



HELSINKI CITIZENS' ASSEMBLY-VANADZOR

**STRATEGIC PLAN
2011–2015**

VANADZOR - 2011

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Background Information

Helsinki Citizen's Assembly-Vanadzor NGO (HCA Vanadzor) was founded in 1998 as a branch of Helsinki Citizens' Assembly Armenian Committee. It was registered as an independent organization in 2001 and was re-registered in 2005 at the Ministry of Justice.

The office of the organization is in Vanadzor – Lori Regional Center. Lori Region is the third largest in the country (3789 km², 12.7% of the whole territory of Armenia).

The population is 283,900 (according to 2001 census data) of which 59.3% reside in the city.

The geographical scope of the organization's activity covers the Lori Region; however, based on different projects, it covers the whole Republic of Armenia. During the last five years, most of the organizations' activities covered the northern parts of Armenia.

The main areas of the organizations' activities are Human Rights, Advocacy and Peacebuilding.

During the implementation of its activities, HCA Vanadzor adheres to the necessity for the localization and protection of International Documents and norms on Human Rights ratified by Armenia.

The Republic of Armenia became a member of UN on March 22, 1992, of the Council of Europe on January 25, 2001. The Republic of Armenia has ratified a number of international and regional conventions and documents – the International Decree on Civil and Political rights and its protocol, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1993)¹, the European Convention on Human Rights and Fundamental Freedoms, its protocol (2002), the Reviewed European Social Charter (2001), European Charter on Local Self-government (2001), European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2001).

The Constitution of the Republic of Armenia was adopted in the referendum of July 5, 1995 and the amendments were made in the referendum of November 27, 2005.

According to the Constitution, the Republic of Armenia is a sovereign, democratic, social state, governed by rule of law and the state power is exercised on the principle of the separation and balance of the Legislative, Executive, and Judicial powers.

The administrative units of RA are ten regions (marzes) and 926 communities (48 urban and 866 rural settlements), where the power is exercised by direct elections formed by the local self-governmental bodies, which are made up of the community head (the mayor) and the avagani (the city counselors). In the capital city of Yerevan, the representative of the political party which has most of the votes for avagani, succeeds as the mayor.

¹ See attached the list of all international documents, which Armenia has joint
http://www.coe.am/index.php?cat_id=37, <http://www.un.am/?laid=1&com=module&module=menu&id=105>

Description of the Activity of HCA Vanadzor

HCA Vanadzor is a non-political, non-religious, non-profit, NGO, which unites individuals who support the supreme principles of Democracy, Tolerance, Pluralism, and Human Rights, as values.

The Vision of HCA Vanadzor is a society formed with the supreme values of Human Dignity, Democracy and Peace.

The Mission of HCA Vanadzor is the promotion and support of Civil Initiatives, the strengthening of Human Rights Protection, and Peacebuilding Activities on national and regional levels.

During 1998-2010 HCA Vanadzor has implemented over 30 grant projects².

Summary of 2006-2010 Strategy

HCA Vanadzor developed its first 2006-2010 strategic plan³ in 2005, which summarized the activity of the past seven years and then clarified the upcoming goals and objectives.

Within the goals of the 2006-2010 Strategy, HCA Vanadzor implemented eleven projects.

From the viewpoint of addressing strategic objectives, the three-year project “Human Rights Strengthening through Institutional and Advocacy Capacity Development of Selected NGOs” funded by Open Society Institute Assistance Foundation-Armenia (OSIAF-Armenia) and the Government of the Netherlands was of special importance. One of the results of this project was the institutional formation and establishment of Human Rights Monitoring. For the first time in the country, HCA Vanadzor developed and applied the tools for revealing Human Rights situations in Mental Health Facilities (neuropsychological institutions), Children’s Homes, Nursing Homes, Children’s Care and Protection Centers. The tools were developed with the support of the representatives from the Helsinki Foundation for Human Rights-Poland.

One of the successful results of this strategy was the establishment of civil control over the military call-up process. For the first time in Lori Region, monitoring tools were developed and applied during the Spring and Autumn call-up (with the support of OSIAF-Armenia). The project was followed by another one funded by OSCE Yerevan office, this time in the whole country.

The project “Creation of Advocacy and Support Centers and Operation in Vanadzor,” funded by USAID, was essential from the viewpoint of transparency, accountability and reduction of corruption risks in state government and local self-governmental bodies. Within this framework, 410 citizens of Lori region were provided with consultation and the organization initiated 17 court cases.

In the framework of advocacy, a vivid example is the establishment of the working group on developing the law “On Missing Persons” in compliance with the ICRC model law. The working group was established by the Ministry of Foreign Affairs with the involvement of different state structures, the ICRC and HCA Vana-

² http://hcav.am/HCAV_Implemented_Projects.doc

³ 2006 – 2010 strategic plan of HCA Vanadzor http://www.hcav.am/Downloads/Strategic_plan_of_HCA_Vanadzor_eng.pdf

dzor. It was the result of the organization's nine year work and as an activity of the government's program, it is planned to include it in the agenda of RA National Assembly.

In 2006-2010, HCA Vanadzor expanded its geographical scope to other towns in Lori region and to other regions of the country, in particular, the Tavush and Shirak regions, and the Capital City of Yerevan. HCA Vanadzor began, free of charge, legal consultation to the citizens of Alaverdi, Spitak, Tashir, Stepanavan in Lori Region, and also established HCA representation offices in those towns.

For the first time in the Republic of Armenia annual reports on Human Rights were published on regional level.

As a result of the importance of Human Rights Issues, HCA established a representative office in the town of Spitak, which was then registered as an independent Human Rights organization named Spitak Helsinki Group.

Cooperation of HCA with other NGOs and experts was expanded, in particular, with Norwegian Helsinki Committee, South Caucasus Human Rights Defenders Network, Human Rights Center (Georgia), Anti-drug Alliance, Real World Real People, Human Rights Defender's Office, and members of the Chamber of Advocate's.

Another success of the implementation of the first strategy was the project "Formation of Civil Control over Armed Forces" funded by the Dutch organization ICCO. A working group of experts from partner organizations was established to monitor the military budget. The principles and the methods of the monitoring were developed with the support of an expert from the Bulgarian Academy of Sciences, Center for Security, and Defense Management. Civil control over armed forces is essential for preventing the restart of a frozen conflict under the conditions of an increase in military expenses.

