

Annual Report of 2005

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Annual report of Human Rights Defender introduced on April 13 2006.

According to the 17-th article of the law "About The Human Rights Defender" of RA during the first quarter of each year the ombudsman introduces to the President of RA, to the legislative, executive and judicial powers a report about his activity and violation of human rights and basic liberties during the previous year, and during the spring session of the National Assembly (NA) he introduces it at the conference of NA.

As for the law "About The Human Rights Defender" of RA the report of ombudsman covers the activity towards the human rights defense and basic liberties, as well as the evaluations given by the ombudsman with regard to disturbances of human rights and basic liberties, their conditions and causes revealed in the result of that activity. From this point of view I think that the first ombudsman of the republic may be given a chance to introduce her report about her activity and disturbances of human rights and basic liberties in the country in 2005 with appropriate analysis, conclusions and evaluations made by herself.

I consider that my task is to introduce to you a brief report about the type of the statistics and general tendency of the complaints directed to the ombudsman in 2005, the progress of their discussion, about the ombudsman's activity with international cooperation, with non-governmental organizations, about the work with mass-media in the spare of raising public acknowledge and in other spares, about what can indicate the results of that work for the further activity of the institution, and about how do I see the main directions my further activity.

At first I consider it important to appreciate the first human rights defender. The institution of human rights defender was founded in 2004. Being the first and different in quality from other organizations, dealing with the human rights defense, and other governmental bodies and institutions of RA, she committed herself main difficulties connected with the establishment of the institutions.

While forming her personnel she tried as much as possible to keep the demand of pluralism adopted according to Parisian principles concerning the activity and the status of national institutions of human rights.

The personnel forming is too important from the point of view of provision of effective activity and independence of national institutions of human rights, and the first defender of human rights has managed to solve this problem.

Adjust the ombudsman an expert council was formed which has discussed a number of challenging problems during the previous year. E.g. discussions were held connected with the problems of replacing the execution of executed people by life in imprisonment, and connected with social security cards, as well as problems of the necessity of making some changes in laws concerning the spare of social security, in the Soil Code of RA.

The positive experience of European ombudsmen was widely used and distinct principles were worked out and applied concerning the problem of receiving and registrating complaints, problems making decisions about the solution of their progress, problems of reception of applicators, as well as problems connected with employment.

Extensive works were done in order to raise the public acknowledge about the activity of the institution, in the direction of adequate comprehend of the role and the functions of ombudsman's institutions, of development of international cooperation and acquiring of international recognition, in the direction of effective

cooperation with non-governmental organizations and with mass-media, etc. An effective cooperation was established with the non-governmental organizations acting in the country and especially dealing with the defense of human rights, the evidence of which is are generally just the quantitative datas of ombudsman's or his representatives' participation in joint discussions on different issues concerning human rights, in seminar-trainings and in measures organized by non-governmental organizations. Agreements were sealed with some non-governmental organizations which made the cooperation between the ombudsman's institution and non-governmental organizations more practice. As further direction of my activity I give importance to the development and reinforcement of the practic cooperation with non-governmental organizations.

From the very first day of its establishment the human rights defender's institution has spread an activity with corresponding international bodies and organizations communicated with human rights and with other national institutions of human rights. In the number of such international structures the institution has already had a wide recognition and its stable place due to the consistent work done by the first ombudsman in that direction.

The institution is a member of European and International ombudsmen's institutions; it always takes part in different measures organized by the latters. The defender and members of the personnel have had an active participation in round-tables organized on the problems of the ombudsman's institutions and that of human rights, in conferences and discussions, in visits to ombudsman's institutions in other countries with the purpose of experience interchange. It is possible to cite close relations with ombudsmen's institutions of Georgia, Russia, Lithuania, Poland and Sweden.

In 2005 human rights defender's institution presented a bid for becoming a member of the international coordination council (ICC) of national institutions of defense and spuring human rights. The case of membership will be discussed in April of this year.

The defender has always appeared with constructive suggestions concerning the development of territorial cooperation by means of establishment of Caucus ombudsman's. With regard to that o program-suggestion was presented by the defender to international corresponding organizations.

Giving importance to the necessity of territorial cooperation between ombudsman's institutions, as a further direction of my activity I also anticipate further enlargement of this cooperation. I give importance also to the establishment of international conferences in Armenia.

