of persons with disabilities has also been under HRDO scrutiny, with a guideline recently developed on such rights.³⁹

The HRDO has also kept a due focus on human rights issues considered more “sensitive” in Armenia, including gender-based and domestic violence and the rights of sexual minorities. The HRDO has played significant role in both the promotion of the concept of combating gender-based violence and raising awareness of this phenomenon in Armenia. Despite high pressure and negative reactions from “conservative” actors relating to the promotion of the concept of gender-based and domestic violence (e.g., opposition to Armenia’s ratification of the Istanbul Convention), the HRDO has been constantly highlighting the issue and the urgent necessity of addressing it.⁴⁰ In this capacity, the HRDO has produced guides on the human rights of victims of domestic violence⁴¹ and has held trainings and seminars for state officials dealing with such cases, including judges, prosecutors, and investigators. A widely-reported 2018 attack of LGBT persons in a village in Syunik Region (southern Armenia) was another incident that did not fall beyond the HRDO’s attention. At the time, the HRD not only condemned the ill treatment of LGBT persons,⁴² but also formed a working group to visit the village and investigate the incident.⁴³

The HRDO’s activities have been praised by a range of international organizations and civil society representatives. UN representatives, the U.S. State Department, the Commissioner for Human Rights of the Council of Europe, other bodies connected with the Council of Europe, the EU delegation in Armenia, and many other representatives of the international community have expressed their high appreciation of the HRDO activities in the protection and promotion of human rights in Armenia.⁴⁴

3.8.4 Dynamics: Promotion of Human Rights and Access to Justice

Having laid out concerns over the perception of the HRDO by Armenia’s society and political elite above, it would make sense to discuss appropriate measures that could be taken to further raise awareness of the mandate, powers, role, and tools of both the HRD and the HRDO as an institution. Such measures could be achieved by further production and dissemination of informative materials (booklets, posters, audiovisual materials, etc.) and holding informal briefings, meetings, and discussions with political actors and civil society organizations.

³⁷ [HRD’s statement on blocking courts](#)

³⁸ [HRD’s ad hoc reports](#)

³⁹ [Guideline on human rights of persons with disabilities](#)

⁴⁰ [HRD on violence against women](#), [HRD on discrimination against women](#)

⁴¹ [Guide on human rights of DV victims](#)

⁴² [HRD on incident in Shurnukh](#)

⁴³ [Working group dispatched to Shurnukh](#)

⁴⁴ [United States State Department Country Report on Human Rights Practices: 2018](#), [PACE co-rapporteurs on HRDO](#), [Head of EU delegation on HRDO](#), p. 43 etc.

From a legislative point of view, as already mentioned above, the position and guarantees of the HRDO have been strengthened due to many new provisions stipulated in the Constitutional Law. Nevertheless, there are some issues that need to be resolved to cover present legislative gaps and to empower the HRDO further.

First, the promotion of human rights should be explicitly stated in the Constitutional Law, at the very least, as one of main pillars of the HRDO's activity. According to the Paris Principles,⁴⁵ one of two pillars of the activity of human rights institutions is the promotion of human rights. Yet, neither the Constitution nor the Constitutional Law explicitly ensure this critical direction of HRDO activity.⁴⁶ Meanwhile, in reality the HRDO takes significant steps in this direction, including in the production and dissemination of brochures, posters, educational materials and in conducting training and organizing seminars for both public officials and civil society organizations. The explicit provision of this pillar would result in the official acknowledgment of the HRDO by state agencies, public officials, civil society organizations, and public in general, with a subsequent extension of financial and human resources.

The HRDO would benefit greatly with additional resources. Extension of both financial and human resources seems to be logical and fair in light of the widened mandate, as described above. Regardless of the budgetary guarantees enshrined in the Constitutional Law, the HRDO would better perform with more funds for various directions to be covered under their mandate. Budget extension would foster the HRDO's proactivity in monitoring and awareness by helping fund exercises for the government and civil society organizations, as well as ensuring more effective human rights protection overall. Increased funding could help establish local HRDO offices in all regions of Armenia and recruit more staff. Not only was the HRDO's mandate widened as per the Constitutional Law, but as statistics show, the quantity of complaints have also been continuously growing during recent years, including those from regions outside of Yerevan. In contrast, the staff onboarding rate has not been proportional to the increased workload volume. Moreover, when considering expanding human resources, gender balance and diversity inclusion at all levels should be considered. Last but not least, increased funding could allow for the HRDO to move its headquarters to a larger and more accessible premises in the capital, a significant step for the HRDO's further empowerment.

