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# NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION

## I. INTRODUCTION

The most important task of a democratic state under the rule of law is to guarantee, ensure and protect human and citizen's rights and freedoms. Human rights protection in the Republic of Armenia is a goal that all public administration bodies should strive to achieve by joint efforts. In this light, strategic planning and the establishment of specific actions by public administration bodies are vital for rights-based policymaking. Such strategic planning should focus on legal norms established under the Constitution of the Republic of Armenia and international law – on the one hand, and fair and comprehensive assessment of the human rights situation in the Republic of Armenia – on the other hand.

In this respect, the entrenched Article 3 of the Constitution of the Republic of Armenia, according to which the human being represents the highest value in the Republic of Armenia, and the inalienable dignity of the human being constitutes the integral basis of his or her rights and freedoms, is of great significance. The public authority is under the obligation to respect and protect human and citizen's rights and freedoms. The restrictions on the public power imposed by the basic rights and freedoms of the human being and the citizen as a directly applicable law are also of vital importance, as established under the same article.

Constitutional reforms of 2015 resulted in significant revisions of constitutional provisions related to human rights. Specifically, a distinction was introduced into the Constitution to separate the regulation of the basic rights and freedoms of the human being and the citizen from legislative guarantees in economic, social, and cultural domains and the regulation of the primary goals of the public policy (Chapters 2 and 3 of the Constitution respectively).

Concurrently, a number of fundamental rights were set forth in the Constitution that were not previously established in it, including the right of the human being to act freely (Article 39) and a number of principles regulating the restriction of fundamental rights, such as the principle of proportionality (Article 78), principle of certainty (Article 79), and inviolability of the essence of the provisions on basic rights and freedoms (Article 80).

The provision set forth in Article 81(2) of the Constitution is another essential constitutional principle, according to which the restrictions of basic rights and freedoms may not exceed the restrictions prescribed under international treaties of the Republic of Armenia.

The Republic of Armenia is a party to significant and important international agreements such as the International Covenant on Civil and Political Rights,<sup>1</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>2</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>3</sup> (including its optional protocol), the Convention on the Elimination of All Forms of Discrimination against Women,<sup>4</sup> the Convention on the Rights of the Child,<sup>5</sup> Convention on the Rights of Persons with Disabilities,<sup>6</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>7</sup> the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>8</sup> (hereinafter: European Convention), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment<sup>9</sup>, etc. Besides, Armenia has signed and ratified 62 Council of Europe conventions and adhered to another 9 partial agreements.<sup>10</sup>

The cooperation between the Republic of Armenia and the European Union is also vital in this area, particularly the EU-Armenia Comprehensive and Enhanced Partnership Agreement, along with the Armenia-EU Human Rights Dialogue platform. One of the goals of the above agreement is to expand the cooperation in the areas of freedom, security and justice to enhance the rule of law and the respect for human rights and fundamental freedoms. At the same time, the existence of a human rights platform allows the parties to discuss the progress in the area of human rights protection as well as to address the enhancement and expansion of the cooperation in other areas on an annual basis.

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<sup>1</sup> <https://arlis.am/DocumentView.aspx?DocID=18500>

<sup>2</sup> [http://www.un.am/res/UN%20Treaties/III\\_3.pdf](http://www.un.am/res/UN%20Treaties/III_3.pdf)

<sup>3</sup> <https://www.arlis.am/DocumentView.aspx?DocID=60506>

<sup>4</sup> <https://www.arlis.am/DocumentView.aspx?DocID=60505>

<sup>5</sup> <https://www.arlis.am/DocumentView.aspx?docID=60503>

<sup>6</sup> [http://www.un.am/res/UN%20Treaties/III\\_15.pdf](http://www.un.am/res/UN%20Treaties/III_15.pdf)

<sup>7</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=8&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=8&Lang=EN)

<sup>8</sup> <https://www.arlis.am/DocumentView.aspx?docID=20870>

<sup>9</sup> <https://www.arlis.am/DocumentView.aspx?docID=81174>

<sup>10</sup> <https://www.coe.int/en/web/conventions/>

Accordingly, since it is imperative to comply with international obligations in human rights, the implementation of the acts, recommendations and suggestions as well as the resolution of the issues addressed in regular and ad hoc reports from bodies operating under international agreements of the Republic of Armenia (European Court of Human Rights, Council of Europe, UN agencies, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Committee on the Rights of the Child) take on great importance.

The Constitution of the Republic of Armenia and its international obligations represent an essential foundation for developing and implementing public policies on the protection of human rights. Such approach is universally accepted: it is set forth in the Vienna Declaration adopted by the representatives of 171 UN member states on June 25, 1993<sup>11</sup> and in the Program of Action of the World Conference on Human Rights that specifically states that "the World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights."

Following this approach, Paragraph 1 of the governmental program<sup>12</sup> approved by the National Assembly of the Republic of Armenia on February 14, 2019, establishes the vital importance of the protection of human rights. Also, Paragraph 4.1 of the said governmental program describes the main policy approaches and priorities of the Government of the Republic of Armenia in the areas of justice, human rights protection, and equality before the law.

At the same time, apart from the governmental program, a number of area-specific strategies and programs are also aimed at improving the human rights protection, namely the 2017-2021 National Child Rights Protection Strategic Program and the Action Plan for 2017-2021,<sup>13</sup> the 2017-2021 Comprehensive Program on the Social Inclusion of Persons with Disabilities and its action plan,<sup>14</sup> the 2017-2021 Strategy for Overcoming the Consequences of Ageing and for Social Protection of the

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<sup>11</sup> <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>

<sup>12</sup> Approved by the decision number AZHO-002-N by the National Assembly of the Republic of Armenia dated February 14, 2019

<sup>13</sup> Approved by the Protocol Governmental Decree No. 30 dated July 13, 2017 by the Government of the Republic of Armenia

<sup>14</sup> Approved by the Protocol Governmental Decree No. 1 dated January 12, 2017 by the Government of the Republic of Armenia

Elderly and its action plan,<sup>15</sup> 2019-2023 Strategy and Action Plan for the Implementation of the Gender Policy,<sup>16</sup> etc.

At the same time, according to the action plan<sup>17</sup> to ensure compliance with the action plan for 2019-2023, over 20 strategic documents are planned for adoption that will be directly related to protecting and safeguarding individual rights. Thus, the 2019-2023 Strategy for Legal and Judicial Reforms of the Republic of Armenia and the deriving action plan have already been approved in October 2019 along with the 2019-2022 Anti-Corruption Strategy of the Republic of Armenia and the deriving action plan as well as the Strategy for Penitentiary and Probation System of the Republic of Armenia and the deriving action plan adopted in November 2019.

In the near future, the Development Strategy in the Area of Labor and Social Protection and the Five-Year Strategy for the Healthcare System of the Republic of Armenia will be adopted.