A success in the Peacebuilding sphere was the establishment of the Brigade of Young Peacebuilders. Thirty young people from Armenia, Azerbaijan and the Nagorno-Karabakh region, gained skills by studying the problems of conflict victims (missing persons and their relatives, former prisoners of war and their families, refugees and IDPs) and of their advocacy. Within the framework of the project, they carried out relevant studies.

During the implementation of the first strategy; the events after the 2008 presidential elections and March 1st events, and the short Georgian-Russian War in 2008, there were real challenges for the organization, which had an impact on the implementation of the strategic goals of the organization. In particular, the effectiveness of the mechanisms of quick response to Human Rights violations, which were formed before the election period, was revealed.

During the crisis period, particularly from February 19 to March 1, 2008 and from March 1 to March 20, 2008, HCA Vanadzor could react on the widespread Human Rights violations, and could make relevant reports and statements, which were disseminated among international organizations and society.

It was a real challenge for the project, "Formation of a Brigade of Young Peacebuilders" to be organized in Georgia because of the Georgian-Russian War; however, the meeting was held due to the willingness of youth.

Implementation of projects for socially vulnerable groups, in particular projects for drug users, which were effective. These were funded by OSIAF-Armenia.

During the implementation of the first strategy, some difficulties and problems arose, the solution of which is of great importance for the effectiveness of the further activities of the organization. In particular it is necessary to develop the professional capacities of the employees of the organization in order to be prepared for the new challenges in the Human Rights sphere and to raise the effectiveness of Human Rights activity. Capacities are especially important in strengthening national mechanisms of Human Rights protection based on the need to address new problems.

The evaluation of activities of HCA Vanadzor by OSIAF-Armenia preceded the development of the new 2011-2015 strategic planning, according to which the organization entered a new institutional phase. The main characteristic feature of this phase is to implement the activities of HCA Vanadzor on an organizational level instead of projects-based level.

Context Analysis

In 2006–2010, during the implementation of the strategy, HCA Vanadzor faced a number of challenges in the spheres of Human Rights, Freedom of Speech, Free and Fair Elections, Corruption Prevention, Governance System, Economic Development, Unresolved Conflicts, etc. which are of great importance for the whole society. According to reports made by several international organizations⁴ and by HCA Vanadzor, it appears that Democracy in Armenia had regressed.

According to Bertelsmann Transformation Index (BTI)⁵ the democracy index in Armenia in 2010 decreased to 5 compared to 2008, when the index was 6 (the ratings are based on a scale of 1 to 10, with 1 representing the lowest and 10 the highest level).

In 2008, in the sphere of market economy, the index was 6.32 and effective management system index was 5.14. In 2010 the mentioned indexes decreased and made 6.50 and 4.36 respectively.

Such context assessment is a consequence of the political crisis after 2008 presidential elections. According to Freedom House report “Nations in Transit 2009”⁶ the electoral process was scored 5.75 whereas in 2008 it was 5.50 (The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest.)

During this same period, in parallel with the peaceful regulation of the Karabakh conflict and within the OSCE framework, an extreme increase took place in the level of militarization in Armenia and in Azerbaijan. This had an impact not only on the peaceful regulation of the conflict in Karabakh but also on the establishment of democratic institutions.

Electoral Processes

During 1999-2010, HCA Vanadzor conducted monitoring of 11 elections, the results⁷ of which prove that violations of electoral rights are of a systemic character and the legal mechanisms of their prevention are ineffective.

As a result of the monitoring held in the 5 towns of Lori Region during the 2008 presidential elections, the organization came to the following conclusion: “During the 2008 presidential elections, none of the important principles of free and fair elections were followed. The process of organizing and implementing the RA Presidential elections did not meet the standards taken by Armenia before the Council of Europe, or was it in line with the OSCE standards⁸ of democratic elections”.

⁴ 1. Bertelsmann Transformation Index (BTI) 2010 Armenia Country Report
2. Freedom House “Nations in Transit 2009” <http://www.freedomhouse.hu/images/nit2009/armenia.pdf>
3. Human Rights Watch “Democracy on Rocky Ground”
4. International Crisis Group “Turkey and Armenia: Opening Minds, Opening Borders”
5. International Crisis Group
6. 2009 Country Reports on Human Rights Practices

⁵ 1. Bertelsmann Transformation Index (BTI) 2010 Armenia Country Report
2. Bertelsmann Transformation Index (BTI) 2008 Armenia Country Report

⁶ Freedom House “Nations in Transit 2009” <http://www.freedomhouse.hu/images/nit2009/armenia.pdf>

⁷ http://www.hcav.am/index.php/language_arm/sectionid_1/LabelId_29/Publications.html

⁸ HCA Vanadzor 2009 report “Human Rights in Lori Region”, Part 6
http://www.hcav.am/attachments_/01232_zekuyc_2009.07.01%5B1%5D-arm.PDF

During the pre-election campaign period of 2008 presidential elections, the pressure, mass violations of Human Rights and political pursuits through use of administrative resources by the authorities continued through the post-election period and became even more violent. The authorities continued using illegal arrests, violence, political pursuits during the pre-election period, and trials were held against the disagreement on the results of voting – mass protests.

On March 1, 2008, authorities used armed forces against peaceful demonstrators. As a result of those military actions, at least 10 citizens died. The declaration of a State of Emergency in the city of Yerevan by the President of Armenia on March 1-20 2008 followed, despite the absence of a law On State of Emergency. Actually, the conditions of the State of Emergency in Yerevan – restrictions of the freedom of speech and assembly, free movement – spread through the entire territory of Armenia. During that period, citizens could only receive “official information” from pro-authority media.

In spite of the fact that the Constitution restricts examination of the applications related to elections in the conditions of State of Emergency, by the RA Constitutional Court, a court session in the RA Constitutional Court was held, which accepted the results of the elections.

The monitoring of the post-election situation in 2008, conducted by HCA Vanadzor, recorded facts of pursuits against citizens in Lori region by the law enforcement bodies⁹. Illegal searches, bringing people illegally to police stations and detention was widespread and there were cases of violations of political and civil rights.

