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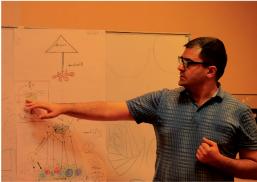


















DIRECTOR'S STATEMENT

EPF works in a variety of areas, and some of its work done in 2016, such as on Armenia-Turkey relations or Human Rights, is reflected in other documents in this folder. But we work also in media and citizen journalism, local government reform, and civil society development.

What underlines all this work is our attempt to make the society-state system functional. For instance, in local government reform, we worked in 2016 with our partners, such as the Community Finance Officers' Association (CFOA), on making community websites more functional and user-friendly, and achieving a situation where at least some communities use them, both for community and local government news as well as to communicate with each other. We also worked on election monitoring, engaging community activists in the process, to make them interested and proactive stakeholders in governance.

Our programs are linked to each other: our network of InfoTuns, or information hubs in 8 regions of Armenia run by young leaders, works both on promotion of citizen journalism and critical thinking, as well as on community governance. Thanks to the contributions of the beneficiaries of InfoTuns, several concrete cases have been tackled, such as the renovation of intercommunity roads, sidewalks, etc. These are not easy achievements; they require the mobilization of the community via the means available to citizen journalists. Very often, this also means very significant pressure on the authorities.

Making the system work - that is one part of our strategy. Going full circle, from policies

to the grassroots level – that is another. This is visible in many areas of work, including in our work on legislation – the anti-discrimination draft law, and information dissemination on anti-discrimination we do all over Armenia.

A major part of this is also working with the media. Our award ceremony for journalists covering religious tolerance issues has become a tradition. With our partner Media Initiatives Center (MIC), we support several media, particularly on investigative journalism, fact finding, digitalization, human rights, and critical thinking. Thanks to our support, at least in one case a significant community financial violation has been investigated and redressed: Hetq.am, the key investigative journalism team, achieved a small but important reform in the social assistance system – from now on, those who provide it will be supervised by the state. The government, as part of its obligations vis-à-vis the EU, is increasing its cooperation with civil society organizations, inviting them to join in a variety of specialized councils, linked to the ministries. But having a journalist in such a council is a novelty: a long-term partner of EPF, Gegham Manukyan, the Editor-in-Chief of Yerkir Media, has been invited to join one of the Councils with the Prime Minister's office.

Whatever we do, work on civil society development remains a priority. In this, our aim is to promote the CSO market, which means making CSOs more sustainable and moving away from the pattern that the CSO operates only if it has a grant from the West. But what can constitute some additional sources of sustainability? One of them is service provision for fees. We started doing it ourselves, using the Capacity Enhancement Tool, which helps NGOs understand at what level of organizational development they are, and where to go from there. We ask for very subsidized prices, but we are happy that CSOs are gradually changing their attitude toward organizational development, and agreeing to pay for it. Some of our clients have made a significant advance in their sustainability thanks to our support. We plan to expand this and make CSOs service providers to each other.

Tapping into the parts of civil society which have been left out of the attention and interest of the West is another important priority. There are major institutions—particularly linked to the humanities, such as universities and academic offices—inherited from the Soviet times, that are underdeveloped, underutilized and underpaid. It is no wonder that they have become the brewing centers of the most conservative and retrograde values. How can one engage their constituencies in change? One has to work with the writers, artists, philology scholars, and the like. Our study on tolerance and intolerance in Armenian literature since its inception until today, which will be published in 2017, is an example of our work in this direction – we will be able to make inroads into the discussions on modern values with these groups thanks to this high-quality study, done with the support of the Dutch.

EPF is becoming more and more involved in education. However one would prefer to call it: adult education, lifelong learning, informal education – EPF has consistently worked on making society more knowledgeable, be it via its CSO Management School, Conflict Transformation School, Critical Thinking School, or Mardamej Innovation Camps. Our signature Jam Sessions provide video recordings and transcripts, in Armenian and/or English, of some major knowledge areas, and give our constituencies a chance to learn online. Our online educational products are disseminated to a few thousand recipients. These are just the seeds – how it will help Armenia becoming a more viable system will be clear in the coming years.