It must be noted that this Strategy and the deriving action plans do not aim to replace any existing area-specific strategies and/or action plans or to reproduce any actions included or to be included in them.

Along with individual area-specific strategic documents, the adoption of the National Strategy for Human Rights Protection and the deriving action plan for 2020-2022 is established as a separate item in the 2019-2023 action plan of the Government of the Republic of Armenia.<sup>18</sup>

## **II. CURRENT SITUATION**

Since its independence, the Republic of Armenia adopted a rather good national legislative framework in the area of human rights. Over the past two decades, the country became a member of a number of international and regional organizations, ratified an impressive number of international documents to guarantee and protect human rights and fundamental freedoms.

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<sup>15</sup> Approved by the Protocol Governmental Decree No. 20 dated May 18 2017 by the Government of the Republic of Armenia

<sup>16</sup> Approved by the Governmental Decree No. 1334 L dated September 19, 2019 by the Government of the Republic of Armenia

<sup>17</sup> Approved by paragraph 1(1) the Governmental Decree No. 650 L dated May 16, 2019 by the Government of the Republic of Armenia

<sup>18</sup> Item 42 in the list approved by paragraph 1(1) the Governmental Decree No. 650-L dated May 16, 2019 by the Government of the Republic of Armenia

However, the implementation of protective mechanisms set forth under the Constitution guaranteeing and securing human rights and assumed under international obligations still faces serious practical challenges since independence. Such challenges are related to the development level of democratic institutions and serious deficiencies faced by governments in developing and implementing their rights-based policies frequently leading to flagrant violations of political, civil, economic and social human rights. Regular falsification of election results, suppression of the freedom of speech and the freedom of the press, the use of force against peaceful assemblies, highly controversial judicial remedies, demonstrations of discrimination and social injustice, flagrant violations of economic and especially of property rights and finally the corruption and favoritism stand out among such violations.

The discontent and intolerance caused by all of the above led to a non-violent "Velvet" popular revolution in 2018; its peaceful nature became an important foundation and pledge for the establishment of governing bodies through free, fair and transparent elections and the creation of a rights-based administrative system.

The government formed in 2019 declared its top priority the restoration of the violated rights of the people and, most importantly, the development and implementation of an institutional and coordinated policy to guarantee and protect human rights.

Therefore, the priorities established under this Strategy are selected based on the principle of combination and mutual complementation with other area-specific strategies mentioned above developed by the Government.

In this respect, the problems that were in the spotlight of specialized international organizations over recent years have been analyzed and identified. Thus, both legislative and practical implementation issues related to human rights were regularly addressed by the UN Human Rights Council (primarily in its Universal Periodic Reviews), the UN Special Rapporteurs, the UN Committee against Torture, the European Committee for the Prevention of Torture, the European Commission against Racism and Intolerance, the Council of Europe Commissioners for Human Rights, the OSCE Office for Democratic Institutions and Human Rights, the US Department of State, Human Rights Watch organization, etc.

These international organizations identified the following serious problems with human rights in the Republic of Armenia:

- 1) Fatalities and ill-treatment (torture, inhuman or degrading treatment) in the armed forces and in correctional facilities; inefficient investigations of such incidents;
- 2) Inadequate conditions for exercising the right to a fair trial, serious suspicions related to the independence and impartiality of the judicial system, the public distrust of courts;
- 3) Inadequate steps to ensure atmosphere of equal rights and corresponding practices, and to fight discrimination on all grounds;
- 4) Disproportionate restrictions on exercising the freedom of assembly and extremely harsh response by the authorities,
- 5) Inappropriate response by the state to violence and other human rights violations against individual vulnerable groups such as children, women, persons with disabilities, the elderly and minorities.

#### **ASSESSMENT OF THE PREVIOUS STRATEGY AND ACTION PLAN**

Before this Strategy was adopted, Ordinance No. NK-159-N dated October 29, 2012 of the President of the Republic of Armenia on Approving the National Strategy for Human Rights Protection was the strategic document in the area of human rights protection. Based on the aforesaid Strategy, the Governmental Decrees of the Republic of Armenia No. 303-N dated February 27, 2014 and No. 483-N dated May 4, 2017 approved two derivative action plans of the said strategies: 2014-2016 and 2017-2019 respectively.

The above strategic documents played a significant role in developing and modernizing the human rights protection system, as evidenced by the reports of international organizations and other bodies.

These reports concurrently addressed the problem of the inadequate implementation of adopted documents, which – apart from the lacking political will – was due to serious deficiencies in institutional capacities, awareness, and education.

Besides, the activities under this program underwent various assessments specifying the following areas that needed improvement:

- 1) The documents failed to consider the vast majority of recommendations from the civil society, international obligations assumed by the Republic of Armenia including the recommendations of the United Nations Universal Periodic Review (UPR);<sup>19</sup>
- 2) Specific monitoring, assessment, and coordination mechanisms<sup>20</sup> were missing in the action plan with no indication of the action performance status;
- 3) Missing logical interlinks between the actions and international/constitutional obligations in the area of human rights;
- 4) Absence of a single reporting format.

In this context, it must be noted that the implementation of the derivative 2014-2016 Action Plan of the National Strategy for Human Rights Protection did not undergo a comprehensive evaluation by public administration bodies. The absence of accountability and assessment mechanisms was one of the factors obstructing its evaluation. In this respect, it is worth mentioning that the evaluation of the action plan was conducted by certain civil society organizations.<sup>21</sup>

The assessment of the implementation status of the actions provided in the action plan for 2017-2019 was conducted based on the reports from public bodies, the information and publications from the civil society representatives, and the results of independent evaluations. Once again, the evaluation of the results of the action plan was seriously hampered by faulty assessment and monitoring mechanisms and evaluation standards, as was also indicated in a number of reports by international organizations and independent experts. The absence of reliable and quality statistical data was an important measurability challenge.

Therefore, it must be noted that this evaluation was conducted with faulty verifiable standards in mind. An action to adopt a legislative instrument is evaluated as "completed" only if the relevant

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<sup>19</sup> [https://www.upr-info.org/sites/default/files/document/armenia/session\\_21\\_-\\_january\\_2015/upr\\_arm\\_mtr\\_eng\\_2018\\_.pdf](https://www.upr-info.org/sites/default/files/document/armenia/session_21_-_january_2015/upr_arm_mtr_eng_2018_.pdf)

<sup>20</sup> [https://eeas.europa.eu/sites/eeas/files/partnership\\_implementation\\_report\\_armenia.pdf](https://eeas.europa.eu/sites/eeas/files/partnership_implementation_report_armenia.pdf)

<sup>21</sup> <https://hcav.am/19-09-2016-01/>

legislative act is adopted by the Government or an authorized body of the Republic of Armenia or is approved by the Government of the Republic of Armenia in cases of bills. If a bill is developed and submitted to the Government of the Republic of Armenia but is not approved, then it is evaluated as "partially completed" since the goal of the action item cannot be considered to be achieved.

