



**«The A.D.Sakharov Armenian Human Rights Centre»
NGO**

“Strengthening Civil Society in the Regions of the Republic of Armenia”

Report

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1. Information on the grant recipient

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Project geography

Region	City	Community
	Yerevan	
Shirak	Gyumri, Artik, Maralik	Akhuryan, Basen, Amasia, Azatan, Dsorakap, Ashotsq, Aregnadem, Haritch.
Gegharkunik	Gavar, Tchambarak, Vardenis, Sevan. Vanadsor (Lori region) and Charentsavan (Kotayk region) cities are included as well.	
Syunik	Kapan, Goris	Aghitu, Qarahunj, Voratan, Geghi, Alvank, Shaqi, Lehvaz, Qajaran, Sisian

Introduction

The following report summarizes the results of the activities implemented by the A. D. Sakharov Armenian Human Rights Centre (hereinafter referred to as Sakharov Centre) in the framework of “Strengthening Civil Society in the regions of the Republic of Armenia” project.

Project goal

The main goal of the project is to contribute to the creation of a system of counterbalance of total monopoly of “the party of power” in the socio-political, socio-economic and spiritual-cultural life of the country through expanding and strengthening civil activity of the local population and civil formations.

This will allow:

- To increase the level of transparency and publicity of the activities of power structures on all the levels of governance;
- To increase personal responsibility of authorized people for illegal activities which contributed to violating human rights and freedoms;

- Active part of the society informally to take part in decision making processes while protecting social rights.

For solving the mentioned objectives Sakharov Centre has implemented its activities in the following directions:

In human rights sphere:

- Expanded human rights activities through providing individual and collective free legal and advocacy services for the beneficiaries;
- Provided legal services for the members of civil initiatives in conflict situations with law enforcement bodies of the country;
- Provided legal and advocacy services in protection of collective requirements of civil initiatives at court instances of the country;
- Provided legal assistance to local civil society structures.

In educational sphere:

- In the framework of “Civil Society School” expanded educational activities in rural communities with more than 1500 inhabitants;
- In stationary centres of education (in Gyumri, Gavar and Goris cities) expanded training of trainers (ToT) aimed at using them in rural communities;
- In the process of the advanced training of listeners organized thematic discussions of methods and technologies for increasing civil activity of the population;
- Involved representatives of local religious communities in the educational activities aimed at strengthening moral spirit of local population;
- Taking into consideration the experience of interaction of the regional branches of Sakharov Centre with central territorial governance bodies (in the result of the implemented monitoring), organized special groups of training for the representatives of local self-government bodies.

In legislative sphere:

- Lobbied socio-economic, environmental and social-civil interests of the population of the country through active participation in the review and public discussions of draft laws and decrees of state governance bodies of the country;
- In the lobbying activity widely used the potential of social coalitions of the civil society structures and the opportunities of mass media and internet communities;
- Increased the level of awareness on civil-legal sphere among the population of the regions.

In the sphere of control over the activities of local governance institutions and local self-governance bodies

- Expanded and raise the level of education for volunteers in the regions aimed at implementing regular monitoring of the activities of local self-governance bodies;
- Expanded interaction of the regional branches of Sakharov Centre and local NGOs in the sphere of joint monitoring on local level.

The generalized indicators of the activities implemented by the Sakharov Centre in the framework of the project:

- 3814 representatives of socially vulnerable groups were provided with free legal assistance and advocacy services.
- 112 legal persons were provided with free legal services.
- 68 collective legal consultations were implemented in the rural communities of Shirak, Gegharkunik and Syunik regions.
- 132 memoranda and 12 press releases were published and distributed among the population of Shirak, Gegharkunik and Syunik regions, which elucidate separate spheres of the national legislation and international law.
- 399 applications, complaints and suggestions were sent to state and local self-governance bodies for extra-judicial protection of public interests and citizens' rights.
- 835 hours seminar-trainings, lectures and other educational events were conducted for 526 listeners.
- Members of Sakharov Centre participated in 139 meetings, seminars, round-tables and discussions.
- 66 NGOs and other structures were regularly involved in joint activities, including:
 - Shirak region-30 organizations;
 - Gegharkunik region-20 organizations;
 - Syunik region-16 organizations.
- 1 joint public monitoring- "Monitoring of the official websites of communities in Shirak, Gegharkunik and Syunik regions of the Republic of Armenia" was implemented. (The report of the monitoring was sent to the RA Minister of Territorial Administration, heads of the mentioned regional administrations (marzpets), heads of the communities undergone the monitoring, different international and local NGOs, partner and beneficiary CSOs. At the same time we expressed our