As of this date, the problems which arose relative to the election, have not been addressed. In particular, the facts surrounding the deaths of 10 people have not yet been revealed, and there are still about 10 political prisoners. The obligations set by the resolutions adopted by the PACE were not fulfilled.

The Right to Assembly, Association and Free Movement

During the last two years, assemblies organized in this country, were either artificially inhibited or prohibited. On days when assemblies or demonstrations were to take place, roads from the regions to Yerevan were taken under control by the police without any reasonable justifications. The result of the survey made by HCA Vanadzor shows that between the period of March 2008-2010, citizens were not able to go to Yerevan on days of assemblies or demonstrations¹⁰. With the aim of eliminating the mentioned obstacles, HCA Vanadzor addressed letters to the RA Police and the Human Rights Defender which did not have any positive results. Moreover, the police refuted any fact of restricting the freedom of movement. HCA Vanadzor could get information on the legal grounds for restricting the freedom of movement but only through court action in 2009.

For the organization of public events in the regions, premises were not provided and artificial disorder was organized to make noise. According to the statistical data made by the municipality of Yerevan, starting from 2004, when the law “On Conducting Meetings, Assemblies, Rallies and Demonstrations” was adopted, the municipality received 696 notifications on organization of peaceful assemblies, out of which 190 were in

⁹ HCA Vanadzor preliminary report “On 2008 Presidential Elections: Post-election Events in Lori Region”
http://www.hcav.am/attachments/_cb46c_postelectinons_arm%5B1%5D.pdf

¹⁰ HCA Vanadzor reports on Prohibition of Movement
http://www.hcav.am/articles.php/language_arm/date_2009-05-01/article_3069/The_Roads_to_Yerevan_are_Closed_Again.html

2008, of which 96 were during the last five months. Out of 75 notifications received since May 1, 2009, 23 were refused and prohibited, of which 22 were proposed to be held on Hyusisayin Poghot (Northern Avenue).

At present, the authorities continue to use all possible means to restrict citizens' freedom to peaceful assembly and association.

In 2000, HCA Vanadzor made an appeal to the mayor's #707 resolution to allocate a remote place in the suburbs of Vanadzor to hold public actions or demonstrations. This appeal was annulled by court decision, thus promoting the process of eliminating artificial obstacles for conducting assemblies and demonstrations.

After the presidential elections in February-July 2008, HCA Vanadzor submitted six notification letters to organize a meeting on releasing information about Human Rights situations according to the Conditions of State of Emergency. Five of the letters were rejected.

Thus, in June 2010, upon conclusion of her visit to Armenia, on the situation of Human Rights defenders, special reporter, Margaret Sekaggya, issued the following statement, "I note with concern the significant constraints imposed on the exercise of freedom of peaceful assembly in Armenia. I also note reports of restrictions being imposed upon indoor assemblies such as meetings and conferences, with regard to which Human Rights defenders have faced difficulties in gaining access to a meeting space or facilities. I am furthermore worried about the exercise of the right to freedom of assembly in relation to elections in Armenia." Among her recommendations, Margaret Sekaggya mentioned in closing her statement that: "Ensure that the right to hold peaceful, open and public demonstrations is freely available to all individuals without undue restrictions¹¹".

Freedom of Press and Speech

In "Nations in Transit"¹², an annual report made by Freedom House in 2009, the index of the situation of freedom of press decreased to 6.0, whereas in 2007 the index was 5.50 (The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest).

The mass media in Armenia, especially in the regions, is very weak regarding supporters of civil society and they are almost fully dependent on the authorities. In the regions, it is possible to disseminate information on Human Rights violations only through republican opposition print and electronic media.

In spite of Constitutional guarantees, different authority structures regularly violate and restrict rights in practice. After the 2008 March 1st events, the press was subjected to censorship and journalists faced violence, threats, and harassment. As a result of legislative changes in 2010, articles related to freedom of speech, in particular, slander and insult, are decriminalized and a penalty of one million drams is foreseen. If the slander or insult is disseminated by any media outlet, the penalty is two million drams¹³. The point

¹¹ The text of the statement made by Margaret Sekaggya, UN special reporter on Human Rights Defenders issues, <http://www.tert.am/am/news/2010/06/19/unreporter/2010,June6>

¹² Freedom House "Nations in Transit 2009" <http://www.freedomhouse.hu/images/nit2009/armenia.pdf>

¹³ <http://www.arlis.am/>

is that this legislative initiative was undertaken, after COE Venice Commission had passed two negative conclusions on the draft law. The concern of journalists was that the Armenian authorities, which today fully control the activity of TV stations, will take efforts to make the print media, which are relatively free, 'kept silent'¹⁴. Many private media outlets reflect the viewpoints of a wider scope without any restrictions, but they remain under the influence of groups with economic and political interests.

HCA Vanadzor has also faced restrictions in disseminating information, particularly, after the 2008 presidential elections. In the conditions of de jure State of Emergency in Yerevan, but de facto State of Emergency in Armenia, HCA Vanadzor tried to disseminate information on the situation in the country, but the authorities put pressure on the local printing-house who later refused to print the special newsletter. The RA law "On Freedom of Information" guarantees the citizens' right to get information, but being in contradiction with other legal acts, this right is not effectively ensured in practice.

Since 2003, HCA Vanadzor has actively applied the law "On Freedom of Information" trying to ensure the citizens' right to get information. In particular, during the last seven years, HCA Vanadzor initiated eight court cases against different state structures – Vanadzor Municipality, Stepanavan Municipality, The RA Ministry of Defense, The RA Special Investigative Service, The RA Police – and demanded to get information. As practice shows, even in spite of a court decision obliging the institution to provide information, HCA Vanadzor has to appeal again to court to get information from the same state structure for the second time.

The Right to a Fair Trial

The right to a fair trial is not ensured in the Republic of Armenia, the citizens do not trust the judicial system¹⁵. Violations of this right to a fair trial are due in part to the dependence of the courts on the prosecutor's office and to legislative shortcomings¹⁶.

The index of Judicial framework according to 2009 "Nations in Transit" annual report¹⁷, became 5.50 whereas it was 5.0 in 2007. (The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest). The judicial reforms in 2007 did not ensure the establishment of the judicial system as an effective institute for restoration of violated Human Rights, and the citizens' accessibility to the court was restricted.