Based on the results of the evaluation and according to the final data for the first half of 2019, of 96 actions 43 were assessed as "completed," 43 were assessed as "partially completed," 9 were assessed as "not completed," 1 was modified and another one was considered expired.

It must be noted that the above evaluation also included the actions with specified implementation dates set after the second quarter of 2019.

Also, it must be borne in mind that a significant part of the actions for 2017-2019, i.e. 30 actions out of 96, had their implementation dates changed by the virtue of the Governmental Decree of the Republic of Armenia No. 954-N dated July 25, 2019; hence, such actions were shown as "incomplete" or "missing implementation" within originally set dates. Thus, this analysis gives a general idea of the inadequate implementation level of these two programs. It must also be noted that in order to provide a logical and continuous link between the actions approved under this Strategy and the past action plans, incomplete actions and important actions of previous years will be included in this and upcoming action plans.

### **III. POLICY OF GOVERNMENT OF THE REPUBLIC OF ARMENIA ON HUMAN RIGHTS PROTECTION**

#### **GUIDING PRINCIPLES OF THE STRATEGY AND DERIVING ACTION PLANS**

1. **Human-based and rights-based nature:** the concept of human rights as the highest value underpins this principle; therefore, this Strategy and the action plan aim to improve the legal welfare, security, and protection of all persons in Armenia, in accordance with universally

recognized international standards. Actions are grouped according to the rights protected, *inter alia*, in order to emphasize the link of each item with a human right.

2. **Transparency and accountability:** to ensure civil and democratic control, the information on the development of this Strategy and the action plan, their implementation progress and results will be accessible to the public.

3. **Participation and inclusiveness:** at all stages of the development of the strategy and the action plan, consideration will be given to the positions of all stakeholders, primarily, of the beneficiaries of human rights and protected groups, representatives of the civil society engaged in the human rights protection activities, international organizations and authorized public bodies that represent the main parties responsible for securing human rights. In addition, participation also implies continuous engagement and contribution of all role-players as part of the implementation of this Strategy and the action plan.

4. **Visibility and measurability:** this principle specifically applies to the action plans and implies that despite the state's demonstrated political will to resolve all issues of human rights, it primarily targets relatively urgent tasks bearing in mind the importance to allocate adequate time and funding, obstacles and the lessons learned from the implementation of the previous action plan. Also, actions are formulated with their measurability or countability in mind for clear monitoring of activities and the evaluation of their results.

5. **Continuous improvement:** this principle emphasizes the importance of viewing the Strategy and the action plans as “live documents.” This means that rather than being unchangeable documents cut in stone, they may and must be modified in line with the current developments, primarily the need to urgently respond to any issue arising in the area of human rights in a specific situation and at a specific time.

## **LONG-TERM GOALS OF THE STRATEGY AND DERIVING ACTION PLANS**

- 1) Efficient protection and safeguarding of human rights.
- 2) Implementation of a consistent public policy aimed at protecting and safeguarding the main rights and freedoms of the human being and the citizen guaranteed by the Constitution of the Republic of Armenia.

- 3) The improvement of protection mechanisms for political, civil, economic, social and cultural rights guaranteed by the international treaties of the Republic of Armenia in compliance with its international obligations and in consideration of the suggestions and recommendations from the bodies operating under international treaties on the protection of human rights.
- 4) Raising the public awareness of human rights and their protection mechanisms for public authorities, local governments and officials; promoting the protection of the rights for the society and citizens; dissemination of knowledge about human rights and their protection mechanisms through educational programs.
- 5) Outlining directions for a unified policy on human rights laying the groundwork for activities in the upcoming years.

In the context of these goals, the public administration bodies must take action to ensure and protect all rights guaranteed by the Constitution and international agreements by emphasizing the role of the education and awareness of human rights.

Furthermore, there are two levels of strategic planning within the human rights protection system: this strategy – with an overview of the situation and an overall vision that includes primary priorities and their respective action plans. This two-level system allows an overview of the human rights situation – on one level outlining the main goals of the state, defining methodologies and organizational principles needed to achieve these goals; on the other level, it allows defining clear activities for achieving these goals with measurable results.

Public administration bodies must consistently follow developments of human rights in their respective domains and present recommendations for improvement of this Strategy and the deriving action plan, specifically to introduce new and streamlined human rights protection mechanisms.

## **METHODOLOGY OF THE STRATEGY AND THE DERIVING ACTION PLANS**

This strategy adopts the following human rights protection methodology:

- 1) Priority evaluation of human rights and the necessary steps to allocate resources for the fulfillment of such priorities;
- 2) Improvement of legislation on human rights protection and safeguards along with creating the necessary conditions for their appropriate enforcement in compliance with international human rights standards;
- 3) Education and awareness-raising campaigns on human rights;
- 4) Establishment and enhancement of public mechanisms for the protection of human rights, including the Office of the Human Rights Defender, along with the capacity building of human rights protection organizations and other human rights protection mechanisms, the active engagement of the civil society organizations in activities aimed at achieving the strategic goals;
- 5) Coordinated activities by public administration bodies and other stakeholders during the implementation of this Strategy and its derivative action plans.

#### **IV. STRATEGIC PRIORITIES OF HUMAN RIGHTS PROTECTION**

In recognition of the importance of protecting and ensuring all rights guaranteed under the Constitution of the Republic of Armenia and international agreements and in fulfillment of this task, the following strategic priorities are outlined and distinguished for the situation at hand:

1. Protection of civil and political rights;
2. Protection of social and economic rights;
3. Ensuring equal rights and opportunities.

##### **1. CIVIL AND POLITICAL RIGHTS**

###### **1.1 RIGHT TO LIFE**

The right to life is a natural right of the human being, and its protection is a vital task of the state. First of all, the protection of the right to life implies preventive activities by the state aimed at safeguarding the security of human life i.e. the neutralization of attacks against human life. In case of attacks against

human life, the state bears the obligation to conduct an efficient investigation by promptly identifying the perpetrators and holding them accountable, by engaging the family members of the victims in the investigation and by providing fair compensation to persons under the tutelage of the state.

The strategy and action plan specifically target persons placed under the tutelage of the state and address issues related to the protection of the right to life for persons in life-threatening situations. Specifically, the first group includes military servicemen, imprisoned persons, and persons placed in closed or semi-closed institutions, while the second group includes survivors of domestic violence, mostly women. The state faces very serious challenges from fatalities caused by violations of military codebooks in times of peace, fatalities of imprisoned inmates including suicides, gender-based fatalities of women including homicides and suicides.

The human rights defenders of the Republic of Armenia, international organizations (including the UN Human Rights Council, the UN Committee against Torture, the Council of Europe Human Rights Commissioners, the Committee for the Prevention of Torture, the European Court of Human Rights, the US Department of State, etc.) and representatives of the civil society have consistently addressed these problems in their reporting documents. The action plan includes both preventive activities for violations of the right to life and measures for efficient investigations of such violations.