willingness to participate in the sittings of the councils of the regional administrations for presenting the results of the monitoring more thoroughly).

- 9 suggestions and amendments were submitted to the RA National Assembly and liable state bodies for complying the laws and the RA Government decrees with the RA Constitution and international norms ratified by the RA National Assembly (*See in the section of "Brief information on providing free legal consultation and services"*).
- 69 inhabitants from rural communities and towns were regularly involved in voluntary activities, including:
 - Shirak region-45 people
 - Gegharkunik region- 10 people
 - Syunik region-14 people.
 - 23 news coverage by various mass media.

Socio-political and socio-economic situation in the Republic of Armenia

More than 20 years of development of independent statehood in the Republic, in practice, led to deep split in the society, when its smaller part (about 10%) disposes the 9/10 part of the national wealth, and the overwhelming majority (about 90%) has access only to 1/10 part of the mentioned goods.

Remark: in the governmental sector salary exceeds the defined minimum salary for more than 20 times.

35-40% of the country's population are poor and the 25% are below poverty line.

Split in the society has led to antagonistic contradictions between the wealthy people and the vast majority of the society, which, firstly, is expressed by absence of trust and confidence towards any state and political structure.

In his speech on the issues of implementing changes in the RA Constitution, the RA President mentioned:

«We are to achieve social compliance inside the country. Social problems are closely connected with justice, and we ought to significantly increase the speed of the process of establishing justice in public relations».

The President's speech was programmatic. He emphasized the achievement of «social justice in the society» as one of the main tasks in the future.

However one may wonder: «Why haven't the former presidents «seen» this task, including Serzh Sargsyan himself? ». They saw and knew about this split in the society, but the paradigm of any authority is in the fight for power, and particularly in the supremacy of political ambitions over solution of social problems. The social-political elite, which contribute to strengthening of personal power, is formed and strengthened on this paradigm, and all other problems are only higher

derivatives, which are suppressed by such slogans as «we are in the blockade», «fighting the legacy of the soviet past», «we are for our independence», «our deprivation-intrigues of external enemies», etc.

During Levon Ter-Petrosyan's presidency about 1.5 million people (officially 585.000) left the country, about 130.000 people during Robert Kocharyan's presidency, while during S. Sargsyan's presidency about 260.000 of our compatriots have emigrated. When he was a Prime-Minister, H. Bagratyan was reproached that by his economic policy he contributed to "brain drain" from the country. H. Bagratyan objected saying that only one academician had emigrated.

The Prime Minister didn't realize that the publicly demanded human potential, which was the main component of the huge scope of the socio-economic, scientific-technical and organizational-management technologies, was leaving the country. That potential of the country, almost lost for the republic, was the bearer of certain knowledge, spirituality and work experience, accumulated by many generations.

During the period of its independence the republic has lost and continues to lose not merely a part of its population, expressed in arithmetic statistics, but it loses its future.

It was the human potential which, to a certain extent, had formed the national elite by its professional and spiritual-moral qualities. It was the part of the society, which brought up and protected the whole society.

At present we have created elite of the society which has no spiritual values, allowed it to be above the law in return for dubious personal loyalty based on corporate, family-clannish mutual protectionism, permissiveness and corruption.

Remark: «We ought to create a society where there will be no privileged, but there will be a united nation-disciplined, respecting rules, loving the world and proud». President S.Sargsyan (a quotation from the above mentioned speech).

Is the implementation of the above mentioned thesis possible, at least during the next decade under the present moral and ethical level of the society and spiritual, as well as professional qualities of the overwhelming majority of the social and political elite?