From a structural point of view, it seems quite reasonable to have a separate unit within the HRDO dealing with the human rights of persons with disabilities. With the entrusted mandate to monitor the observance of the human right of persons with disabilities, the HRDO will need to institutionalize this new pillar. Furthermore, the HRDO's activity toward the protection of human rights of armed forces personnel must be continuously evaluated and improved upon. In particular, possibilities for strengthening the guarantees for designated staff should be considered on legislative level, taking into account, firstly, their access to classified information. As for the HRDO's regional offices, their operations should be aimed at guaranteeing the accessibility of the HRDO's protective services for all citizens in all regions of Armenia. The possibility of implementing such changes, of course, are connected with the funding constraints mentioned above, as the accomplishment of such changes will necessarily involve the lease of new premises and the recruitment and training of new staff.

The consistent support of international actors and civil society organizations is a critical component for strengthening the HRDO. This support includes the intellectual, material and financial, institutional, and political aspects of the HRDO's activities. International organizations and other institutions are best placed to provide assistance in terms of institutional and personal-capacity building, expert support in complicated human rights-related matters, and technical aid. That said,

⁴⁵ [Paris Principles](#)

⁴⁶ [Venice Commission opinion on Constitutional Law](#)

the HRDO also needs diplomatic support in difficult circumstances when facing non-professional and unfair criticism. Therefore, it is highly recommended that the HRDO is involved in all kinds of action plans developed on the country level. From this perspective, for instance, CEPA is a great opportunity to engage the HRDO in the implementation and monitoring of human rights-related initiatives. Having knowledgeable personnel at the HRDO could become a driving force for the institution's further success. Civil society organizations (especially NGOs and media representatives) can also play a leading part in the mission of HRDO empowerment. For NGOs, close cooperation with the HRDO in an exchange of experience and sharing of information will help bring about the formation of a firm coalition of state and non-state human rights watchdogs. Likewise, mass media organizations are encouraged to keep their eye on every step the HRDO takes. Both constructive criticism and accurate distribution of information of HRDO operations will contribute to the institution's improvement in the future.

The HRDO's impartiality, independence, deep expertise, and political neutrality are key cornerstones for the institution's effective operation and further development in the years to come.

4. Conclusions

Exposure to and Perceptions of Human Rights:

The end-line assessment showed positive dynamics in exposure and perceptions of human rights over the last two years. The following findings support such claims:

- The share of respondents who reported believing there is “some respect” for human rights in Armenia increased by around 25 percentage points. At the same time, the share of respondents believing there is “not much respect” decreased by around 10 percentage points, and the share of respondents believing there is “no respect at all” decreased around 20 percentage points.
- The share of respondents who reported considering that human rights had “definitely” been violated in three of the four hypothetical cases (of human rights violations) increased by around 10 percentage points. This demonstrates better understanding of human rights.
- From 2017 to 2019, the share of respondents who reported considering human rights organizations as “helpful” increased by around 5 percentage points, and the share of respondents who reported considering human rights organizations as “not helpful” decreased by around 20 percentage points. Likewise, the share of respondents who reported considering human rights organizations as “trustworthy” increased by around 5 percentage points, and the share of respondents who reported considering human rights organizations as “not trustworthy” decreased by around 20 percentage points.
- The share of respondents who reported either “fully trusting” or “rather trusting” the HRDO increased by around 20 percentage points.
- Levels of trust in nearly all state institutions increased dramatically. For instance, the share of respondents who reported either “fully trusting” or “rather trusting” the President increased by around 60 percentage points.
- The share of respondents who reported their household encountering a human rights-related problem decreased by around 5 percentage points.
- The share of respondents who reported “not thinking they needed advice or legal help” for their human rights-related problem decreased by around 5 percentage points.

Pathways to Justice:

- Nearly all of the interviewed HROs reported that representatives of the post-revolutionary government appear more open to discussing issues relating to violations of socio-economic rights, rights of persons with disabilities, and judicial reforms.
- The HRDO has upgraded its website and made it accessible for people with disabilities. The website now provides an opportunity to download an application through which public representatives can get notifications and updates from the HRDO. The website has been updated with a text-to-speech feature for people with disabilities, ensuring their access to information. This is an important first step towards access to information.
- HROs have continued raising awareness on the issue of gender-based violence, as a result of which more and more women are aware of their rights and possible channels to access justice. Some HROs have successfully created networks to combat domestic violence.
- Over the last two years, after the ‘Velvet Revolution’, a rapid reduction in the number of deaths in combat conditions (i.e., ceasefire violations) has occurred. HROs report a newfound willingness among Ministry of Defense officials for cooperation.
- The following issues still need to be addressed: levels of legal and human rights awareness; access to information, including legal information about rights and remedies; quality legal aid and representation; inequality and exclusion at various levels of society; financial and other forms of vulnerability; harmful behaviors and stereotypes; and support, especially via inclusive and sensitive policymaking.