The results of the monitoring conducted in Lori, Shirak and Tavush regions in 2008-2010 showed that 179 trial violations were recorded during the trial of 71 court cases. The inaccessibility to the advocate's service, restricted amount of legal aid provided by the state, absence of effective control over advocate's service, imperfect mechanisms of judges' responsibility, are all circumstances which promote violations¹⁸.

¹⁴ RA Human Rights Defender's Ad-hoc Report on "The Right to Freedom of Speech in The Republic of Armenia" published on July 7, 2010 chapter 1.9 <http://ombuds.am/main/am/10/31/>

¹⁵ "Azatutyun" radio station, 25.12.2009 article "Armen Harutyunyan assessed that the right to a fair trial is not ensured in Armenia". <http://www.azatutyun.am/content/article/1913559.html>

¹⁶ RA Human Rights Defender's Ad-hoc Report "Ensuring the Right to a Fair Trial in the Republic of Armenia" <http://www.ombuds.am/main/am/10/31/0/0/>

¹⁷ Freedom House" 2009 Annual Report, "Nations in Transit" - Armenia <http://www.freedomhouse.org/uploads/nit/2009/Armenia-final.pdf>

¹⁸ www.hcav.am

The Right to Freedom of Thought, Conscience and Religion

Freedom of thought, conscience and religion, being part of the fundamental freedoms and rights, face serious challenges in the Republic of Armenia. In spite of the fact that the RA Constitution defines and recognizes those freedoms, in practice and in legal spheres, the state does not provide equal opportunities towards religious organizations. A discriminative attitude towards non-apostolic churches is reflected on a legislative level. In particular, according to the Constitution, the Armenian Apostolic Church is considered the national church and has an exclusive mission in the life of the Armenian people.

The history of the Armenian Church is taught in the public schools and teachers' qualification standards are defined by the Armenian Apostolic Church.

In April 2007, the Law "On the Relations of the Republic of Armenia and the Armenian Church" regulates the special relationship between the State and the Armenian Church and grants certain privileges to the Armenian Church that is not available to other religious groups. The law allows the Armenian Church to have permanent representatives in hospitals, children's homes, boarding schools, military units, and all places of detentions.

The Law on Alternative Service took effect in 2004. Accordingly, conscientious objectors are allowed to perform either noncombatant military or labor service duties rather than serve as combat-trained military personnel. The law, however, does not work in practice as there are no adequate mechanisms in place. As a result, by July 2010 at least 90 Jehovah's Witnesses were sentenced to detention as the alternative service was under the military retained administrative control.

On March 19, 2009, draft changes to the Law on Freedom of Conscience and Religious Organizations had its first reading in the National Assembly. The OSCE/ODIHR Advisory Council on Freedom of Religion or Belief and the Venice Commission reviewed the draft legislation and their joint opinion was critical. HCA Vanadzor gets information on restrictions of the right to freedom of belief and conscience only in the Lori region.

In practice, a discriminative attitude is widely used towards the non-apostolic organizations. In particular, media outlets label non-apostolic organizations as anti-nationalistic, foreign, sects, etc. A vivid example of a discriminative attitude is the fact that between April-May 2010, local residents tried to hinder the construction of a new worship center in Vanadzor. This is regularly encouraged by the officials of the Armenian Apostolic Church. Only after HCA Vanadzor intervened, was the construction of the center re-started without any incidents.

In 2006, a group of young people who were members of the "Hay Ariner" organization in Vanadzor, sent threats by e-mail, because HCA Vanadzor was dealing with the restoration of the violated rights of Jehovah's Witnesses.

The negative attitude towards non-apostolic churches and their representatives is due to the fact that they do not fully participate in public processes and that they isolate themselves¹⁹.

¹⁹ The Role of Religious Organizations in Public Processes http://www.hcav.am/attachments_/5d20f_kronakan%5B1%5D.pdf

The Right to be Free from Torture and Inhuman or Degrading Treatment

In 1993, Armenia joined the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and in 2006 the optional protocol to the convention.

In 2001, Armenia joined the European Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and in 2002 the optional protocols 1 and 2 to the Convention.

Joining both the European Convention and the UN Convention protocols, Armenia took obligations to form international and national bodies to regularly pay visits to detention places.

Based on those Conventions and Protocols, detention places are considered penitentiary institutions and bodies, police custody, care centers – children’s homes, nursing homes and mental health facilities (closed and semi-closed institutions).

The public monitoring group at the detention facilities of penal services of the RA Ministry of Justice has been functioning since 2005 and the public monitoring group at police custody has been functioning since 2006. In 2010, a public monitoring group at special public educational institutions at the Ministry of Education was established. There are no other monitoring groups for other closed and semi-closed institutions.

In 2010 a monitoring group of seven people was established. (3 experts, 4 NGO representatives, who were appointed by the Human Rights defender and adjacent to the Human Rights defender’s office) The group has the right to visit all the closed and semi-closed institutions of the Republic of Armenia – penitentiary institutions, police stations, police custody, children’s homes, nursing homes, children’s day care centers, special schools, mental health facilities, and military units.

HCA Vanadzor is a member of the public monitoring group at the detention facilities of penal services of the RA Ministry of Justice, a member of monitoring group at the Human Rights defender’s office and a member of the monitoring group at special public educational institutions.

Police

The work of the law enforcement bodies in Armenia, particularly of the police, still resembles the work style of Soviet Union times. This is the reason why society attributes law enforcement entities work as non-transparent, and society does not trust the police²⁰.

In October, 2009 HCA Vanadzor conducted monitoring in the police stations of Lori region and recorded that there is lack of accountability to the citizens concerning the activity of the police stations²¹. The results of the same monitoring showed that the police have not established a structure ensuring Human Rights Protection and in providing service to society.

²⁰ The John Smith Memorial Trust research results
<http://www.johnsmithmemorialtrust.org/web/site/Articles&News/FellowsArticles/Hovakimyan.asp>

²¹ HCA Vanadzor report on “The Observations held in 6 Police Departments of Lori Region on October 29, 2009 and the Problems Revealed.” http://www.hcav.am/attachments_/921ce_Hashvetvutyun.pdf

Existence of such problems in practice, isolate the activity of the law enforcement bodies from society. It creates conditions for violations, abuse, ill-treatment and impunity of police officers. The fact of ill-treatment by Lori region police officers in 2008-2010 and recorded by HCA Vanadzor provides proof of these allegations. No policeman was held responsible in relation to the recorded 14 cases of ill-treatment²².

