To the President of the Republic of Armenia Mr. S. Sargsyan

Dear Mr. President,

Sorry for bothering you, but I have to appeal to you for assistance.

The problem is in the fact that you have approved "The National Strategic Program of Human Rights in the Republic of Armenia" by Decree № ՆԿ -159 - Ն 29.10.2012, which, by the authors plan, is supposed to serve as a methodological basis for elaboration of a three-year "Action Plan" in the sphere of human rights in the Republic of Armenia by the ministries and agencies.

However, the above mentioned strategic program is beneath criticism by its structure and content.

1. According to the logic of the authors of mentioned document, the main focus of the ministries and agencies in the development of the Action Plan should be directed to some of the articles in the sphere of human rights fixed by the RA Constitution. A question arises: "What to do with the other articles on human rights, which are a part of Chapter 2 of the RA Constitution, but are not mentioned in the strategic program? Or they can be not implemented during the realization of the Action Plan?
2. Methodological process of human rights protection is a process of relationship regulation (in the broadest sense) between the government (the state) and people, in which the government is committed to respect and protect the psychological, social-domestic, spiritual-cultural, civil, political and social rights and freedoms of its citizens. A priori there is a contradiction (it’s objective) in this statement, namely, the State, as an institution of "compulsion and repression," undertakes to protect people from its own "lawlessness". For achieving the goal the State consolidates the mentioned rights and freedoms of the people in its Constitution and other legislative acts and norms. In the Republic of Armenia the legislative base, as well as the Constitution mainly conform to the set requirements.

Then it’s not clear why the authors of the strategic program again charge the ministries and agencies with the development of Action Plan aiming at implementation of adopted legislative norms and requirements by state administration apparatus?

It can be assumed that once someone “allowed” negligent officials of different branches of power to violate human rights.

If we are concerned with the situation in the sphere of human rights protection in the Republic of Armenia, and for sure it’s true, then we need to toughen the control over the activities of all branches of power in that sphere.

Ideally, the mentioned problem can be solved in case the government aims at its everyday activities:

* To support high moral level of the society, including its apparatus.
* Comply with the Law and perfect the legislation of the country in favor of the society, and not only of its definite layers.
* Strictly to keep to the procedural norms and standards in the process of interaction with the representatives of the population.

In practice the mentioned three conditions greatly depend on spiritual-moral, cultural and professional level of the layer of the population, which more or less takes part in the process of state governance. Consequently, the level of protectability of citizens’ rights in the country depends on corporative and socio-economic interests of the mentioned layer.

Objectively, the State with all its branches (legislative, executive and juridical, as well as the corresponding controlling structures, the institute of the president and the system of self-governance) is not fully able to realize its main task-the protection of human rights and freedoms without infringing the aspirations and goals of the vast majority of the representatives of state governance.

In the civilized world **the society itself** plays the main role in the sphere of human rights protection, which morally does not allow the state governance system, in the face of “negligent” officials, to solve their mercenary aspirations at the expense of the rights and freedoms of the members of the society.

It seemed as if in "The National Strategic Program of Human Rights in the Republic of Armenia" the main attention should have been focused towards the rise of the society’s role in the sphere of monitoring of human rights protection in various aspects of the sphere in the Republic – from the process of legislative activities to certain cases of violation of procedural norms by the representatives of governance system.

From the considered document (strategic program) one comes to a conclusion that for achieving a high level of human rights protection in the republic we lack only a unified Action Plan, which would allow all the structures of central and regional governance to implement their direct responsibilities assigned by the RA Constitution. As practice shows, the given approach is not realistic, as the principle of eternity is put in it.

Such a narrow departmental approach to the development of Strategic program practically will bring to nowhere. The consequence of that approach is the inglorious struggle against poverty, corruption, trafficking and other similar programs, which have been adopted with great informative pomposity and been terminated quietly or are being endlessly reformed (endless reforms in the sphere of education, healthcare, judicial and law enforcement systems, etc).

20 years have already passed since the declaration of independence, but our governance system (in its broadest sense) is still being reformed, and that process will never end, if the head of the country, who received legitimacy in the society, does not change the system of governance by “ consolidation and crystallization of people, possessing the qualities of genuine élite, who can and are ready and eager to improve the existing situation by directing the country along the path of development”.