Appreciable works were done by the defender in this direction, e. g. in 2005 Yerevan a conference on the topic "Caucasian dimension in the context of the struggle against international terrorism for the sake of tolerance and against the discrimination and xenophobia" and in the result of this conference a formula was accepted. Highly appreciating the level of organization of international conference, the office of UNESCO in Moscow included in its programs/projects of 2006 the organization of an international conference in Yerevan on the topic "The integration of approaches in the educational policy and educational projects based on the principles of ethics and human rights".

In my further doings I give importance also to the fortunate organizing of this conference.

In order to raise the public acknowledge concerning human rights defender's institution and generally human rights round-tables, seminars and discussions were periodically held by the defender's personnel, mostly during visits to regions. During discussions held by the defender with non-governmental organizations the representatives of these organizations were provided with information concerning

human rights and defender's institution in order to give them to their beneficiaries.

To the raise of public acknowledge is directed also the legal consultation to citizens always provided by members of defender's personnel as in the personnel, so by phone and during members' visits to regions.

Having the purpose to provide maximal transparentness of defender's activity and that of his personnel a periodical work was done in the direction of making and spreading information and press-messages, organizing press-conferences, preparing different information planned for publishing in own initiative or in the request of press-representatives. From the second half of the year a special place occupies the work on defender's official web-site, which has begun acting/working since July of 2005. The number of visitors gives evidence about the growing interest towards the site.

Among other parts on the site acts the "Case #..." part, where different cases taken by the defender are placed, concerning which discussions were made. These cases are placed with the agreement of those giving applications. In the part of "Official letters" are inserted defender's letters with leaders of official and local self-governmental bodies about questions having public sonorosity.

As a direction of my activity I give importance to the raise of public acknowledge, securing of the transparentness of the activity of the institution by means of using the site, effective cooperation with mass-media and other ways. I give importance also to the necessity of securing the time of broadcasts put forward already by the first defender.

The fact, that the population in our republic has great expectations from the defender and turn to him with any question is evidence of being recognized of the defender's institution inside the country.

In order to have an idea about the violation of human rights in our country in 2005 I have observed the statistic information available in the institution concerning complaints given to the defender and the result of their discussion, I have introduced with a number of cases formed on these complaints, I have entirely introduced with the organization of work in the institution.

Firstly about the statistic information:
During 2005 the defender received 1551 written complaints, while the number of people giving them is 1824. Such a difference is the result of presence of group-complaints.

Given 1551 complaints have had the following progress:

1. accepted for discussion 533
2. the applicator was presented the opportunities of the defense of his rights 188
3. sent for discussion to another body 159
4. not accepted for discussion 594
5. are in the stage of observing 77

The statistics shows that more than 34% of received complaints were accepted for discussion, which is a possible sign. The observations of ombudsman's reports of other European countries show that in other countries also complaints accepted for discussion do not form a high per cent and do not pass the limit of 20-25%. An appreciable number form such complaints where the disturbance of rights is evident, but the ensuring of rehabilitation of right, of realization of the right is not conditioned by the will of the public servant or one body. E. g. the final solution of home problems of the inhabitants of disaster spot and refugee from Azerbaijan, problems of granting people subjected to repression and their first heirs a piece of ground for building apartments, granting privileged credits,

putting out debts of workers' salary of those organizations recognized insolvent, granting compensation to former workers who have had a working disability in such organizations, problems of securing comfortable conditions for realizing the right of invalids' transference, etc.

According to official and local self-governmental bodies received complaints have had the following pattern:

1. Police									191
2. Bodies	of	social	security						179
3. Courts								166	
4. The	municipal	power	of	Yerevan					139
5. Local	self-governmental	bodies							146
6. Prosecutory	body								94
7. Ministry	of	Justice							93
8. Ministry	of	Defense							72
9. Marz	authorities								73
10. Cadastre									50
11. Municipal	powers	(except	Yerevan)						59
12. Administration	of	migration	and	refugees					49
13. Official	committee	of	water	economics	(OCWE)				19
14. Ministry	of	education							22
15. Ministry	of	health							19
16. Ministry	of	trade	and	economic	development				9
17. Ministry	of	transport	and	communication					12
18. Official	tax	service							6
19. Ministry	of	city	building						6
20. RA	government								9
21. Ministry	of	energetic							3
22. Ministry	of	finance	and	economics					3
23. Other									129

According to regions received complaints have had the following pattern:

1. Yerevan									978
2. Shirak									106
3. Lory									104
4. Kotayk									67
5. Ararat									66
6. Gegharkunik									64
7. Armavir									58
8. Tavush									31
9. Syunik									34
10. Vayoc			Dzor						22
11. Aragatsotn									21

These numeral datas give evidence to the fact that in the number of received complaints predominate complaints against Police, Courts and The municipal power of Yerevan.