HCA Vanadzor, as a representative of the public monitoring group who visited detention facilities, observed several cases of physical injuries to people who were brought to the penitentiary institutions of the Ministry of Justice.

In 2010, HCA Vanadzor applied to RA Prosecutor General's office, requesting information on the number of people with injuries transferred to prisons from police detention facilities, the number of reports on such cases submitted by the penitentiary institutions, and the measures taken. In response, the Prosecutor General's office said they did not have the information and we were advised to apply to the police. However, the police did not provide such information either, stating that they did not do such recording. Moreover, the Special Investigative Service tried to hinder any effective investigation into the recorded facts. As an example, they do not provide HCA Vanadzor with the decision made on the criminal case brought due as a result of an official investigation. In cases like this, HCA Vanadzor has to go to the court with a claim to oblige bringing a criminal case.

The most vivid proof of ill-treatment at a police station is Vahan Khalafyan's death case in 2010. Human Rights Watch expressed concern as well and mentioned in a letter addressed to RA Prosecutor General the following: "There is some concern that Khalafyan may have been ill-treated prior to his death²³".

In a 2009 report, the monitoring group observing police custody expressed its concern with; problems related to visits to the detainees, detainees medical examination, lack of food, and organization of their walks. In particular, the group noted that the administration staff of the police department prohibits visits (80% of the phone calls via hot-line were related to prohibition of visits).

Although the law requires, food brought three times a day, food is mainly provided only once a day.

The RA Legislation does not define medical examination just after detention. A person is examined only when there is obvious physical injury. The monitoring group noted that even in cases of finding physical injury in 12 police custody cases, only in one of them was there an organized medical examination and necessary records made²⁴.

According to the RA Government's 2010-2011 Reform Program Concepts, reforms are expected in the police system in Armenia for the reason is to ensure conditions where citizens can feel safe and be able to trust the police²⁵.

²² HCA Vanadzor report on "Tortures in Lori Region." http://www.hcav.am/attachments/_/dc694_Xoshtangunner.pdf

²³ http://www.hcav.am/articles.php/language_arm/date_2010-04-28/article_3611/Human_Rights_Watch_letter_addressed_to_RA_Prosecutor_General.html

²⁴ 2009 Report of the Monitoring Group at RA Police Custody 2009, pages 132-148 <http://www.policemonitoring.org/index.php?m=45>

²⁵ <http://www.arlis.am/DocumentView.aspx?DocID=47152>

Penitentiary Institutions

In the report “Penitentiary Institutions of the RA Justice in 2008” the monitoring group presented the general conditions of the penitentiary institutions, treatment towards the detainees, and ensuring the detainees’ rights. The group expressed its concern about the fact that these institutions were overcrowded and the living conditions of the convicted contradict both the International Standards and the RA Penitentiary Code.

The monitors reveal facts of ill-treatment and that cases of using special measures are not recorded (handcuffs, truncheons, etc.). The staff does not record the injuries the detainees receive²⁶. This concern was also expressed by the Committee for Torture Prevention in its 2006 report²⁷.

Mental Health Facilities

HCA Vanadzor conducted Human Rights monitoring of all eight mental health facilities in Armenia in 2009 and expressed concern about the building and the sanitary/hygienic conditions of those institutions, the food, and Human Rights treatment²⁸. In particular, the law does not define the minimal standards of food, sanitary/ hygienic conditions and treatment.

Although the law “On Psychiatry” defines the rights of those in mental health facilities as: communication with outside people, walking, and legal assistance. These rights are not assured.

Also, Violations of Human Rights relating to obligatory medical treatment and use of physical restriction measurements are problems which are due to legislative shortcomings.

There is concern related to provision of medicine and medical services – mental health facilities mainly provide medicine treatment and the quality of the supplied medicine and the quantity of the medicine provided is problematic. There is no individual treatment for patients such as an individual treatment and therapy program specifically designed for each patient.

The medical treatment of people with chronic mental health problems is in the same departments and same medical institutions. There are no care centers for those with chronic mental health problems. There is no preventive policy in psychiatry and after the treatment there is no effective out-patient medical care for the patient.

The average staff of assistant nurses and nurses in the mental health facilities do not have specialized training and no specialized training is arranged for them. Working conditions are very substandard, the staff is not paid well, and they have no holiday or extra privileges for their 24-hour work shift.

The staff uses physical violence against the patients and exhibits an inhuman and degrading attitude towards the patients. In most of the mental health facilities the patients are engaged in physical work.

²⁶ The Report of the public monitoring group at the detention facilities of penal services of the RA Ministry of Justice on “The Penal System in 2008” http://www.hra.am/documents/PMG_Report_2008_arm.pdf

²⁷ Report to RA Government on the Visit to Armenia <http://www.cpt.coe.int/documents/arm/2007-47-inf-eng.htm>

²⁸ http://www.hcav.am/articles.php/language_arm/date_2009-10-27/article_3321/page.html

Armed Forces

In 2009, there were forty-two death cases during eleven months according to the data provided by the Military Prosecutor's office²⁹. The data on death cases in the army is incomplete.

As a result of the absence of civil control over armed forces, the information on the number of murders, the reasons for the murders, is restricted by the law "On State and Official Secret" and the orders of the Minister of Defense. HCA Vanadzor submitted an application to the court against the Ministry of Defense, requesting the Ministry of Defense to provide information on the number of soldiers murdered in the army.

An effective, objective, and thorough investigation is not conducted on murders and no one is held liable for those murders. The Mataghisi case is a vivid example of two soldiers' deaths which is a trial that is still going on³⁰.

According to electronic media monitoring conducted by HCA Vanadzor, during July-September 2010 more than 10 death cases of soldiers were recorded³¹ (incidentally, during two days in July there were 7 murders). The mentioned cases are presented by the official preliminary investigation as suicide or murders performed by fellow soldiers. Whereas, the relatives of those murdered, have other facts or information on the circumstances surrounding the murders³².

The RA Ministry of Defense continues to spread misinformation on the incidents happening in the army and their work is ineffective work for preventing military crimes.