In this context, it is worth noting that actions 31-34 of the *Governmental Decree of the Republic of Armenia on the Approval of the 2019-2023 Strategy for Penitentiary and Probation System of the Republic of Armenia and its Implementation Action Plan for 2019-2023, the Formation of a Coordinating Council to Coordinate the Implementation of the Program and Organization Procedures* are aimed at preventing fatalities among persons deprived of liberty in penitentiary institutions.

As regards domestic violence and violence against women, the Governmental Decree of the Republic of Armenia passed in September 2019 *on the Approval of the 2019-2023 Strategy and Action Plan for Implementation of the Gender Policy in the Republic of Armenia* under its “Priority 5 – prevention of gender-based discrimination” provides procedures aimed at securing a comprehensive protection for female survivors of domestic violence. Also, it is planned to develop a strategy for fighting domestic

violence and its derivative action plan aiming to prevent and reduce domestic violence and violence against women.

Prevention and counteraction of violence against the elderly (persons of retirement age) that primarily aims at ensuring equal access to social services of equal quality.

The right to life is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 16 – "Significantly reduce all forms of violence and related death rates everywhere" (16.1).

## **1.2. PROHIBITION OF TORTURE**

The absolute prohibition of torture, inhuman or degrading treatment or punishment is a fundamental human right that has no reservation or exception. This means that no circumstance can justify torture, inhuman or degrading treatment or punishment including the corporal punishment of a human being.

The right to be free from torture also has both substantive and procedural legal aspects. This means that the state, on the one hand, bears the responsibility to secure the safety of persons at risk of violence or ill-treatment and, on the other hand, in case of violence against a person, it is under an obligation to conduct a targeted investigation without delay in order to identify the perpetrators and hold them to account.

It must be noted that despite legislative reforms of the past years against torture and their enforcement mechanisms, Armenia, in practice, still faces a number of legislative deficiencies and problems that prevent the full and efficient protection and safeguarding of this right. Similar recommendations addressed to Armenia by the United Nations Committee against Torture, the Committee for the Prevention of Torture and other international organizations demonstrate the ongoing nature of these problems and reveal the absence of targeted comprehensive solutions to tackle them. As the national torture prevention mechanism, the Human Rights Defender has repeatedly addressed the problems existing in this area in its annual and ad hoc reports.

It must be borne in mind that apart from the incidents reflected in the official statistics, numerous cases of torture may remain unknown. However, incidents of torture, which become known to the public, are also extremely concerning. Moreover, a part of them remains undetected.

In consideration of these issues, the action plans will include various steps aimed at filling the legislative gaps, enhancing efficient institutional prevention and investigation mechanisms, necessary logistics and capacity building for responsible stakeholders.

The strategy and the action plans will mostly focus on persons at risk of torture, primarily inmates. The protection activities will also target persons placed in closed and semi-closed institutions, children, persons with mental health problems, and the elderly.

The 2019-2023 Strategy for Legal and Judicial Reforms of the Republic of Armenia, the 2019-2023 Strategy for Penitentiary and Probation System of the Republic of Armenia and their derivative action plans provide a number of provisions and measures that address this vital issue.

In the context of the fight against torture, the role and the significance of the Human Rights Defender as the national preventive mechanism take on great importance.

The prohibition of torture is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 16 – " Significantly reduce all forms of violence and related death rates everywhere" (16.1).

### **1.3 RIGHT TO A FAIR TRIAL**

The right to a fair trial is another personal safeguard of legal security in any democratic society. This right refers to the examination of all kinds of cases – as part of civil, administrative and criminal legal interactions. Action plans primarily focus on the fair examination of cases in the criminal justice system considering the possibilities for severe human rights restrictions in that area. Incidentally, since the 2019-2023 Strategy for Legal and Judicial Reforms of the Republic of Armenia and the deriving action plan provide a set of comprehensive measures aimed at enhancing the judicial system and raising the

efficiency of judicial protection (including of organizational and administrative nature), this strategy and its first action plan primarily target steps aimed at streamlining pretrial criminal investigation proceedings. These measures aim to enhance the legislative basis for investigative and judicial proceedings directly related to human rights, to improve evidence collection practices, to promote the adversarial principle in pretrial proceedings and to build professional capacities for key players in proceedings.

The right to a fair trial is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 16 – "Promote the rule of law at the national and international levels and ensure equal access to justice for all" (16.3).

#### **1.4. RIGHT TO FREEDOM OF ASSEMBLY**

Everyone has a right to participate in and organize peaceful and unarmed assemblies. The goal of this strategy and the deriving action plan is to protect and safeguard the right to a peaceful assembly for all, to adopt necessary legal reforms by reducing the number of complaints and violations resulting from measures taken during assemblies by the Police.

Over the past years, a number of incidents demonstrated that the practical exercise of the freedom of assembly presents significant issues that require urgent solutions. Here belong the practice of unjustified criminal persecution against participants of peaceful assemblies as seen during the events of July 2016 and April 2018, the use of disproportionate force by the Police against participants of peaceful assemblies both while detaining persons and using special methods to disperse protesters, as well as the absence of efficient legal remedies for such cases, etc.

It must be emphasized that while the Police play a central role in ensuring the right to safe assemblies, not only did it fail to comply with its obligations in this respect, but its actions also violated the rights of the participants of such assemblies and the representatives of the covering mass media. It is most concerning that many criminal proceedings filed for such flagrant violations of the assembly rights remain suspended, or are discontinued or closed without those responsible being called to account.

There are two main factors that underlie the violations against the freedom of assembly: the imperfection of the legislation, and particularly, the lacking clarity on restriction grounds applicable to the right of assembly, faulty legal regulations applicable to various kinds of assemblies and the unlawfulness of the Police actions due to lacking knowledge and professional skills. Therefore, action plans will focus on resolving these two groups of problems.

Ensuring the freedom of assembly is a priority, and the action items provided under this priority aim to achieve the United Nations Sustainable Development Goal 16 – "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements" (16.10).

### **1.5. RIGHT TO FREEDOM OF EXPRESSION**

Everyone has a right to freely express his/her opinion. This right includes freedom to have one's own opinion, seek, receive and disseminate information and ideas without the interference of public bodies and local governments irrespective of the national borders. The freedom of press, radio, television and other information outlets is also guaranteed. The right to freedom of expression may be restricted only by law, for the purpose of state security, preventing or disclosing crimes, protecting public order, health, and morals or the basic rights and freedoms of others.

For the most part, action plans will include measures aimed at improving the legislative framework for the freedom of information. Legislative reforms must address both provisions that obstruct the exercise of a person's right to receive information from public administration bodies and the revision of provisions restricting the person's rights to receive independent, impartial and quality information from the mass media outlets. The first direction will serve to improve the legislative regulations in a way to limit as much as possible the discretionary powers of the public authorities in providing information and to curtail abuses of formal requirements. The second direction of legislative reforms must promote competition in the mass media, their transparent operation, and the safety of the information they provide to the public. Defining the necessary and reasonable restrictions on the dissemination of information containing or professing violence, horror and erotic materials has special significance for the safety of information.