The answer suggests to be negative as the country is already late for the preparation of a qualitative new human resource potential, and replacement of the old leading cadres at all levels with its corporate and family-clannish ties and slavishly faithful servants is not possible, without resorting to the social and public explosion.

Another important thesis in President Serzh Sargsyan's speech is the statement that «... Armenian political system will be more open, flexible and internally calm ...». However, the basis on which the future political system of the country should be built is the political field, which is currently represented by the «ruling party» and the parliamentary opposition.

The «ruling party» practically dominates in all the spheres of the political, social and economic life of the country. It is the most powerful, organized, corporately cohesive political power. It's not «afraid»

of the speeches of the parliamentary opposition, the activities of which in the Parliament don't represent a constructive constituent. It (the opposition) is faceless, unprincipled and, due to the personal ambitions of their leaders, is not able to be united for any more or less important issue.

One may admire how skilfully the «ruling party» neutralizes its external opponents.

The same is with the periodic civil initiatives which are spontaneously organized on a particular social crisis.

«The ruling party» has developed a range of technologies extinguishing massive street performances. It skilfully manipulates the «players» of the opposition field. Practically, the «the ruling party» has grown together with the country's governing system which allows the party to operate by all the power of the administrative resource when necessary. Under these circumstances the question of the independence of the government branches becomes problematic.

Theses, directly or indirectly related to the problem of human rights protection, occupy a particular place in the above mentioned speech of the President.

Remarkably a separate section in the changes made to the RA Constitution is devoted to human rights protection. And if we assume that the RA Minister of Justice Mrs. A. Hovhannisyan is at least familiar with the contents of this section, then the persistence of the Ministry of Justice not to grant NGOs the right for protecting their members', beneficiaries' and public interest at court instances is unexplainable.

Even the recommendations of the RA Constitutional Court to provide profile NGOs with the right to protect at court instances environmental problems didn't convince Mrs. Hovhannisyan in the validity of the requirements of the vast majority of human rights NGOs.

It's worth mentioning that the vast majority of officials at any level of governance/ self-government don't see his ally in the civil active part of the society in improving the quality of the governance. The consequence of such an approach is the right of an official to decide by himself what to consider a violation of human rights, and at the same time the violation of the principle of the rule of law takes a back seat.

The overwhelming majority of the bureaucratic class adhere to the principle of "passive activity" when governing decisions are delayed, passed on to other adjacent or higher authorities or are not accepted. In the result of these administrative tricks we have violation of human rights and freedoms. The initial stage of alienation of the power from the society is the artificial inaccessibility and closedness of authorities (admission by an official according to appointment or a letter; a cordon of police representatives or private security; periodic violation of admission days, etc.), which is one of the reasons of frustration of people in relation to the authorities.

The following suggestions are worth reviewed as one of the first steps contributing to reduction of the «gap» between the authorities and citizens in the human rights sphere:

1. Recommend the first persons of the Republic (the President, the Prime Minister and the President of the National Assembly) periodically to organize meetings with students of the Republic (the meetings should not be formal: the aim should be to familiarize young people with the external and internal politics of the country. During the meetings the audience should be able to set questions freely).
2. Charge the heads of ministries and social sphere departments cover the issues related to the state of affairs in the field of human rights in the leading industries in their quarterly reports during the RA Government session.
3. Charge the heads of ministries and departments to keep records of human rights violations in the subordinated institutions and organizations, based on the study of the complaints and proposals received from the population, speeches on mass media and social networks.
4. Define the order in which the draft laws and decisions of the RA Government of social-welfare and environmental character should be considered at the session of the RA Government after an ample public debate, taking into account the proposals and points of view of the civil society (In spite of the presence of «The order of organizing and implementing public discussion of draft laws and regulations», the process is formal and non-binding. Charge the RA Government to inform the RA National Assembly about the public opinion on the draft legislation).
5. Legislatively allow civil society structures to protect public interest at all levels of the judicial system.
6. Make amendments to the relevant legislative acts of the Republic restricting the rights of NGOs to provide advocatory services to citizens by lawyers who are not members of the RA Chamber of Advocates.
7. Charge the heads of ministries and departments, central and local governments to reply to written complaints and appeals of citizens on a mandatory basis, in a timely manner and to the point.
8. Charge the RA Prosecutor's Office constantly to analyze performances in mass media and social networks on violations of human rights and public interests and to inform the population on the measures taken.
9. Define the order in which an official, who violated human rights, should be held personally and financially liable for the violation (including payments set by the decisions of the European Court).