Closed and Semi-closed Institutions

Problems revealed during Human Rights monitoring conducted by HCA Vanadzor in the Vanadzor Nursing Home, Vanadzor Children's Home, Vanadzor Detention Facility and in Lori region Psycho- neurological Dispensary during 2007-2010, are due to both the legislative gaps and systematic problems existing in practice. There is concern that the state does not ensure the financial allocations in line with the standards set by the legislation³³. Some of the problems are due to the fact that there are no standards for food, sanitary /hygienic and other conditions, or for staff treatment towards patients. There are no defined job descriptions or they are incomplete.

The staff uses such measures of punishment and liability which are characterized as cruel, inhuman, and degrading treatment. There is no proper agreed awareness raised by the staff on the rights and responsibilities of the beneficiaries.

²⁹ <http://www.tert.am/blog/?p=1216>

³⁰ http://khosq.com/article/2008/07/03/mataghisi_gortci_hakaphastark, http://khosq.com/en-us/article/2008/07/03/mataghisi_gortci_hama%D5%BCot_teghekanqe

³¹ <http://www.armtimes.com/15893>, <http://www.armtimes.com/15910>, <http://www.armtimes.com/16041>, <http://www.armtimes.com/16059>, <http://www.armtimes.com/16060>

³² <http://www.armtimes.com/15910>, <http://www.zhamanak.com/article/15778/>

³³ HCA Vanadzor 2007, 2008 Reports on "Human Rights Situation in Lori Region" http://www.hcav.am/attachments_/01232_zekuyc_2009.07.01%5B1%5D-arm.PDF, http://www.hcav.am/attachments_/dcdfc_MON_1%5B1%5D.pdf

Social Rights

In 2004 the Republic of Armenia ratified the European Social Charter with some reservations.

In 2008 the Republic of Armenia presented to the European Committee of Social Rights a report on 7 articles: the right to work, the right to vocational guidance, the right to vocational training, the right of physically or mentally disabled persons to rehabilitation and social resettlement and to participate in community life, the right to engage in gainful occupation in the territory of other Contracting Parties, the right to equal rights and equal treatment to work and vocational issues, the right to protection while being dismissed from work.

The RA government did not involve NGOs in the preparation of the report, nor has information been published about the report.

The protocol to the Social Charter, which has a system of submitting complaints collectively, was not ratified by Armenia and in fact, the committee did not get any complaints on concrete violations of social rights except the one provided by the government, as the citizens of Armenia cannot make use of this guarantee.

In connection with the presented report, the Committee concluded³⁴, that, in general the situation in Armenia is in line with the Charter requirements, the conclusion on the rights to vocational guidance, to engage in gainful occupation in the territory of other Contracting Parties was put off until further information from the state³⁵.

On October 31, 2009 the Republic of Armenia presented a report on the rights to safe and healthy working conditions, to social security, to social and medical assistance, to benefit from social welfare services. However, the RA committed also to present the rights to protection of health, to social protection of the elderly, to protection against poverty and social injustice and it neglected to present these social issues.

According to the presented information, the Committee concluded that the right to social and medical assistance and the right to social security are not in line with the Charter requirements. The conclusion on the right to safe and healthy working conditions, and the right to benefit from social welfare services was delayed awaiting further information from the state.

The results of the survey made by HCA Vanadzor in Lori, Tavush and Shirak regions show that 54% of illness cases received a wrong diagnosis and in 20% of the cases there was wrong medical treatment administered.

44% of citizens paid for ambulance service in spite of the fact that it is free and in 45% of the cases the ambulance visit was without a doctor.

³⁴ The Conclusions of the European Committee of the Social Rights, 2008 www.coe.int/socialcharter

³⁵ The Conclusions of the European Committee of the Social Rights, 2009
http://www.coe.int/t/dghl/monitoring/socialcharter/conclusions/State/Armenia2009_en.pdf

Patients' Rights

Included in social rights, a separate issue is the protection of patients' rights. This includes people with mental health problems, drug addicts, alcohol abuse, people in detention facilities, and those in need of palliative help.

In 2002, the Republic of Armenia joined the European Charter of Patients' Rights. Within the framework of the legal protection of drug users in 2007-2010, HCA Vanadzor came to the conclusion that the violations of drug users' rights to a fair trial are mainly violations of their rights as patients³⁶. Apart from this, the court practice on the protection of patients' rights is not developed and the advocating skills are still weak. Though the Republic of Armenia ensures drug users' right to free medical service they avoid making use of the medical service. After applying to the hospital the information is given to the police by the decision of the RA government, and then the police pursuit starts. Also, after starting a criminal case against the drug users, the pre-trial body keeps the passport if they are set free with conditions. However, the presence of identification documents is obligatory to receive any medical service.

The quality of medicine has significant impact on the effectiveness of a treatment. Currently, Armenia is not importing medicine accepted in international practice which is necessary for effective treatment. Furthermore, no rehabilitation treatment is carried out.

Since 2009, a substitute Methadone Treatment Program has been implemented in Yerevan by the Anti-drug Civil Alliance in Armenia³⁷ and the Open Society Institute Assistance Foundation-Armenia, which faces serious obstacles by the police.

Governance, Administration and Corruption

Though Armenia adopted a democratic way of governance, authoritarian tactics are implemented against citizens and current legislation sometimes fails to protect the citizens. These issues are not addressed.

The procedures of administration do not promote for ensuring Human Rights implementation.

There are no clear provisions for implementing the principles of the legislation in the administrative sphere and these shortcomings lead to the implementation of ineffective administration, as a consequence Human Rights are violated.

In spite of the development and implementation of the RA Government's anti-corruption strategic programs, and according to the report of Transparency International, the level of corruption in Armenia has grown. In 2009, the index was 2.7³⁸, which is less by about 0.5 compared to the index of 2003³⁹ and by 0.3 compared to 2007⁴⁰. According to Corruption Perception Index Research, a 3 score or less is characteristic of countries with systematic corruption. Where non-transparent action prevails, public institutions need to

³⁶ http://hcav.am/index.php/language_eng/q_management%20of%20the%20community%20budget/SeachWholeSiteOrSection_2/Search_1/PageNum_11/

³⁷ <http://shneck.com/1220827.html>

³⁸ Transparency International 2009 Annual Report http://www.transparency.org/publications/publications/annual_reports/ti_ar2009

³⁹ Transparency International 2003 Annual Report http://www.transparency.org/publications/publications/annual_reports/annual_report_2003

⁴⁰ Transparency International 2007 Annual Report http://www.transparency.org/publications/publications/annual_reports/annual_report_2007

be strengthened, and governments need to implement effective anti-corruption reforms.