FINANCIALS 2016

EURASIA PARTNERSHIP FOUNDATION DECEMBER 31, 2016		
	31.12.15	31.12.16
US dollars	As of December 31, 2015	As of December 31, 2016
ASSETS		
Non-current assets Property and equipment	170,204	132,113
Intangible assets	1,038	591
Prepayments for acquisition	3,415	391
of property and equipment	0,410	
Total assets	174,657	132,704
Current assets		
Accounts receivable	325,261	84,355
Current income tax assets	11,283	5,751
Cash and bank balances	107,266	412,900
Subtotal	443,810	503,006
Total assets	618,467	635,710
Liabilities and reserves		
Non-current liabilities		
Grants related to assets	171,241	137,711
Subtotal	171,241	137,711
Current liabilities		
Accounts payable	226,559	56,488
Deferred income	142,985	405,294
Subtotal	369,544	461,782
Reserves		
Accumulated result (unrestricted)	94,731	53,000
Foreign currency translation reserve	(17,049)	(16,783)
Subtotal	77,682	36,217
Total liabilities and net assets	618,467	635,710

BOARD OF TRUSTEES

David Lawrence Lee (Chair) Aric Development **Anna Ohanyan** Stonehill College **Mary Sheehan** International Organization for

Migration, ret.

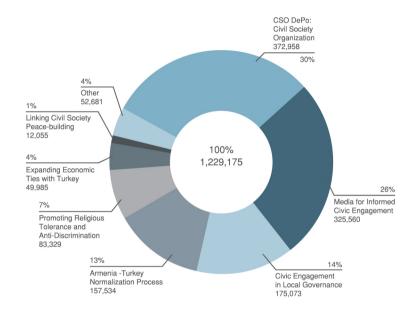
Dieter Boden German Ambassador, Organization for Security and Cooperation in Europe, ret.

Andrew Coxshall KPMG

Danielle del Marmol Belgian Ambassador, ret.

Kenneth S. Yalowitz United States Ambassador, ret., Dickey Center for International Understanding, Dartmouth College

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SUPPORT TO ARMENIA-TURKEY NORMALIZATION PROCESS PROGRAM, STAGES 1 AND 2

(2014-2017)

Overview

In 2014-2015, the EU supported an 18-month ATNP programme that promoted mutual dialogue, cooperation, and normalisation of relations between Armenia and Turkey. The programme had a

budget of 2 million EUR, and it was implemented by eight civil society organisations: Civilitas Foundation (CF), Eurasia Partnership Foundation (EPF), Public Journalism Club (PJC), Regional Studies Center (RSC) from Armenia; and Anadolu Kültür, the Economic Policy Research Foundation of Turkey (TEPAV), Helsinki Citizens' Assembly (hCa), and Hrant Dink Foundation from Turkey. It has been the most significant international action to counterbalance further divisions and to promote an opportunity for pacifying tensions, exchanging opinions, learning about each other, and preventing conflict.

The initiative's methodology was based on the understanding that a personal encounter with the 'other side' and establishing rapport even with only one person from the 'other side', if implemented correctly, irrevocably changes the person's value system and his/her entire attitude to the 'other side'.

The programme made local CSOs strategically-minded peacebuilders that achieved levels of dialogue with the authorities which were often not achievable by international organisations. About a million people learned about the programme via the innovative internet <u>platform</u>¹ put forward by the Programme, <u>hundreds</u>² participated personally, visiting each other, including students, business persons, journalists, policy writers, teachers, and innovators.