The country faces another problem that requires an urgent solution: offensive and degrading hate speech in social media. Parallel to the development of information technologies, social media have recently seen an especially concerning trend to divide, oppose and even stir up hatred between different social groups and at times inciting hostility against specific persons. Again, the implementation of measures aimed at educating people and media literacy takes on great importance; specifically, the members of the public are frequently not aware of the right to freedom of expression or restrictions on the hate speech, which makes fighting the latter even more difficult.

Securing the right to the freedom of expression is a priority, and the action items provided under this priority aim to achieve the United Nations Sustainable Development Goal 16 – "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements" (16.10).

## **2. SOCIAL AND ECONOMIC RIGHTS**

### **2.1. RIGHT TO HEALTH**

Everyone, in accordance with the law, has the right to healthcare. The implementation of health care and health improvement programs for the population and the creation of efficient and accessible conditions for medical assistance are the main goals of the public policy in the area of economic, social and cultural rights.

The goal of the strategy is to enhance the most efficient mechanisms and avenues for exercising the right to health. The task is to set up the necessary infrastructure in order to exercise the right to health and to achieve an improved level of quality healthcare and public awareness.

Comprehensive measures are also required for the efficient exercise of the right to health through the improvement of legislation, logistics, and public awareness-raising. As a problem existing for many years, action plans will aim to remove the obstacles to exercising the right to medical assistance and care guaranteed by the state and to expand the scope of such services. The action plans will target the special needs of persons with mental health problems (especially children) and of servicemen with health problems. In this respect, the issues related to the creation and addition of the necessary

infrastructure, procurement of quality medical equipment and medication will be given priority. In order to ensure the efficient exercise of the right to health, measures are planned to provide maximum information, raise public awareness both for early prevention of diseases and for improvement of people's opportunities to protect their rights in medical assistance and care.

The right to health is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 3 – “Ensure healthy lives and promote well-being for all at all ages.”

## **2.2. LABOR RIGHTS**

The freedom of work choice and labor rights are among the most important pillars underpinning decent and appropriate social conditions of a human being.

The goal of this Strategy and the deriving action plan is to improve procedures and mechanisms for labor rights protection with a task to create an efficient institutional and legal framework for the protection of labor rights.

The studies that were conducted in this area show that the rights of the workers in Armenia are not fully protected; there are numerous violations of labor rights with legislative gaps and deficient regulations that lead to some problems.<sup>22</sup> In this context, insufficient awareness of the protection mechanisms for labor rights along with a low level of protection of workers' rights continue to present an important challenge.

The key issue in this area probably lies in the absence of an extrajudicial body exercising public control over the labor rights and legislation. Therefore, it is necessary to introduce relevant changes in the Labor Code of the Republic of Armenia and other area-specific legal instruments, based on which an extrajudicial body will be established with the powers to exercise control over the working conditions, to ensure compliance with and enforcement of labor freedoms and the rights of workers, elimination

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<sup>22</sup> <https://www.ombuds.am/images/files/8f03a4f279d0491fd510fca443f8f269.pdf>, page 121

and prevention of violations of other legislative instruments containing norms of labor legislation and labor law. In parallel, it is necessary to continue informing the public about labor rights and their protection mechanisms through the mass media.

Human labor rights put an obligation on the state to create conditions for providing employment to jobless persons. Action plans will emphasize measures to reduce unemployment rates drawing on the vision to fully use the potential of all able-bodied members of the public.

Securing labor rights is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 8 – "promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all."

### **2.3 RIGHT TO EDUCATION**

Everyone has the right to education. The state promotes the development of education and science. In the area of education, the primary task of the state is to ensure necessary prerequisites for universal access to general education. However, there is still a number of systemic issues that hamper the full exercise of the right to education.

The issue of the accessibility of preschool educational institutions continues to be systemically unresolved. In this respect, reference must be made to the Goal 4 of the United Nations Sustainable Development Goals, according to which all girls and boys should have access to quality early childhood development, care, and preprimary education so that they are ready for primary education.

Another obstacle to the exercise of the right to education is the issue of paid preschool educational institutions that fall under municipal jurisdiction. Frequently, in a number of situations, it becomes impossible to organize the education of a child in a preschool educational institution with no possibility to pay tuition fees.

The issue of children dropping out of the education system carries importance. There are different reasons why children drop out of the education system, such as inadequate living conditions, disability

of the child, inappropriate response to the child's absences from those responsible, involvement of children in work and – in case of some population groups – even early marriages. In and by itself, the missing definition of the concept of "child dropping out of education" in any legal instrument causes other problems: it complicates the identification of the children dropping out of the education system, collection of clear and uniform statistical data on such children hampering efficient steps toward resolving this issue.

The issues related to exercising the right to education by children with disabilities were voiced over the years. The exercise of the right to education by persons with disabilities along with access to education is guaranteed by both domestic and international documents. Moreover, the state assumed a number of obligations in relation to inclusive and quality education.

Concurrent measures must be appropriately taken to educate and build awareness of human rights, particularly by introducing courses on human rights protection in compliance with international standards or containing such principles.

Action plans in the area of higher education and science will provide measures aimed at the depoliticization of higher education institutions, improvement of education quality, increased funding of science, and enhancement of academic good conduct.

Securing the right to education is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 4 – “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”

## **2.4. RIGHT TO SOCIAL SECURITY**

Everyone has the right to social security in cases of maternity, sickness, disability, accidents at work, need of care, loss of bread-winner, old-age, unemployment, loss of employment, and in other cases.

As regards social security, action plans will emphasize clear standards and procedures for providing social security and increased public resources allocated to such effect. The groups in need of social

assistance become even more vulnerable due to low pensions and the challenges of providing such pensions (including when certain amounts are levied on such them), missing legislative basis for the clear assessment standards of poor families and young families (especially with minor children), and no assistance to women of reproductive age.

As regards the right to social security with a full and efficient solution to a number of problems, the state undertakes to adopt legislative reforms and to take specific steps aimed at increased funding allocations for this domain including through promoting education and work among disadvantaged populations and through entrepreneurship stimulation programs.

Securing social security is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 1 – "End poverty in all its forms everywhere" and Goal 10 – "Reduce inequality within and among countries."

## **2.5 ECONOMIC RIGHTS**

The right to engage in economic and entrepreneurial activities is a basic human right. The principle of free economic activities is a prerequisite for the sustainable existence of a free civil society forming the economic foundation for human freedom. The freedom of economic activities means a legally guaranteed opportunity to freely employ one's capacities and property for an economic activity not prohibited by law i.e. to pursue entrepreneurial activities.

