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The Human Rights Support Mechanism

The HRSM is a global, multi-year, USAID-funded program implemented by the PROGRESS consortium composed of Freedom House, ABA ROLI, Pact, Search for Common Ground, and Internews. To learn more about HRSM visit: <https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/human-rights-support-mechanism-program>

Objectives of the Study

The Study is in line with the [HRSM Learning Plan](#) and was conducted by the ABA ROLI in collaboration with Freedom House with the aim of filling the evidence gaps in the growing academic literature on the role of National Human Rights Institutions in pursuing justice.

Scope and Method

The study in Armenia was completed using literature review, 18 key informant interviews, and 13,039 online survey responses, and a stakeholder workshop to address the research questions below:

1. How does interaction with an NHRI or CSO change the way individuals move through their justice pathway?
2. Are there different points in an individual's justice journey that show where trust in state is increased or decreased?
3. What actionable strategies can NHRIs or CSOs take to strengthen the ability of NHRIs to seek justice for individuals who experience rights violations?

National Human Rights Institutions (NHRI) and their Interactions with Civil Society Organizations (CSOs)

Summary of Findings: Armenia



Human Rights Conditions

Despite the reforms and efforts to protect human rights, Armenia continues to face serious challenges in practice. Suppression of free speech and free press, violation of right to security, violation of right to equal pay, use of force during peaceful gatherings, serious problems of judicial protection of rights, discrimination

and social injustice, gross violations of economic and property rights, corruption and patronage have been and continue to be reported. Based on reports from various international organizations, the most common human rights issues in Armenia include inhumane and ill-treatment including torture in the armed forces and detention facilities; violations of the right to a fair trial; discrimination; violation of citizen's freedom of assembly; inadequate state response to violence and other human rights violations against certain vulnerable groups: children, women, persons with disabilities, the elderly, and persons belonging to minorities.

The Armenia Human Rights Defender Office (HRD)

The HRD was initially established in 2004 with amendments under the 2017 Law on the Human Rights Defender that operationalized the new human rights provisions in the 2015 Constitutional Referendum. The HRD is an independent national office, created to promote and protect human rights, monitoring instruments and report on human rights violations, and provide consultation and support to victims of human rights abuses. It is separate and different from the Office the Public Defender under the Chamber of Advocates, which is organized to provide free legal consultation and representation in civil, criminal, administrative and constitutional cases.

The Armenia HRD is comprised of a central office in Yerevan and 4 marz (regional) offices (in Shirak, Gegharkunik, Tavush, and Syunik). The fifth marz office is expected to open in early 2023 in Lori marz. Plans to open six new branches in the six remaining marzes are underway. The HRD regional offices formulate human rights violation related decisions locally and then submit those (electronically) to the HRD office in Yerevan for signing by the Ombudsman.

Core Functions of the HRD

- To investigate human rights abuses and take appropriate action, including filing complaints before the judiciary and pursuing litigation
- To raise awareness on human rights and human rights issues
- To monitor and report on human rights and freedoms conditions
- To monitor the implementation of international conventions

The Role of the Human Rights Defender (HRD) Office in Addressing Justice Needs

Complaints may be filed in written or verbal format by phone, Viber, in person at the HRD offices or online using steps in the HRD website. Complaints are reviewed and screened to determine admissibility of the complaint. After screening, the HRD may provide legal consultation or refer the case to a competent authority or other state body. A complainant may request to revert the case back for HRD support if no action is reported by the state body the HRD referred the case to. The HRD may decide to take the complaint into discussion (investigation) or not. When it takes the complaint into discussion, the HRD follows up with relevant state institutions and sends written requests for clarification and/or the state body to address the human rights violation. For active or inactive military personnel and their families who file complaints, the HRD assists in requests for medical aid, housing, pension, provision of corresponding records of participation in military action, and financial compensation for killed or injured soldiers. The HRD receives complaints from detained or incarcerated individuals or may investigate suspected cases based on its regular visits to detention facilities. Once the HRD concludes its investigation, the HRD renders a decision on the case and issues a public report.