I think that in the sphere of human rights protection in the considered strategic program, the main focus should have been directed towards the creation of such an "infrastructure" in the Republic, which would allow the society to participate in the monitoring of human rights protection and would contribute to the openness of the management system.

As one of the first steps contributing to the reduction of the "gap" between the government and the citizens in the sphere of human rights protection I suggest considering the following proposals:

**Suggestions**

1. To recommend the first people of the Republic (the President, the Prime Minister and the President of the National Assembly) periodically to organize meetings with students of the Republic (these meetings don’t have to be of formal nature, the aim should be to familiarize the young people with the foreign and internal policy of the Republic of Armenia. During these meetings, the audience should have the possibility to freely set questions).
2. To organize quarter press conferences of the Prime Minister, during which he must report on the issues in the sphere of human rights protection in the Republic.
3. To oblige the heads of ministries and agencies to elucidate issues connected with human rights protection in the governing sector during the meeting of the RA Government.
4. To oblige the heads of ministries and agencies to strictly record and fix the human rights violations in competent institutions and organizations on the basis of complaints and suggestions coming from the population, mass media and social networks.
5. Determine the order in which the drafts of bills and resolutions of the Government of Armenia of social-living and environmental orientation are to be considered at a meeting of the RA Government, after active public discussion, taking into consideration the proposals and points of view of civil society (despite the existence of "The order of organization and implementation of public discussion of draft laws and regulations ", the given process is of formal and non-binding character. Oblige the RA Government to inform the National Assembly on the public opinion on the bill).
6. To legislatively allow the civil society structures to protect public interests on all court instances of the Republic.
7. To make changes in relevant legislative acts of the Republic restricting the rights of the NGOs to provide advocatory service for the citizens by lawyers who are not members of the Chamber of Advocates.
8. To charge the heads of ministries, agencies and local self-government to respond to the written complaints and appeals of the citizens in due order and period.
9. To charge the RA Prosecutor’s Office with analyzing the speeches and messages in mass media and social networks on the violation of human rights and public interests and inform the population on the taken measures.
10. Determine an order at which an official, who has violated human rights, must bear personal financial responsibility (including payments defined by the resolutions of the European Court).
11. To organize periodical TV debates with the participation of first persons of the ministries and agencies with civil activists on the issues of human rights protection in the Republic of Armenia.
12. Determine an order at which the responses to the complaints and suggestions of the population to the RA President and Prime-Minister will be realized by the apparatuses of the President and Prime-Minister (if the citizens appeal to the first persons of the state, then the apparatuses of the President and Prime-Minister must be moderators between the corresponding structures and citizens).
13. Charge the heads of the ministries, agencies, regional offices and municipalities with creation of public councils from the heads of local civil society structures which aims at organizing public discussions on social-living, environmental and other issues connected with public interests and rights of the citizens.
14. To charge the ministries, agencies and regional offices with developing and introducing activities (raising the level of business ethics, professionalism and state discipline) to the practice of regional and local self-governance bodies, which aims at excluding the violation of human rights and raising their awareness on the activities of the mentioned structures.

The above mentioned action is only a list of directions, each of which are to be clearly regulated in the legislative-procedural aspect. The results of the action are to be thoroughly analyzed and controlled. A social atmosphere is to be created, which excludes any formalities during their implementation.

How will our state system benefit from this approach of changing the relationship between the authorities and the society?

I think this will contribute to:

* the raise of transparency and publicity level of the activities of state structures;
* the raise of civil activity of the Republic of Armenia at which each of its representative will take part in the decision making processes at all the levels of governance;
* the raise of the level of public control over the activities of the bureaucratic apparatus;
* the decrease of alienation of the population from state structures and the raise of confidence in the rule of law;
* the raise of moral level of the society, including the governing apparatus;
* the raise of professionalism level of the representatives of the governing apparatus;
* the implementation of personnel selection of the governing apparatus being faithful to the principle “Serve the society, not yourself”.

If the presented suggestions can be taken as a basis, then I ask your directive for the RA Ministry of Justice to take them into consideration during the elaboration of the Action plan.

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