The number of complaints against the bodies of aspects of social security shows that especially the aspect of social security problems needs a particular attention. In the defender's personnel a separate group is formed, which is specialized and deals with complaints concerning problems of social rights. A great number form complaints connected with providing grants of poverty: applicators informed that in the past they received a familiar poverty grant but in the result of growing the payment of basic pension as well as for each year of insurance stage in 2005 the point of shortage of the family has lowered, in the result of which the family or a lonely person receiving

grants in the past was deprived of the right of receiving family grant. In fact, in conditions of adding 1000 or 2000 drams to the pension the citizen was deprived a greater sum of poverty family grant forming 6000 drams, which has deepened the citizen's poverty.

The grant given to 76 years-old A. D. inhabitant from Vanadzor town of Lory region, was stopped on the basis that the point of her shortage lowered from 43.08 to 33.94 because of adding only 1000 drams to the pension. The applicator was deprived of the right of receiving 6000 drams because of adding 1000 drams to the pension.

191 complaints directed to the Police concern the arresting of a person, keeping him out of freedom, the frisk, impressment and other actions of such complaints.

An appreciable number form also complaints against the Police Passport Departments connected with passport registrations.

E. g. an applicator has complained with a case that since 1993 he has been living in Armavir region, he has married and has a child, but it is already 6 years he could not get a passport as he has come from RF and has not registration place. The child is not given a metrical certificate either because of the absence of his parent's passport. With regard to the case of providing this applicator with a passport the circumstance of giving him the passport by place of (de facto) inhabitation was ignored. The case was solved after the defender's plea (mediation).

The 166 complaints directed to courts mainly concern the complaints of judgments, verdicts and decisions of courts, the discussion of which is out of defender's jurisdiction. There were also complaints concerning not providing in time the adopted verdict to the part (side), and delaying the trial without any ground.

In the number of 139 complaints against the municipal power of Yerevan a great number form those concerning the processes of compulsory estranging the property of citizens by programs of building of Yerevan. Parallel to them other complaints concern the unauthorized buildings, recognizing the right towards the piece of ground occupied wilfully providing apartment to apartments taken for needs of the country according to the agreements sealed by former peoples' commissar of citizen council and other problems.

The 94 complaints directed to the prosecutory body concerned to the ways of breakdown selected by criminal cases being in the process of investigation, the nature of the charge, providing step-methods for the trial and other problems like this.

It was spoken much about violations of human rights during the compulsory estranging of citizen's property in Yerevan. E. g. after the exploiter has taken part of a block of flats, when there were yet inhabitants in apartments not taken by him, the destruction of the whole building started; the ceiling was destroyed, the road became bad for use, the provision of water and electricity was stopped, etc. With this matter there was a complaint presented to the prosecutor of The Center evaluating the actions of exploiter as licence. The citizen's complaint was not watched by the prosecutory body as information about done mining and was suggested to turn to court in order to solve the problem as a matter of civil claim. After the defender's disagreement with such an approach the applications was sent to the Police to check the information. Here also a formal approach was shown and the complaint did not have a proper progress, the applicator again was shown the way of turning to court as a matter of civil claim.

There is a problem worthing attention connected with those former citizens of RA, who have adopted other country's citizenship before the age of conscription or generally before being called up, evading the order of Citizenship Code established by the law "About the citizenship" of RA. Such people remained in the registrations of military commissariats and police passport departments. As presented by mil.com. they are watched in the prosecutory body as avoiders from the conscription, criminal

cases were and are prosecuted towards them, and a reconnaissance was and is announced. The presented documents concerning being citizen of another country are not taken a basis and the criminal cases are not shortened. The solution of this problem is given a great importance from the point of view our inhabiting compatriots are prosecuted as reconnaissants, they are periodically taken to the police stations and are kept so as making inquiry to our low- enforcement bodies.