10. Organize periodic TV debates with the participation of top officials of ministries and agencies with public figures on issues related to human rights situation in the Republic.
11. Define the order by which the complaints and suggestions of the population in human rights sphere directed to the President and the Prime Minister, are answered by the offices of the President or the Prime Minister (If a citizen applies to the first persons of the state, the President's the Prime Minister's offices must act as an arbitrator between the power structures and citizens).
12. Charge the heads of ministries, departments, regional administrations (marzpetarans) and large municipalities to create public councils consisting of the leaders of local civil society structures aimed at organizing a public discussion of social, environmental and other issues affecting public interests and rights of citizens.
13. Charge the ministries, departments and marzpetarans to develop and introduce to the practice of regional and local government measures improving the level of business ethics, professionalism and discipline aimed at preventing human rights violations and raising citizens' awareness on the activities of these bodies.

The measures mentioned above are only a list of directions, each of which must be clearly regulated in the legal-procedural aspect. The results of the measures are to be carefully analyzed and controlled. Social atmosphere should be created which excludes any formalism while implementing them.

Providing free legal consultation and legal services

(June-December, 2015)

During the reporting period 868 citizens have applied to the legal service of the Central office of A.D.Sakharov Armenian Human Rights Centre (Sakharov Centre) for free legal consultation.

Having the purpose to protect the rights of the citizens applied to our centre and to recover their violated rights, Sakharov Centre prepared 88 letters addressed to different RA state structures and local self-government bodies. According to the RA law «On Freedom of Information» Sakharov Centre has received answers to its entire letters in the defined term. Besides, the legal service of Sakharov Centre assisted 15 citizens in preparing applications, complaints, inquiries and mediations, which the citizens have submitted to various court instances and to the RA Council of Justice.

Besides legal activities, the legal service of Sakharov Centre has carried out studies of 10 legal acts and their drafts and submitted corresponding suggestions to the RA state liable bodies:

- 1) The draft of the Decree of the RA Government «On defining the order of registering, classifying and protecting information developed by the information holder or delivered to him, as well as the order of providing information or its copy».
- 2) The draft of the RA law «On NGOs».
- 3) The draft of the RA law on making amendments and supplements to the RA Administrative Procedure Code.
- 4) The RA law «On State Pension».
- 5) The RA law «On Liability to Military Service».
- 6) The decision on baseless increase of electricity tariff by the Public Services Regulatory Commission (17.06.2015).
- 7) The draft of the decision of the RA Government on granting draft deferment from compulsory military service to the citizen Aghvan Arzumanyan.
- 8) The order # 280-U of the RA Minister of Territorial Administration and Emergency Situations (08,04,2015) on defining the model order of the procedure of maintenance of community official websites.
- 9) The draft of the report on the suggestions presented to the Republic of Armenia by other countries on the Universal Periodic Report of Armenia.
- 10) Reopening cases of 42¹ people sentenced to life imprisonment and the legality and validity of the RA President's decree #103-U (01.08.2003).

Besides providing legal consultation to its beneficiaries, the legal service of Sakharov Centre provided free legal service to «Centre for Bird Lovers» NGO and «Pan-Armenian Environmental Front» initiative.

Sakharov Centre attaches much importance to the mission of increasing citizens' awareness, which allows raising the level of their legal consciousness and more quickly solve their issues.

Unfortunately, by analysing their issues, we can state that the majority of the people applied to Sakharov Centre are not aware on their rights and responsibilities, as well as the level of legal consciousness of citizens on the liabilities of state and local self-government bodies is low.