By the end of the first stage of ATNP (ATNP1) in mid-2015, it had become a major vehicle for confidence-building and counterbalancing actions that could further build up mutual suspicion. ATNP1 did so via destroying the enemy image, establishing a joint vision for the past, present and future, and focusing on areas of cooperation. It demonstrated the vested interest of the sides in moving forward with sustainable peace options, in the context of the European value system, i.e. democracy, human rights, minority and gender rights, tolerance, etc. It was a clear case of using the European policy initiatives to impact the governments' opinions and policies about the need for dialogue and reconciliation.

The impact and achievements of ATNP1 created the necessary atmosphere for the continuation of the programme, which was again supported by the EU, providing 1.5 million EUR. ATNP2 specifically focused on the efforts on the three levels of normalisation: policies, attitudes and behaviours. These levels are interrelated and in the attempt to target them together, it is becoming more possible to reach sustainable change and the transformation of relations.

Since the start of ATNP2 in April 2016, the political climate in the region, particularly Turkey, has worsened and the sense of insecurity among the civil society actors on both sides of the border has increased. But despite the setbacks in the context, ATNP2 has been able to

^{1.} http://armenia-turkey.net/

^{2.} http://armenia-turkey.net/en/Summarizing-Programme-Results-1481025598

continue successfully. The <u>activities</u>³ within ATNP2 were carried out without major problems. The Consortium implemented a considerable number of activities such as business forums, workshops, trainings, professional exchanges, training courses for young people, artists and film-makers. In particular:

- representatives of Armenian IT start-ups received a unique opportunity to participate in one
 of the most prominent events in Istanbul in the field of IT and look for possible investments
 from Turkey;
- Armenia- and Turkey-based architects and art historians made a unique joint contribution to the preservation of historical heritage by visiting and assessing Armenian historical monuments in Turkey (Mush and Artvin);
- film-makers from Armenia and Turkey⁴ were able to meet, screen their movies for the public, meet with the audience and discuss possible ways of collaboration;
- artists, scholars and others were able to travel across the border to strengthen professional ties.

One of the important components of ATNP is HDF's travel support and fellowship opportunities,⁵ which promotes direct contact between people from Armenia and Turkey, while creating and strengthening institutional cooperation. More than one hundred applicants received the opportunity to travel to the neighbouring country. Fifty organisations from Turkey and 33 from Armenia showed an interest in hosting fellows from the neighbouring country. Amongst these organisations, there were major universities, research centres, think tanks, newspapers and TV channels, civil society organisations, art centres and museums from both countries. Four fellows from Turkey and 11 from Armenia engaged in long-term research in the neighbouring country.

As in ATNP1, the Grant Scheme was one of the key components of ATNP2. Civil society organisations from Turkey and Armenia were once again invited to present their project ideas on strengthening the Armenia-Turkey normalisation process and people-to-people contacts. Forty-seven organizations (31 from Armenia and 16 from Turkey) submitted their proposals. Nine of these proposals were approved. The projects ranged from joint research on common urban heritage and film festivals to training courses for literary translators and an academic conference on the prospects of Armenia-Turkey normalisation.

During the first ten months of ATNP2, more than a hundred analytical materials, articles, interviews and analyses have been produced.

ATNP2 presents the case of civil society continuing to work for security, stability, democracy and human rights in difficult circumstances, providing an example to those who may feel dispirited because of the situation.

There were also several results, which, if not attributed solely to the impact of ATNP2, nevertheless created a conducive environment that should not be underestimated. While the situation in both countries has further deteriorated and, according to some policymakers, the issue of mutual relations has become even less of a priority than before, there have been the following developments nevertheless:

- the number of air flights between Yerevan-Istanbul increased (to four times a week);
- perhaps more importantly, the flights were included in the Amadeus system, allowing people to fly from Yerevan, via Istanbul, to the destinations globally where AtlasGlobal operates;

^{3.} http://armenia-turkey.net/en/events

^{4.} Please watch the short film on the Armenia-Turkey Cinema Platform following these links: https://www.youtube.com/watch?v=6TQs2UE0uLo https://www.youtube.com/watch?v=pW_BRWnvbd4

^{5.} http://www.armtr-beyondborders.org/

 during the Turkey-Russia fall out, goods exchange between Turkey and Armenia increased significantly, since Turkey-based businesspeople were interested in using Armenian territory as a transit zone because they could not directly export to Russia.