93 complaints against The Ministry of Justice concern to the activity of service of CIJA and criminal executorial facility of the ministry system. More than 80% of those complaints concern not proper implementation of judicial acts by the service of CIJA, the unfounded avert, applying needless enforcement during fulfilling actions, etc.

An appreciable number have formed complaints of actions of compulsory implementation service connected with deport of citizens inhabiting in estranging zones of Yerevan from their apartments according to decisions of courts. With such complaints citizens have complained of decisions of courts and they have taken those complaints to compulsory performers, considering the use of enforcement by them illegal especially when the compulsory performer also made the Police a participant of deport.

Such complaints were also the result of the fact that very often compulsory performers have not provide time for delivering the apartment voluntarily and have not informed about the period of realizing of fulfilling actions. There were cases when decisions of courts about avert of fulfilling action were ignored.

50 complaints directed to the state committee of real estate cadastre have concerned to the problems of refusal of registering property right, unauthorized buildings and not giving a proper progress to applications concerning making legitimate pieces of ground occupied wilfully.

Complaints received from regions have concerned to not solved working and social problems of population. The major part of complaints received from Shirak and Lory regions concerns to home problems: complaints concerning the order of distribution of apartments, provision and not equal apartments to that lost in the result of a disaster, not being registered as a person in shortage, etc.

Also are worth attention working quarrels between principals of schools and school teachers: with the matter of firing, discriminate approach, violation from the principal's side and other problems like this.

The statistics of complaints received during preceding year, the analysis of works done by the institution make possible the distinction of main directions and premiums of further activity within providing the continuation of the activity of the institution.

The main task of the institution was and will be the work received in written and oral complaints.

In this works we appoint qualitative change with respect to that the observation of complaint would be fulfilled not only by means of inquiries, but also by means of combined looking for ways out of rehabilitation of right and combined discussions, meeting with public servant and the management of the body responsible for the violation of right.

I think such a policy will promote the decrease of correspondence ,will reduce the time demanded for the final solution of the complaint and the positive results can be more perceptible.

Just such cooperation will be suggested to the municipal power of Yerevan, to governors, to mayors of other cities, to the prosecutory body of the republic and to Police.

The orders and conditions of information given to the defender connected with criminal cases being in the process of investigation will be discussed with prosecutor on the account that the defender can come to a basic conclusion by the complaint

given him about judicial violations.
Different problems will be discussed with the chairman of the supreme court of the republic connected with the examination of judicial sessions, complaints against courts, introducing suggestions to the council of chairmen of courts by the information of observed judicial acts and their discussion connected with the defender's or his representative's presence.
A memorandum of agreement is sealed with the Police. It will be reconsidered joint with the purpose to provide greater effectiveness, particularly, people responsible for the security of the cooperation will be appointed, and a reflect will be periodically made on the results of the cooperation.
The cooperation will be made closer to criminal executorial institutions with the group of social observers acting in the personnel of the ministry of justice.
Such cooperation will be formed with other ministries and services, such as e.g. state committee of real estate cadastre with its branches, CIJA service, tax and dues state administrations, etc.
The tradition of going periodically to regions and outs places and meeting with population will be given importance.
I consider the problem of creating regional missions of the institution very urgent and necessary. Taking into account the indicators of complaints received from regions, the often impossibility of turning to the defender by inhabitants of far regions, as a further direction of my activity I plan the establishment of region missions. The establishment of region mission was planned by defender's personnel in the application of 2006-2008, but no corresponding means were given with that purpose.
The defender's active membership in working out projects of legal acts and laws concerning human rights and basic liberties will be considered one of the premium problems.
From this point of view the process of reconciling the law "About the Human Rights Defender" to the constitution of RA, removing a number of contradictions and uncertainties in the law, making it harmonious with other legal acts is too important. We have already prepared a project about making changes and additions in the law.
This is the least that is planned according to the program of the further activity of the institution.
The activity of the institution will be open and the NA, as well as the society will have the opportunity of making an opinion about that activity and giving their marks.

A. Harutyunyan
Non official translation

Translated by Alvina Zakharyan