In the Republic of Armenia, the social market economy lays the foundation of its economic order and is based *inter alia* on the freedom of economic activities and free economic competition. It must be noted that in the social market economy the individual development inevitably leads to potential inequalities, and the social state has to step in to mitigate such inequality by various means. It is no coincidence that the Constitution provides guarantees of the freedom of economic activities and economic competition as components of the fundamental rights and freedoms of the human being and the citizen. The freedom of economic activities is a legally guaranteed opportunity to freely employ one's capacities and property for an economic activity not prohibited by law including to pursue entrepreneurial activities; the guarantee of economic competition is the obligation assumed by the state to protect and

promote a free economic competition, create an appropriate environment for a fair competition, and contribute to the development of entrepreneurship and protection of consumer interests.

In terms of human rights protection, the enforcement by the State Commission for the Protection of Economic Competition of legislative amendments aimed at revising the instruments of the liability application system is an extremely important task for establishing proportionate and discretionary responsibility instruments based on predictable implementation standards.

It is worth noting that it is impossible to speak about the efficient protection of human rights with no possibility to secure the enforcement of a decision adopted by a public authority. This happens when it is needed to secure the enforcement of the non-pecuniary decisions made by the Commission. In this sense, legislative changes are needed for the implementation of such decisions through a compulsory enforcement service.

Such legislative reforms will create solid guarantees ensuring the exercise of the freedom of economic activities and economic competition as fundamental rights of the human being and the citizen.

Also, given the current increase of economic interactions with the Eurasian Economic Union, it becomes highly important to raise the awareness of Armenia's businesses of the relevant regulations of the union. Therefore, measures are needed to provide comprehensive information to the public on the applicable legal framework of the Eurasian Economic Union to ensure the most efficient exercise of the freedom of economic activities.

Securing economic rights is a priority, and the action items provided under this priority aim to achieve the United Nations Sustainable Development Goal 8 – "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all."

## 2.6. RIGHT TO PROPERTY

The right to property is a basic human right. All forms of property are recognized and equally protected in the Republic of Armenia. Everyone has a right to own, use and manage legally obtained property at his/her discretion. The right to property may be restricted only by law, for the purpose of protecting public interests and the basic rights and freedoms of others.

The alienation of property for overriding public interests can happen in exceptional cases and under the procedure prescribed by law, only with prior and equivalent compensation. It must be emphasized that despite existing constitutional guarantees and relevant legislation, property owners and users are exposed to massive violations of their fundamental rights.

Thus, in securing the right to property a systemic issue arises from restrictions on the right to property after the state declares the property to represent an absolute overriding public interest along with adequate and fair compensations to former residents of certain residential premises declared by the state to represent an overriding public interest.

Decisions by the European Court of Human Rights regarding Armenia must be consulted for an insight into the violations of the right to property. Specifically, the European Right of Human Rights handed down three verdicts against Armenia for alienation of property in smaller downtown Yerevan. A reference must be made to *Minasyan and Vardanyan v. Armenia*, for which the European Court of Human Rights obligated Armenia to pay the sum of €1,600,000 to Yuri Vardanyan, an Armenian citizen. This amount exceeds the aggregate amount of all compensations ruled to be paid in decisions against Armenia in 2007-2018. Cases for violations of this fundamental right continue to be communicated to the Government of the Republic of Armenia underscoring the existence of problems in this area and making the need for targeted solutions even more urgent.

To resolve this issue, it is required to review the Law on the Alienation of Property for Public and State Needs of the Republic of Armenia in compliance with international standards as well as to develop and introduce a compensation system using public funds for alienation of property based on overriding public interests through impartial assessment mechanisms.

In this context, it is equally important to offer continuous education on the legal norms of safeguarding and protecting the right to the property including the contents of the decisions by the European Court of Human Rights, especially for law enforcement officers and judges. In this matter, the office of the representative of the Government of the Republic of Armenia in the European Court of Human Rights should assume a leading role.

Ensuring the right to property is a priority, and the actions provided under this priority aim to achieve the United Nations Sustainable Development Goal 1 – "End poverty in all its forms everywhere" and the sub-goal of Goal 5 – "End poverty in all its forms everywhere."

### **3. ENSURING EQUAL RIGHTS AND OPPORTUNITIES**

Ensuring equality before the law, equal opportunities and their closely related prohibition of discrimination are essential tasks of the state. Exercising this right requires the state, on the one hand, to be free from violations of the rights mentioned; on the other hand, it calls for active legal and organizational measures to create equal opportunities in the society for persons belonging to the most vulnerable groups. Given that the discrimination is originally underpinned by a negative attitude caused by deeply rooted and legally unjustified societal stereotypes against various groups, the state bears the responsibility to take action challenging such stereotypes.

The issues of equality of rights and prohibition of discrimination were consistently addressed by the Human Rights Defender of the Republic of Armenia, international organizations (including the UN Human Rights Council, the UN Committee against Torture, Council of Europe Human Rights Commissioner, the European Court of Human Rights, US Department of State, etc.) and representatives of the civil society. The full implementation of the above guarantees continues to be the focus of the government. The action plans for as early as 2014-2016 and 2017-2019 specified the need for relevant legislative instruments and the enforcement of their provisions. Therefore, the creation and efficient enforcement of legislative guarantees to ensure equality of rights continues to be a top priority in the Republic of Armenia. In particular, the adoption of draft laws on Ethnic Minorities and on Ensuring Equality of Rights takes on great importance.

The equality of rights between men and women is regulated in greater detail under the Governmental Decree of the Republic of Armenia *on the Approval of the 2019-2023 Strategy and Action Plan for Implementation of the Gender Policy in the Republic of Armenia*. In its turn, the Protocol Governmental Decree of the Republic of Armenia No. 1 adopted during the session of January 12, 2017, approved the 2017-2021 Comprehensive Plan on the Social Inclusion of Persons with Disabilities and its action plan.

In this respect, it is worth noting that the promotion of practical equality between women and men is one of the priorities of the government. Despite certain improvements of equal rights over the past years, specifically in exercising political rights, the level of protection and enforcement of women's rights remains inadequate. This is specifically evidenced by the Gender Gap Index of 2018, according to which Armenia is ranked 98<sup>th</sup> of 144 countries. Additional action is planned to address the situation, especially for each one of the four aspects comprising this index i.e. economy, politics, education, and healthcare. Counteracting the violence against women takes on great importance as part of this priority.

For the Government of the Republic of Armenia, the social inclusion of the persons with disabilities, their full participation in all aspects of life and the implementation of measures aimed at securing their rights remain a priority.

One of the issues requiring an urgent solution is ensuring the legal capacity and agency for persons with mental health problems to secure their equal rights and opportunities, particularly, for the inclusion of persons belonging to this group in all decision-making that affects them. Currently, the legislation of the Republic of Armenia contains no definition of assisted decisions or withdrawal of legal capacity from persons with mental health problems. Thus, the current legislation allows for the withdrawal of the legal capacity from persons with mental health problems and disabilities; however, there are no assisted decision-making systems in place that would allow persons with a disability to fully exercise their rights to an independent life in a community.