The 2010 Bertelsmann report states that due to political corruption the vulnerable economic environment continues to be the fundamental obstacle for further economic growth and development of Armenia⁴¹. The experience of HCA Vanadzor and the Lori Region Advocacy and Assistance Center in the sphere of fighting against corruption in 2008-2010 shows the lack of political will to combat corruption does not help to diminish corruption cases. Based on the corruption risks revealed during the last two years in the activity of Lori Region Advocacy and Assistance Center, 25 reports have been made. Criminal cases have been brought against two of those cases; however, the officials were not held liable as an Amnesty Act was used as their defense.

More than five decisions on not bringing a criminal case were appealed in the court. At present thirteen court cases are still in the trial phase in different courts. Based on the organization's experience, it can be concluded that corruption related criminal cases last, on average, ten to seventeen months; therefore the effectiveness of fighting against corruption significantly decreases.

HCA Vanadzor analyzed four hundred and eight decisions made by the community head and avagani of Vanadzor, Alaverdi, and Tashir in Lori region, and it showed that three hundred and seventy-seven of them had corruption risks in them, and three hundred and ninety-four had procedural violations (a number of decisions contained both corruption risk and procedural violations at the same time).

Local Self-governmental Bodies

In 2001, Armenia ratified the European Charter of Local Self-Government which defines local self-government as a basis for democratic institutions, and also recognizes the citizens' right in state government, especially on a grassroots level.

However, the Armenian legislation does not provide ample opportunities for ensuring public participation in the decision-making process on the local level⁴². From this viewpoint the meaning of the law "On Local Referendum" is very important as a mechanism of solving the problems of community importance by the community inhabitants; however, this is currently not working. The employees of HCA Vanadzor and the community inhabitants initiated holding a local referendum on expressing impeachment to the Vanadzor mayor, but the RA Constitutional Court recognized it as non-legal⁴³.

In 2009, HCA Vanadzor conducted monitoring of the process of decisions made by the local self-governmental bodies in five towns in Lori region and the results showed that the community population almost never participates in the solution of local problems and in the management of the community property and budget⁴⁴.

The results of the survey made among the adult inhabitants of Spitak in 2010 by the Spitak Helsinki Group Human Rights NGO, showed the main reason for lack of citizens participation is the absence of

⁴¹ Bertelsmann Stiftung, BTI 2010 — Armenia Country
http://www.bertelsmann-transformation-index.de/fileadmin/pdf/Gutachten_BTI2010/CIS/Armenia.pdf

⁴² Local Governments in Eastern Europe, in the Caucasus and Central Asia "Local government in Armenia" Chapter 6
<http://lgi.osi.hu/publications/2001/84/Ch6-Armenia.pdf>

⁴³ http://hcav.am/index.php/language_eng/q_Karine%20Ayvazyan/SeachWholeSiteOrSection_2/Search_1/PageNum_2/

⁴⁴ www.hcav.am

information about the avagani sessions and the possibility of citizens to participate in them. The fact is that the population is not aware of legislation related to local self-government.

Most of the citizens do not trust the local self-governmental bodies though they assess the activity of the community head as satisfactory. The same cannot be said about the activity of the avagani⁴⁵. 73% are not aware of the activity of the avagani and the main responsibilities. This comes to prove that the institute of the avagani community is not established and the avagani does not fully execute its functions set forth by law.

It is difficult for the citizens to understand how and to what extent the community budget is based on their community needs.

Peacebuilding

While affiliating with the Council of Europe, both Armenia and Azerbaijan made commitments to solve the Karabakh conflict in a peaceful way and at the same time they assumed responsibility to support the participation of Civil Society Institutes within the framework of peaceful regulation of the conflict.

In spite of the commitments, the authorities failed to provide the necessary assistance in the cooperation between the representatives of conflicting societies and they also created obstacles for this to occur. For instance, in 2006 HCA Vanadzor organized a summer camp called “Camp of Mutual Trust” in Gugark near Vanadzor. The young people of Azerbaijan who participated in the camp were under pressure by authorities and were considered “traitors” in mass media.

In 2010 HCA Vanadzor began to implement a project entitled “Networking and Training for Young Human Rights Activists” funded by NED. Representatives from Azerbaijan and Abkhazia did not take part in the training as a result of some negative articles and comments on the project through the Azeri and Abkhazian media⁴⁶.

The many problems of conflict victims – missing persons and their relatives, former prisoners of war and their families, refugees and IDPs – are still on the agenda of the Peacebuilding activity⁴⁷. From this point of view it should be noted that the authorities did not show enough will and consistency in solving the problems of conflict victims. It wasn't until 2010 that the RA Government initiated the work of developing the draft law “On Missing Persons”. In Azerbaijan, a similar law was included in the agenda of the Milli Majlis but not until Spring of 2010.

Factors threatening the chances for peaceful resolution of the conflict increase along with negotiations within the OSCE Minsk Group which have lasted for more than 15 years. There is concern about the permanent increase in the military budgets of Armenia and Azerbaijan, especially in 2000-2010 (see the illustration: <http://milexdata.sipri.org/result.php4>).

The short-term Georgian-Russian War in August 2008 had a very negative impact on the peaceful resolution of conflicts in the South Caucasus region. The extension of the maintenance of Russian military bases

⁴⁵ http://www.hcav.am/attachments_/9b186_Zekuyc.pdf

⁴⁶ <http://www.lidertv.com/az/news/0/105588.html>

<http://pia.az/index.php?l=az&m=news&id=379>

<http://www.kr-eho.info/index.php?name=News&op=article&sid=4308&word=%D5%C3%0>

<http://www.golosarmenii.am/ru/19986/politics/3600/>

<http://v102.ru/politics/19565.html> <http://www.abkhaziagov.org/ru/president/press/inosmi/detail.php?ID=30929>

⁴⁷ http://www.hcav.am/attachments_/7167f_youth_main_arm.pdf

in Armenia until 2044 also leads to the increase of the militarization level in the region. In this sense, a very vital issue is the establishment of civil control over armed forces which should be on the agenda and which are also prescribed by the RA Constitution. Because of the closed Armenian-Azeri and Armenian-Turkish borders, there is concern that the level of cooperation between the Georgian-Armenian cross-border settlements is becoming much weaker and the level of isolation between the societies of the South Caucasus region is increasing.