In the course of the legal consultation we find out that one issue raised by a citizen has other derivatives issues which are inter-connected, or for solving an issue a citizen doesn't have sufficient proofs or documents allowing him to recover his violated rights by means not prohibited by the law and in short terms. That's why very often we assist citizens in obtaining those proofs or documents and

¹ Today, by the official data only 35 of them are alive, the other died in the penitentiary.

provide citizens with the obtained information and at the same time we explain them their further steps which they should take in the order and term defined by the law.

During the reporting period citizens have applied mainly on solving conflicts on the issues emerging from social, family, land and civil legal relations, particularly on granting, recalculating and revoking pension; divorce, alimony; concluding tenancy contract for land patch; concluding various contracts and cancelling them; gratuitous privatization of apartments; removing a person from housing registry and registering in a new address; drawing up a will and the order of renouncing it.

Nevertheless, there are such issues and vicious phenomena in Armenia which are more in-depth and require systemic solutions. For example, our experience shows that the main reasons of mass violation of human rights and fundamental freedoms are as follows:

- Mass corruption and insufficient expenses of state funds (the state debt of Armenia officially is 5 milliard 71 million USD by December 31, 2015. 4.3 milliard USD of this amount is the external debt, and 416 million is the domestic debt. In Armenia credits grow faster than the country's GDP).
- Low professionalism and unawareness of some officials, the absence of their sense of responsibility, inactivity (here we have the relative-friend principle, as well as the absence of specialists because of the migration).
- Atmosphere of impunity in the country, absence of control and permissiveness towards unconscientious officials (it's a contemplative approach: when necessary they hold lower rank officials liable).
- Noncompliance of several laws and normative acts to the RA Constitution and principles of the international law; inexact or diverse perception of provisions of the legal acts; adoption and application of contradicting legal acts (absence of specialists/human resources and political will).
- The legal acts of social nature which bring the population to poverty. Such legal acts are not in the interests of broad sectors of population (gas, electricity and water-supply tariffs, taxes and other fees have increased in many times in the last 3 years. The minimum monthly salary in Armenia is 55.000 AMD (133 USD) and the average pension is 36.000 AMD (100 USD). Children's' allowance is the same: 50.000 AMD for the 1st and 2nd children (122 USD), 1 million AMD for the 3rd and 4th children and 1.5 million AMD for the 5th child (about 3650 USD (the source: the RA National Statistical Service and the RA ministry of Finance)).
- The absence of proper supervision towards business entities or/and «protectionism» (the priority of interests of companies or private entrepreneurs purchasing the alienated areas of Yerevan are considered more important than the rights and interests of owners and citizens

having property rights. The monopolistic position of companies sponsored by oligarch officials doesn't allow small and medium business to develop in the republic).

- Applying force towards the participants of peaceful meetings, acts of illegal intervention in the citizens' rights for peaceful meetings, the habit of citizens' illegal arrest and the sense of impunity.
- Other problematic issues which interfere with the full implementation and protection of human rights in Armenia.

Media coverage of civil society issues, human rights and advocacy

On ungrounded increase of electricity tariff by Public Services Regulatory Commission of the Republic of Armenia (17.06.2015)

The decision of the Public Services Regulatory Commission of the Republic of Armenia on increasing electricity tariff caused great discontent among wide layers of the society. The civil initiative «No robbery» was formed which involved hundreds of citizens. They came out to streets demanding to cancel this disputable decision. But not receiving reaction from the RA state liable bodies they organized protest actions and closed one of the central streets of Yerevan-Baghramyan Avenue which is mainly home to educational, government (the office of the RA President, the RA National Assembly, and the RA Constitutional Court) and foreign diplomatic mission buildings. But on June 23, 2015 hundreds of policemen armed with batons and shields dispersed the meeting, detained large number of civilians and peaceful protesters. During this period many journalists were undergone violence. On 26.10.2015 the RA investigative Committee has closed the criminal case on applying violence by the representatives of the RA Police towards peaceful protesters and sit-in participants due to absence of components of crime by the RA law enforcement bodies. The lawyer of Sakharov Centre M. Khachatryan has given interviews to several newspapers on the above-mentioned issues.