A comprehensive solution to this problem calls for developing and introducing relevant legal regulations in compliance with international standards spelling the end of full guardianship on the legislative level and transitioning from the model of decision-making in lieu of the concerned person to an assisted decision-making model for persons with mental health problems and disabilities and

ensuring its practical enforcement through the training of law enforcement agencies, judges, and social workers.

Securing the equality of rights is a priority, and the action items provided under this priority aim to achieve the United Nations Sustainable Development Goal 5 and 16.B.

### **3.1 RIGHTS OF THE CHILD**

The strategy and action plan will pay special attention to the protection of the rights of the child. The need for the state to demonstrate special care for the child is the reason behind this distinction. While some measures related to the rights of the child will be included in the corresponding chapter of the action plan, a special section has been set aside for the rights of the child.

Creating favorable conditions for full and versatile development of the child's personality remains a public policy priority of the Republic of Armenia. In this context, it becomes important to counteract and prevent the violence and crimes against children, ensure the right to education for all children and complete other tasks.

The Protocol Governmental Decree of the Republic of Armenia No. 30 dated July 13, 2017, approved the 2017-2021 National Child Rights Protection Strategic Program and the Action Plan for 2017-2021. The action plans will include measures addressing urgent issues related to the rights of the child – from legislative reforms to the improvement of all institutions intended for children. Special efforts will be made to fight and prevent violence against children, their trafficking and exploitation. Also, importance is given to raising awareness of the rights of the child for children themselves, their family members and the public at large. All of this will be done in view of the vital principle of maintaining the best interests of the child.

## **V. IMPLEMENTATION OF STRATEGY FOR HUMAN RIGHTS PROTECTION**

To achieve its goals and tasks, this Strategy plans actions with specific and measurable results that will be reflected in appropriate action plans at least at two stages of their implementation.

In terms of measurability of actions and their results, ensuring a single system of collecting and keeping statistical records on human rights is a task that requires an urgent solution. Presently, there is no comprehensive and unified database with quantitative and qualitative data to reflect the human rights situation. Frequently, different public bodies have contradicting data on the same issue, and their examination yields no holistic picture of existing issues. Given the importance of solving this problem and its relation to all human rights priorities, standards and procedures will be established for the collection, processing, and exchange of holistic data and their uniformity across public bodies.

Even if the above problems persist, baseline quantitative data will be obtained as precisely as possible to ensure the measurability of quantitative results.

The drafting and development of the action plans will be based on recommendations from public administration authorities, the human rights defender, international organizations, civil society stakeholders and the unsolved problems identified during area-specific discussions.

## **VI. ACCOUNTABILITY, ASSESSMENT, AND MONITORING OF THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLANS**

### **ACCOUNTABILITY AND ASSESSMENT OF THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLANS**

The measures provided in this Strategy and the deriving action plan will be implemented through the complementary and coordinated activities of designated responsible and co-implementing authorities.

The responsible body will take charge of fully implementing a specific action and will submit a final report.

Within its powers and within reasonable timeframes, the co-implementing authority will assist the responsible body in implementing the action. The co-implementing authority will provide information to the responsible public body for each measure set forth in the action plan at least one month before the report submission deadline specified in this chapter.

As prescribed, the public authority in charge of each item of the action plan will submit a report to the Ministry of Justice and to the staff of the Prime Minister within 10 working days or business days following the end of the half-year.

Within 10 days following the end of each year, the responsible bodies will submit to the Ministry of Justice and the staff of the Prime Minister annual reports that will be summarized by the Ministry of Justice within a period of one month, discussed with the Coordinating Council and published upon approval on the Ministry's website and the shared on the electronic platform in the form of a summary annual report.

Before September 30<sup>th</sup> of the final year of the action plan, the responsible bodies will submit to the Ministry of Justice and the staff of the Prime Minister final reports that will be summarized by the Ministry of Justice within a period of one month, discussed with the Coordinating Council and published upon approval on the Ministry's website and the shared electronic platform in the form of a final report. The draft final report may be submitted for independent expert appraisal and its results will be published along with the report.

Non-governmental and international organizations, foreign diplomatic missions in Armenia and other individuals may submit observations and reports regarding the implementation of the action plans. Observations and report results will be submitted to the designated responsible body or the Ministry of Justice, which must ensure their publication on the electronic platform and submission for discussion to the Coordinating Council within a period of 10 days. Such observations and reports will be considered in assessing the implementation of the actions and can be used as a basis for determining new measures.

The implementation of the actions set forth in the action plan will be implemented based on the verifiable standards indicated in the column "Expected output." In the assessment results, the action will be evaluated as "completed" only if the expected output is fully achieved and confirmed based on the information from reliable sources.

## **MONITORING OF THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLANS**

Introducing an efficient monitoring and reporting system will ensure the efficient implementation of the Strategy and its action plan.

A Coordinating Council will be created (hereinafter: Council) to coordinate and monitor the implementation of the action plan.

The main task of the Council will be to coordinate the actions resulting from this Strategy, to monitor and contribute their progress.

The Coordinating Council will be composed of representatives of the public administration bodies and the civil society.

The Council will be composed of the following representatives of the public administration bodies:

the Minister of Justice (President of the Council), the Deputy Minister of Justice (Secretary of the Council, program coordinator), the Deputy Minister of Labor and Social Affairs, the Deputy Minister of Health, the Deputy Minister of Emergency Situations, the Deputy Minister of Foreign Affairs, the Deputy Minister of High-Tech Industry, the Deputy Minister of Economy, the Deputy Minister of Education, Science, Culture and Sport, the Deputy Minister of Defense, the Deputy Minister of Territorial Administration and Infrastructure, the Deputy Minister of Finance, Deputy Minister of Environment, the Human Rights Defender or Head of the Staff of the Human Rights Defender's Office (with consent thereof), the Deputy Chief of Police, the Deputy Prosecutor General (with the consent thereof), the Deputy Head of the Investigative Committee (with the consent thereof), the Deputy Head of the Special Investigation Service (with the consent thereof), the representative of the Security

Council office (with the consent thereof), the Deputy Mayor of Yerevan (with consent thereof), the representative of the Republic of Armenia in the European Court of Human Rights, the Head of the Office of High Commissioner for Diaspora Affairs of the Office of the Prime Minister and optionally MPs who are members of the Standing Committee on Protection of Human Rights and Public Affairs of the National Assembly – one MP from every faction represented at the National Assembly convened at such time.

Other MPs, representatives of international organizations and experts may be invited to attend sessions of the Council.

The Council shall include seven representatives of the civil society organizations. The representatives of the civil society organizations (hereinafter: non-governmental organizations) will be invited to sit on the Council on a competitive basis. The Council will be formed irrespective of the participation of the civil society organizations in its composition.