It seemed that this tendencies would hinder signing the Armenian-Turkish protocols signed in Zurich in 2009.

However, over time there is no visible optimism or hope. The signing of protocols was followed by various bi-lateral meetings with experts, artists, youth, but they were not directed towards revealing the common problems in the two countries or the implementation of cooperative work to solve those problems.

Civil Society Challenges

Although there are more than 4000 registered NGOs in Armenia the level of civil and public participation in decision-making processes on local and national levels is still insufficient. It is not only due to limited opportunities of the legal field but also because NGOs are not well established. There are huge differences in the development of Civil Society Institutes between the capital and non-capital regions.

Internal resources have little importance among the financial resources allocated to the activity of Civil Society Institutes. Especially for Human Rights Organizations, internal financial resources are unavailable. It is not only due to the fact that the business environment is dependent on the executive branch of the Armenian government, but also to the fact that they are engaged in criminal activities.

A few evaluations⁴⁸ of the impact of NGOs activity were done that did not have a great impact on the development of those NGOs.

Mass media, especially those under the control of the authorities, spread defaming, negative information on Human Rights NGOs and their activities with the aim to create negative opinion about Human Rights NGOs. Such behavior and approaches are inhibiting factors for mobilizing adherents of the Human Rights work and involvement of citizens in NGOs work.

An additional obstacle is the presence of GONGOs (Governmental NGOs), which are created by the authorities for self-serving interests and for presenting and preserving the authorities' viewpoints in civil society. Parallel to this, over the past last three years, there is short-term and long-term cooperation between a few NGOs on Human Rights protection and advocacy. Authorities' current attempts to make legislative changes can be considered facts of their attitude towards this cooperation. For instance, the Government's presentation of changes and suggestions to the law "On Non Governmental Organizations" under which they try to increase the authorities control over the NGOs. The RA Government's resolution "On creating control department within the Ministry of Justice over the activity of non commercial organizations" entered into force on September 1, 2010, which is a legal act restricting freedom of association.

Strategic and Operative Goals of the Organization

⁴⁸ Evaluation of the NGO Sector in Armenia, Yerevan 2001

The goals and objectives of 2011-2015 strategy of HCA Vanadzor were formulated based on the problems stated in the context analysis.

Civil Initiatives and Advocacy

Strategic Goal 1

Promotion for mechanisms of Public Participation

- Increasing the effectiveness of public and legal mechanisms for fighting against corruption
- Development and strengthening of mechanisms of civil control over management of state resources
- Formation, contribution and application of an institute controlling the resources allocated by the state and local budgets, which are aimed for the Human Rights sphere
- Strengthening of the observing institute to ensure elections in line with democratic standards
- Expansion of civil society participation in the decisions made by the state and local self-governmental bodies and development of cooperation mechanisms
- Promotion for increasing the accountability and transparency of state and local self-governmental bodies

Strategic Goal 2

Development and Implementation of Advocacy Policy with the aim of Human Rights protection, Peacebuilding and support for Civil Initiatives

- Development and implementation of concrete policies of public awareness raising on Human Rights protection, Peacebuilding and Civil Initiatives
- Development and implementation of policies with the aim of adopting legislative proposals
- Increasing the effectiveness of the policy directed towards social security and social protection in Armenia
- Promotion for the contribution of the mechanism of submitting collective appeals as defined by the additional protocol of the European Social Charter
- Development and implementation of policies directed towards improvements of the work in closed and semi-closed institutions
- Increasing the effectiveness of the policy of advocacy of conflict victims (missing persons, former prisoners of war, refugees, IDPs)

Human Rights

Strategic Goal 1

Compliance of the legislation and its application to the international standards in the sphere of protecting Political, Civil and Social Rights

- Increasing the effectiveness of protecting the right to a fair trial
- Strengthening of national mechanisms of Human Rights protection
- Spreading the application of UN and European mechanisms of Human Rights protection
- Correspondence on the activity of the closed and semi-closed institutions of the International Standards of Human Rights
- Increasing the effectiveness of preventing ill-treatment in law enforcement institutions
- Increasing the effectiveness of Human Rights protection in the field of administration
- Development of cooperation with International Human Rights Organizations
- Promotion for the effective implementation of the RA law “On Missing Persons”

Strategic Goal 2

Contribution of the institute of Human Rights witnesses

- Increasing the effectiveness of mechanisms of quick response to Human Rights violations
- Development, application, improvement of Human Rights protection mechanisms on national, regional and international levels and increasing their effectiveness
- Expansion of Human Rights movement

Peacebuilding

Strategic Goal 1

Promotion for decreasing the demilitarization level

- Development of civil control over armed forces and increasing their effectiveness
- Promotion for increasing the accountability and transparency of the defense structure

Strategic Goal 2

Development of the Peacebuilding potential of citizens

- Development of cooperation with the civil society institutes of the Black sea region member countries
- Promotion for increasing the effectiveness of the Peacebuilding activity implemented by Civil Society Organizations
- Development of methods of Peacebuilding activity

Strategic Goal 3

Development of mutual trust and dialogue between isolated societies⁴⁹

Among Youth

- Development of cooperation between the representatives of isolated societies
- Dissemination of the values of Human Rights, Democracy and Rule of Law among the representatives of isolated societies

Among the residents of cross-border regions

- Decrease of obstacles for the cooperation between the citizens of the Armenian-Georgian cross-border settlements
- Restoration and development of dialogue between the families of the Armenian-Azeri cross-border settlements

In order to implement its activity HCA Vanadzor will carry out the following strategies:

Discussions, seminars, public hearings, (joint) public actions, trainings legal actions, civil participation, publications, studies/research, monitoring, lobbying, involvement of mass media, TV and radio discussion and debates.

⁴⁹ In this strategy isolated society is meant the society of the countries involved in a conflict

HELSINKI CITIZENS' ASSEMBLY - VANADZOR
ORGANIZATION STRUCTURE