Disputing constitutionalism of several provisions of the RA law «On Accumulative Pension»

On 09.07.2015 M.Khachatryan has participated in a press conference on «Media Centre» platform which referred to the decision made by the RA Constitutional Court (07.07.2015) on constitutionalism of the RA law «On Accumulative Pension» and other laws deriving from it. MP A.Minasyan, human rights defender A.Zeynalyan and two members of «I am Against» civil initiative participated in the press conference. They presented the appeal of 36 MPs on disputing constitutionalism of certain provisions of the RA law «On Accumulative Pension» at the RA Constitutional Court. The RA Constitutional Court has partially satisfied the MPs' appeals by leaving the issue unsolved and unclear.

The new draft of the RA Constitutions and the draft of the RA law «On Constitutional Reforms»

Together with other lawyers, human rights defenders and politologists M.Khachatryan has participated in several discussions on the new draft of the RA Constitutions and the draft of the RA

law «On Constitutional Reforms» and expressed Sakharov Centre's standpoint according to which the Centre is against the RA Constitutional reforms, is against not only the content of the developed draft, but its idea as well, as only the ruling party and its leader-the current RA President benefits from it. According to our estimates no positive change will take place in the system of the RA Government until the ruling party remains as a totalitarian power in the political field and governing system of the country. But on December 6, 2015 once again we witnessed voting fraud and electoral violations.

Assistance to law-making activities

Our observation on the draft of the RA law «On NGOs»

The draft of this law has been amended for six years, 5 bills have been developed by the RA Ministry of Justice. 3 ex-ministers of Justice have participated in the works of the preparation of the draft, and the final version has been agreed with NGO representatives. Sakharov Centre had an active part in those works.

On October 29, 2015 the RA Government approved the mentioned draft and sent it to the RA National Assembly. But the newly appointed Minister of Justice A.Hovhannisyanyan by her initiative and baselessly has excluded the provision regarding the right of NGOs to apply to court instances from the draft of the law. The Minister justifies this position by the reforms of the RA Constitution, while the provision of this right doesn't contradict the requirements of both the previous and current RA Constitutions.

By the way, in the conclusion paper submitted to the RA Government there is still a provision according to which NGOs can apply to court by their, their beneficiaries', volunteers' issues and issues of public significance. Even for the realization of this right the Ex-Minister of Justice has prepared a draft of the RA law on making supplements and amendments to the RA Code of Administrative Proceedings, about which Sakharov Centre had submitted its suggestions to the RA Ministry of Justice. In fact, the Minister hasn't taken into account the position of the RA Constitutional Court (07.09.2010)-to provide NGOs with the right of access to justice.

Our observations on the draft of the indicators of the implementation of the recommendations of the Armenian UPR according to spheres

The Universal Periodic Review (UPR) submitted to the UN Human Rights Council by the Republic of Armenia, as a rule, mainly reflects those legislative acts which have been or will be adopted by liable bodies, which, according to the RA Government, are considered as an improvement in the human rights sphere.

During their human rights activities NGO face different obstacles. It's obvious that the final UPR report submitted by the RA Government contradicts the alternative report submitted by civil society structures.

The RA authorities do not demonstrate political will and desire for fighting illegalities, as well as do not conduct objective examination and do not hold accountable real perpetrators. The RA authorities fail in each of their attempts. There are numerous examples: they are published in various statements and reports of NGOs.

This «conflict» between the RA authorities and CSSs became more severe during the referendum of December 6, 2015 on the changes of the RA Constitution and afterwards, when CSS representatives, as local observers, once again witnessed voting fraud, brawls, double voting, hindering the work of journalists, bribery, voting instead of the others and cases of ballot stuffing. This

was protocolled and highlighted by local and international observers, journalists, people included in the commissions from the opposition parties. The results of the referendum were forged-not only the number of voters, but the number of people voting for «Yes». The whole administrative resource was used in the process of adopting the draft of making changes in the RA Constitution, which was initiated by the head of the ruling party-the RA President.

This threw the Republic of Armenia and its population one step back: in fact, the RA authorities are not able or do not want to conduct fair, independent, objective and transparent elections, and creation of partnership relations with the civil society are mere words for pleasing international organizations and structures and obtaining grants and loans. But the representatives of the RA civil society strive for real partnership relations and not for relations of imitative nature.