The HRD reports indicate that the office most often received complaints regarding violations of labor rights (e.g. labor contracts, payments, working conditions, etc.), social protection rights (e.g. related to pensions and social benefits, disability status), rights of disabled people, property rights, and right to security (especially for people living in the zones bordering with Azerbaijan).

The Role of CSOs in Addressing Justice Needs

Most CSOs involved in human rights protection in Armenia have lawyers and/or advocates who specialize and are experienced in legal assistance for certain human rights cases in addition to other expertise like case management and psychology. According to CSOs and NHRI representatives interviewed, CSOs perform crucial roles in human rights protection through research on human rights incidence, investigation in human rights complaints, legal consultation/ advice, and direct correspondence with state bodies to exact accountability for verified violations. Sometimes a successful support case provided to a citizen by CSOs becomes a stimulus for a broader policy action.

HRD and CSO Interactions

The HRD and CSOs work together through various mechanisms that aim to strengthen collaboration. Many CSOs are part of public councils organized by the HRD's central office in Yerevan. Public councils are the main collaboration points between the HRD and CSOs. Five councils have been created, two of which have been formed recently by the current Ombudsman focus on children, youth and women's rights, and the three older councils focused on disability issues, military sector related complaints, and cases of torture. Second, the HRD has established a referral mechanism for sending cases to CSOs. Cases that are beyond the HRD's mandate are often referred to CSOs. CSOs also refer cases where support can best be provided by other institutions. For instance, CSOs refer complaints to the Public Defender Office (PDO) under the Chamber of Advocates, a different office from the HRD, when cases are elevated to the court and complainants require legal representation and advice. The Public Defender provides free legal consultation for civil, administrative-legal, and constitutional matters to vulnerable persons (as defined by law).



Individual Responses to Human Rights Violations

From the total responses of the online survey, 383 individuals from Armenia report that they or someone in their household experienced human rights violation/s in the last two year (21% of those surveyed). The most violated rights, according to the survey, are right to security, right to equal pay at work, freedom of speech, and right to protest.

A plurality of survey respondents who experienced a rights violation in their family (40%) indicated that the perpetrator was a state affiliated actor. 29% of respondents who have experienced human rights violations reported that their alleged perpetrator was government entities, 11% police, 13% other non-state person/office, and 11% employer/s. 22% indicated they could not identify the perpetrator.

Individuals who reported that they or someone from their household experienced human rights violations responded by reaching out to CSOs/NGOs, discussing the matter with a lawyer, filing a claim in court, leaving home or moving to another place. Of those who acted on the human rights violation they or someone in their household experienced, 32% said their situation stayed the same, 22% said their situation improved, and 10% reported that their situation has gotten worse. 37% do not know the results of their action.

The survey also asked respondents hypothetical scenarios to identify corresponding actions individuals should take in specific human rights conditions and the possible factors they may consider in making those choices.

Most respondents indicated that individuals should seek help from the HRD (13%), lawyers (12%), courts (11%), police (11%), and free legal aid provider/s (9%). 8% of respondents said human rights victims in scenarios provided should go to NGOs/CSOs. Respondents indicated that their choices were based on the following primary reasons: high likelihood of fair outcome (18%), likelihood of actionable help (15%), low price/cost (11%), and ability to provide safety (11%).

While women were more likely to indicate that they experienced a human rights abuse in the online survey, respondents were more inclined to believe that human rights violation scenarios featuring a male victim were more likely to happen in their communities, indicating a potential gender perception gap. For scenarios that featured a male victim, respondents were more likely to suggest that the victim seek help from courts or lawyers, compared to scenarios that featured a female victim. Conversely, for scenarios featuring a female victim, respondents were more likely to suggest that the victim should seek help from the police, compared to scenarios featuring a male victim.