Sitting on the Council will be open to the non-governmental organizations that:

- 1) have five or more years of experience in human rights protection during the past five years;
- 2) have regularly presented recommendations concerning the past human rights protection action plans, this Strategy or the deriving action plans or have conducted and presented research or reports on such plans or have participated in public discussions organized to such effect.

A decision by the Prime Minister will establish the working procedures of the Council. The Council will conduct its business at regular sessions. Within five days from the closure of each session of the Council, the information on issues discussed will become accessible on the relevant electronic platform and will be made public on the website of the Ministry of Justice – [www.moj.am](http://www.moj.am).

## **INVITATION OF NON-GOVERNMENTAL ORGANIZATIONS TO SIT ON THE COUNCIL**

The Ministry of Justice (hereinafter: the Ministry) will be in charge of inviting non-governmental organizations to sit on the Council.

At least ten days before the competition to issue invitations to non-governmental organizations to sit on the Council, the Ministry will make a public announcement to such effect. The announcement will be posted on the official website of the Ministry of Justice – [www.moj.am](http://www.moj.am).

The announcement must include at least the following information:

- 1) address where to file applications along with the telephone number and the email of the person in charge of accepting applications;
- 2) dates and hours for filing applications;
- 3) applying requirements for non-governmental organizations and the list of required accompanying documents;
- 4) deadlines for filing applications.

Non-governmental organizations will file applications with the Ministry within 10 days from the publication of the announcement.

Non-governmental organizations duly registered in the Republic of Armenia that meet the requirements (standards) for sitting on the Council may apply.

Non-governmental organizations will accompany their applications with documents showing their compliance with the requirements (standards) established under this Strategy.

In their applications, non-governmental organizations will give the details (first name, last name, passport details, telephone number, email) of their representatives who will sit on the Council on their behalf including by attending its sessions. Only the designated representative will be authorized to attend the sessions.

The application and its accompanying documents (hereinafter: documents) may be submitted in person, be mailed or sent to the email address specified in the announcement with an electronic signature or signed and scanned.

The Ministry will keep a record of incoming documents with applicants' information and the number of their submitted documents.

Mailed documents will be deemed timely if handed to the post office before the expiry of the time frame specified under this Strategy (10 days).

The receipt notice for mailed or emailed documents will be sent to the email provided by the non-governmental organization within two business days from the receipt.

The invitation to participate will be given in two stages. The completeness and compliance of the documents will be verified at the first stage. The Ministry of Justice will determine if the documents submitted by the non-governmental organizations meet specified requirements.

After the completeness and compliance of these documents are verified, a protocol will be drafted to such effect.

If any documents are missing, or they do not meet the document list requirements, the applicant will be notified within two business days (by telephone, email or in writing) and will be given two business days to correct such mistakes.

If mistakes are not corrected by the specified deadline, the application filed by this non-governmental organization will not be processed.

If a maximum of seven non-governmental organizations meet the established criteria, they will be invited to sit on the Council based on document stage results. If more than seven non-governmental organizations meet the specified criteria, the competition will enter a second stage, where candidate organizations admitted at the first stage will be discussed during a session of the Council, and seven organizations will be recommended for selection by the Council considering the need to ensure the representativeness of human rights.

Within three business days, the Ministry will make sure the results of the competition are published on the official website of the Ministry of Justice of the Republic of Armenia – [www.moj.am](http://www.moj.am).

## **VII. FINANCIAL RESOURCES FOR THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLANS**

Financial resources ensuring the implementation of the strategy are expected from the following sources:

- 1) The State Budget of the Republic of Armenia (as part of the funding provided to the stakeholders from the State Budget of the Republic of Armenia);
- 2) Targeted funding from international organizations or foreign states;
- 3) Targeted funding for the implementation of the strategy and the deriving action plan from non-governmental organizations;
- 4) Other funding sources not expressly prohibited by the legislation of the Republic of Armenia.

## **VIII. RISKS FOR THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLANS**

The efficient implementation of this Strategy and the action plan may entail the following risks:

- 1) Missing/lacking financial resources preventing the implementation of the activities;
- 2) Risks of new scope needed to carry out additional/unplanned works;

- 3) Organizational challenges;
- 4) Lack of adequate cooperation between bodies public.

To mitigate the risks:

- 1) The authority in charge of implementing each action must ensure the allocation of the funding in its budget claim, in its mid-term expenses plan or from other sources based on its evaluation of required financial resources.
- 2) To assess the scope of additional works and their required funding (if available) if any unplanned activities are needed during the implementation of the actions, and to report on the results at the next session of the Council.
- 3) To take measures between the organizational subdivisions of authority in question to exchange information on the implementation of actions.
- 4) Provide assistance within their scope to the authorities in charge of the implementation of actions.

## **IX. STRATEGIC COMMUNICATION OF THE STRATEGY AND ACTION PLANS**

Recognizing the importance of the public awareness of human rights in securing the exercise, protection, and safeguarding of all rights guaranteed under the Constitution and international agreements, a communication plan must be developed for this Strategy and its action plan to achieve the goals set forth in it.

The goals of the Communication Plan are as follows:

- 1) Publicity for this Strategy and action plan;
- 2) Ensuring and enhancing accountability and transparency for this Strategy and action plan;
- 3) Ensuring education about human rights on different levels;
- 4) Raising awareness of human rights protection.

An electronic platform will be in place to achieve the above goals allowing for transparency and accountability in all processes related to this Strategy and its action plan. Specifically, the platform will let all stakeholders become familiar with the progress of the measures provided in the action plan, publish all reports submitted by public bodies, make observations on the implementation progress, participate in public discussions, assess the action implementation progress, etc. The launch of this electronic platform will streamline the monitoring and assessment mechanisms of the strategy and the action plan.

In this context, considering the interrelated and complementary nature of the field-specific strategies and action plans for human rights protection as well as the efficient use of the platform, in the future, its toolset may become a common and complementary foundation for all strategies for human rights protection in Armenia.

The following methods may be used for strategic communication:

- 1) Awareness-raising campaigns, including dissemination of informational materials – leaflets, flyers, and brochures;
- 2) Dissemination of information through other websites;
- 3) Press releases;
- 4) Social media: including dissemination of information through Facebook, Instagram, and Twitter;
- 5) Conducting information campaigns;
- 6) Open house events at educational institutions;
- 7) Domestic communication;
- 8) Organization of workshops, conferences, roundtables, and public discussions;
- 9) Exchange of international best practices.

The main target groups of the communication component of this Strategy and the action plan are as follows:

- 1) Any person residing or living in Armenia;
- 2) Public administration bodies;
- 3) Mass media;

- 4) Stakeholder non-governmental organizations including organizations directly dealing with vulnerable groups and young people;
- 5) International organizations, representative offices of foreign diplomatic missions.