It's not a secret that the rights of CSSs are regularly violated in Armenia, particularly:

1. The right of NGOs to participate in decision-making processes on state and local levels;
2. For obtaining the information on legal bases, which does not contain state, business and military secrets;
3. The right of access to justice (NGOs don't have the right to dispute decisions of public significance at court instances adopted by state and local government bodies).

In practice state and local government bodies don't use the mechanism of publicly discussing urgent public issues with CSSs in their everyday activities. Each state structure has created adjunct public councils and alliances, but those structures have no serious and essential role in decision-making processes.

Hundreds of remarks and suggestions are mentioned in the final document of the Working Group of the UN Human Rights Council, which the Republic of Armenia is committed to implement within the defined period, but unfortunately, the RA authorities continue to make the same mistakes and have no progress in the sphere of protecting human rights and fundamental freedoms.

People sentenced to life imprisonment

Legal grounds

Death penalty, as a type of punishment, hasn't been applied in Armenia since 1990, after the independence of Armenia (23.08.1990) and after becoming UN member (March 2, 1992) and after declared moratorium, as well as after becoming a member state of the European Council and signing the European Convention on Human Rights and Fundamental Freedoms and its 6th protocol and ratifying it (April 26, 2002). As a type of punishment, death penalty has been abolished on 01.08.2003 by the RA Criminal Code and the RA Constitution (changes of 27.11.2005) (No one can be sentenced or subjected to death penalty).

By Article 6 of the RA law on implementing the RA Criminal Code has defined: “Death penalty, imposed by Article 22 of the former RA Criminal Code till the adoption of the new RA Criminal Code, is commuted to life imprisonment by the court which had announced the verdict or by the court of the place where convicts carry their punishment”. But 42 (today already 35) people sentenced to death penalty were granted presidential pardon by Decree ՆՀ-103-Ս (August 1, 2003) of the Ex-President of the Republic of Armenia, then, the Court of first instance of Erebuni and Nubarashen communities commuted their death penalties to life imprisonment without individual reviews.

The condition of the 42 (now 35) convicts hasn't been improved at all because of the ex-president's decree: on the contrary it became worse, as instead of reducing the sentence it was toughened. According to advocates and human rights defenders there should be an appeal for pardon on behalf of a convict or his/her defender, which in this case was absent. Besides, by granting

presidential pardon, the RA President has determined the type of the punishment, which should have been done by the court (the RA Constitution, the RA Code of Criminal Proceedings).

We think that in case of pardoning the death penalty could be commuted to softer punishment-15-20 years of imprisonment or complete exempt from the basic punishment (Article 83 of the RA new Criminal Code).

We think that this decree doesn't comply with the RA Constitution and the principles of human rights and fundamental freedoms guaranteed by the international agreements ratified by the Republic of Armenia and the RA Constitution, particularly, without the appeals for pardon of the people sentenced to death penalty the RA President had no right to grant them pardon by his own initiative: justice shall be administered solely by the courts (Article 91 of the RA Constitution).

Since August 2003 35 people sentenced to life imprisonment fight for reopening/reviewing their criminal cases and they think that the mentioned decree is groundless and the ex-president's actions are illegal.

The present authorities don't want to re-consider the ex-president's decree and correct that mistake.

Moreover, this issue has also been considered by the EU Parliamentary Assembly calling on the authorities of the Republic of Armenia to solve the issue by discussion of each case and by revision of cases of people appealed for commuting punishment or revising the case. But there are no great expectations from domestic court instances: the RA courts don't make decisions against the RA President's institute.

Cases of Sakharov Centre's beneficiaries which have been questionable and required state approach and legal solution

Sakharov Centre has applied to the RA Minister of Defence and the RA Passport and Visas Department with a legislative suggestion on developing a draft of the RA law on making amendments and supplements to Article 3.1 of the RA law «On Liability for Mandatory Military Service» (on the liability of dual citizens for military service) and submitted to the RA Government for confirmation, then to the RA legislative body. This legislative regulation will allow people with dual citizenship (one of which is Armenia) to visit Armenia and leave it without obstacles, and while settling disputes the RA state liable bodies will make statutory decisions.