Trust in the HRD

While the majority of respondents in the online survey (71%) found the HRD trustworthy, less respondents that have experienced human rights violation trusted the HRD compared to those who have not experienced human rights violations. This may indicate that experiencing a human rights violation deteriorates trust in the HRD. 57% of individuals who report that they or someone in their household experienced human rights violations in the last two years find the HRD trustworthy; while 80% of those who have not experienced human rights violations find the HRD trustworthy, showing a difference of 23%.



71%



The majority of respondents in the online survey (71%) found the Armenia Human Rights Defender Office (HRD) trustworthy.

Trust in CSOs

71% of respondents to the online survey indicated that NGOs/CSOs are trustworthy. Similar to trust in the HRD, personal or household experience of human rights violations in the past two years seems to decrease trust. 61% of those that reported that they or someone in their household experienced human rights violations in the past two years think that NGOs are trustworthy compared to 79% of respondents with no such experience. According to interviews, one factor affecting trust may be the longstanding presence of NGOs in Armenia and the support these institutions have provided people for many years to address human rights violations, including legal, psycho-social and other forms of aid.

Individual Experiences in Interacting with the HRD and CSOs

Interviews showed that individuals' trust towards the HRD and CSOs is based on their own experience or the experience of their friends, relatives or others who have dealt with these organizations and have received (or not received) the relevant support. Individual interactions with the HRD and CSOs depend on five factors: (1) the jurisdiction and the public reputation (trust) of the relevant institution; (2) awareness of citizens on those institutions and their services; (3) physical access to the relevant institution or its regional/branch office (if available); (4) the capacity of the relevant institution; and (5) willingness of an individual to raise his/her human rights violation complaint to these structures.

Interviewees indicate that there may be no linkage between individual trust towards the HRD and trust towards the state. According to these sources, people often turn to these organizations to protect their rights that have been violated by state/local authorities. In addition, the residents of Armenia have lower trust towards the present Government and the state bodies following the recent war with Azerbaijan as tensions on the borders of Armenia continue.

The online survey showed that 21-24% of respondents did not consider freedom from discrimination, freedom of speech, right to fair trial, right to life, right to vote among others, as rights. Consistent with this, CSOs and NHRI representatives interviewed highlight public awareness raising especially on human rights and NHRIs and CSOs/NGOs services are vital in ensuring continued access and trust. Physical access was also identified as a major barrier to accessing human rights protection services offered by HRD or CSOs as the HRD has one office in Yerevan and 4 regional offices (6 marzes without HRD presence) and few CSOs deal with human rights protection in the regions (some marzes may not have CSOs/NGOs at all).





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Recommendations Based on Findings

1

Address legal awareness of citizens on human rights and the institutions that could provide relevant support

The study provided some indication that the accessibility of HRD and CSO service may be hampered by public awareness levels about where to seek the necessary assistance based on their justice needs. Public awareness efforts could cover information about the scope and limitations of their services, their expertise, examples of support provided, and their contact information, and would be most effective if it focused on areas least reached by HRD and CSOs.

2

Expand the reach of the HRD including plans for adopting a collaborative mechanism with CSOs to extend support services in especially hard to reach localities

The CSO and the HRDs recognize that there are communities that may have less access to their services than others. Joint planning and resource sharing may allow for services to reach far flung areas in Armenia, aside from lobbying for support for satellite offices of the HRD in the 6 marzes where no human rights protection services are available.

3

Conduct a more comprehensive assessment of the human rights protection systems in the country

To directly assess the true level of access to human rights protection services especially of more vulnerable communities; to assess human rights violation detection rates (the number and types of human rights violations occurring in the country vs. the number and types of human rights violation cases reported and supported).

4

Improve the referral system from Public Defender Offices (PDO) to CSOs

Support to strengthening the referral systems and engaging in collaborative discussions may allow for CSOs and the PDO to supplement services or expertise to expand reach and capacity.

5

Support studies that seek to understand human rights violations and the nature of complaints

Especially those against various state bodies, and improve citizen services by making various services such as social benefits, pensions, disability status, etc. accessible and clear for the citizens. Furthermore, assessing human rights violation and atrocities risks may require systematic application of gender lens to address information gaps and challenges on the victim's justice needs.

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