- A major barrier to access to legal aid and legal help has been a lack of knowledge about whether people should seek assistance and, if so, where they should seek such assistance. Survey findings from 2017 and 2019 alike show that a majority of Armenians who reported having a human rights problem did nothing to resolve their problem, either because they did not think they needed to do so or did not know to whom to turn.

The Human Rights Defender's Office and the Judiciary:

- Over the last two years, the HRDO has reported receiving an increasing number of applications, which is most likely related to improved trust by citizens toward state institutions and a reinvigorated willingness by the state to provide solutions for social issues.
- The number of thematic coordination meetings with state agencies and non-governmental counterparts has grown since the revolution and over the last two years.
- Capacity-building training sessions for NGOs and advocacy groups and meetings with journalists take place regularly, with a particular focus on the issues of working on and reporting about sensitive subjects, namely disability rights, domestic violence, and LGBT issues.
- Though the HRDO already sends delegations to the regions of Armenia frequently, the HRDO has an incentive to open representative offices outside of Yerevan in order to become more accessible.
- Judicial reform has been one of the most prioritized topics of discussion in post-revolutionary Armenia. The draft strategy of legal and judicial reform has been emphasized by the representatives of the Ministry of Justice and has been presented as the first step in the government's judicial reform efforts.

5. Recommendations

- Quantitative data show that residents of Yerevan tend to have more negative perceptions of the state of human rights protections in Armenia and of organizations defending human rights than residents of other urban centers or of rural areas. That said, it is important to have decentralized efforts of addressing human rights and access to justice issues in the regions. Larger public awareness campaigns are recommended for Yerevan and more specialized and targeted activities and services are recommended for the regions.
- Quantitative data show that a minority of people who went through the resolution process for a human rights issue achieved a resolution for their problem or thought the resolution process was fair. However, the number of such respondents had been very limited in the survey sample. Relevant state bodies should continue working to ensure that Armenia's human rights landscape develops in a way that is democratic and in accordance with international standards, norms, and best practices encouraging people to first recognize violations of their rights and then apply for resolution.
- One theme that reinforces many problems with human rights identified in this report is the idea of 'traditional values.' Quantitative data and qualitative case studies demonstrate that rhetoric involving 'traditional values' is present in a wide variety of cases, especially in cases of domestic and gender-based violence to issues. It is clear that state bodies and other organizations working on human rights issues should make greater efforts to provide public education in order to correct misconceptions stemming from 'traditional values' discourse.
- The following populations in Armenia are among the most vulnerable in terms of human rights violations, and policymakers should focus particularly on ensuring their protection: people with disabilities, victims of domestic and gender-based violence, and youth (including servicemen in the armed forces).
- In the 2017 baseline survey, respondents most frequently reported associating the term "human rights" with women's rights protections. However, in the 2019 survey, the most-

frequently reported association was with free and fair elections (88 percent reporting associating “a lot” or “some” association). This clearly shows that popular perception is dependent on country context and that awareness-raising campaigns as well as mass media may play an important role in assuring that public has basic knowledge on human rights.

- In the lights of HRDO’s achievements, continued work on access to information and networking with HROs by the HRDO is recommended.
- Given the current state of affairs with human rights in Armenia, institutional capacity-building by HROs and active, productive networking between HROs should continue.
- The HRDO would benefit greatly from additional resources. Extension of both financial and human resources would seem to be logical and fair in light of the office’s widened mandate in recent years. The HRDO would benefit in distributing its resources among Yerevan and the regions, rather than focusing on the Yerevan office. The HRDO currently has offices in three out of ten regions. Ideally, the HRDO would establish offices in every region, such that rural populations do not face higher barriers to the access to justice than urban populations or residents of Yerevan do.
- The HRDO would also benefit from establishing separate units dealing with human rights protections of the most vulnerable groups in Armenian society today, particularly persons with disabilities, victims of domestic violence and armed forces personnel. In so doing, the HRDO would help institutionalize protections for such target groups.

6. Baseline Assessment in Relation to Cross-Cutting Outcomes and Results

To be added by the ABA ROLI Yerevan office.

Annexes

Note: See Annex 1 in the baseline report for the legal framework covering human rights in Armenia.

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