The RA Ministry of Defence has discussed Sakharov Centre's suggestion and stated that the raised issue needs to be solved, as the provisions of the above-mentioned law don't completely regulate possible peculiarities regarding liability to military service, particularly the circumstance of joining the army in a country while being subjected to conscription in other country.

The RA Minister of Defence has assigned liable sub-divisions to discuss and make suggestions on variants of regulating these problematic relations, which, in the final result, will be implemented together with the changes of the legislative acts in the defence sphere in the frames of the RA Constitutional changes. The RA Passport and Visas Department has expressed its willingness to participate in the discussion of the mentioned draft and submit suggestions.

**On the decree of the RA Government on granting the RA citizen Aghvan Arzumanyan
deferment from the draft**

In 2006 A.Arzumanyan was admitted to the Peoples' Friendship University of Russia, and for studying there he was granted draft deferment till the end of his study-2011 autumn conscription. Then the RA Government has twice prolonged his deferment till autumn conscription of 2012 and then till 2014.

Then Arzumanyan was going to continue his education in the same university. Till the end of his deferment (24.09.2014) in July 2014 A.Arzumanyan has applied to the RA Ministry of Education and Science for prolonging his draft deferment. His appeal has been discussed in the Ministry and during summer conscription of 2014 the draft of the decree of the RA Government «On granting Aghvan Arzumanyan deferment from the draft» has been circulated by the order defined by the Ministry. But it hadn't been adopted when A.Arzumanyan applied to our organization.

Consequently, law enforcement bodies filed criminal proceedings against him for avoiding mandatory military service.

By a corresponding suggestion we have applied to the RA Government and law enforcement bodies in the result of which the RA Government adopted a decree (16.07.2015) according to which A.Arzumanyan was granted a draft deferment and left for Russia to continue his education. The criminal proceedings against A.Arzumanyan was terminated because of the absence of corpus delicti.

On terminating criminal prosecutions illegally filed against advocates and members of the RA Advocates' Chamber Tigran Hayrapetyan and Nicolay Baghdasaryan

Recently human rights defenders, advocated, members of civil society initiatives are illegally prosecuted in Armenia; attempts are made to intimidate and silence them through psychological pressure.

For complaining because of illegally keeping his client G.Amarikyan in the psychiatric hospital, humiliating and subjecting to violence, criminal prosecution has been initiated against T.Hayrapetyan on the basis of «asking too provocative questions and submitting too many petitions».

We think that the investigator's action is violation of human rights and advocacy on state level. We have applied to the RA General Prosecutor expressing our concern regarding the criminal case filed against T.Hayrapetyan by the RA Special Investigation Service (SIS), which is direct interference in the performance of professional duties of an advocate. We also demanded that the RA General Prosecutor's Office and SIS must immediately stop the criminal prosecution against T.Hayrapetyan and implement internal investigation against the SIS investigator Kh. Mejlumyan and hold him liable for abusing his official position.

Sakharov Centre also has joined the statement made by a group of human rights NGOs. In the result the criminal case filed by the RA SIS has been suspended, but the investigator hasn't been held criminally liable.

We are deeply concerned and worried because of the criminal prosecution filed against another advocate, member of the RA Advocates' Chamber Nicolay Baghdasaryan by Gegharkunik investigation regional department of the RA Investigation Committee. N.Baghdasryan is criminally prosecuted because he, being the advocate of his client G.Geghamyan, had collected information on the witness T.H., which contained personal secret, then he published that information by mass media outlets, which the pre-investigative body viewed as dissemination of personal privacy.

Together with other NGOs we appealed to the RA authorities, particularly to the RA General Prosecutor's Office, to keep to the constitutional principle of rule of law and demanded to suspend the criminal prosecution against N.Baghdasaryan.

* You can follow the activities of Sakharov Centre at our website <http://sakharovcenter.org/> and Facebook <https://web.facebook.com/SakharovCentre/?fref=ts>.