Such examples demonstrate that more and more people, also in policy circles, see the value in increasing economic and business cooperation across the border, which is still closed. The engagement of policymakers and separate state-related agencies and/or large-scale strategic businesses in ATNP2 activities once again indicated that the Programme is having an impact on the thinking of decision-makers and reinvigorating the interest of the officials in re-engaging in dialogue in current and future policymaking.

The implementers of ATNP are happy to claim that, thanks to the EU's support, they and their constituencies have played a significant role in making inroads into repairing society-level relations between both countries. There are three claims in this respect which plausibly explain that the chosen strategy was correct:

- <u>The project had a significant preventive impact.</u> If not for ATNP, it is highly likely that relations between the two sides would be much worse.
- The project acquired added significance. Thanks to the fact that, in the situation of clamping down on civic freedoms and civil society initiatives, ATNP has not been touched and has continued functioning at full scale, this EU project with its individual success cases has become a beacon of stability and progress, counterbalancing the background of pessimism that the civil societies of both sides experienced because of democracy and human rights setbacks in many other cases and areas.
- The cumulative impact of individual strands, interactions and connections has become sustainable. Individual success cases of different strands have established credible, well-functioning and sustainable links and partnerships between some professionals, institutions, and activity lines, including also the cautious development of relations between state-linked institutions.

ATNP activities have issued a message that despite all the negative events in the region, significant civil society groups in Turkey and Armenia build and sustain relations, adhere to the values of human rights and democracy, and work for integration around European values, also engaging policymakers and individual state-related agencies and/or large-scale strategic businesses, thereby making cooperation a habit and a tradition.







SUPPORT TO ARMENIA-TURKEY NORMALIZATION PROCESS PROGRAM, STAGES 1 AND 2

(2014-2017)

some success stories

Updated Summer 2017

How does one define success? In such difficult work as Armenia-Turkey normalization, success may start from a very modest point: if the undertaking has been successfully accomplished, that is already a kind of success. However, over the implementation of ATNP-1 and ATNP-2, we have seen some successes which are more than that.

Here we call a success an accomplishment which (in the approximate order of significance):

- a. Had a public significance for improving relations between Turkey and Armenia and has been done for the first time; and it would be very difficult to accomplish it, if not for the EU and ATNP.
- b. Had a public significance and gave birth to another accomplishment, and then another one, making the collaboration between people or organizations sustainable.
- c. Grew from a case of individual collaboration to a sustainable institutional collaboration.
- d. Successfully engaged state-linked institutions for the first time, which has been impossible to imagine before and could not have been planned, given the lack of official relations between Armenia and Turkey and usually the lack of risk taking by state-linked institutions.
- e. Had a large-scale impact on the societies of both countries and larger regionally.

In what follows, we present a selection of stories which illustrate one or a few points from our definition of success given above. These stories are collected only from the sub-grant, fellow-ship and travel grant projects of ATNP-1 and ATNP-2. With limited resources, lack of state support, and meticulous work invested in identifying potential partnerships, building relations and cultivating them, the ATNP Consortium and its networks have been able to open some inroads in the relations of the two societies which previously could not have been done. Other cases of success of ATNP activities are presented in additional papers.

grant scheme

Grant Scheme, Fellowship Scheme, Travel Grants

1. With the support of the ATNP grant scheme, Versus Studio created a <u>documentary</u>¹ called "Closed Border Dialogue." This has been the first attempt to create a comprehensive and succinct visual history of relations between Armenia and Turkey including the initial engagement between the two countries in 1991-1992, the closing of the Armenia-Turkey border in 1993, the appearance of the Armenian Genocide issue in Armenia's foreign policy agenda in 1998-

^{1.} https://www.youtube.com/watch?v=pL0JGGCSY9g

2008, the work of the Turkish-Armenian Reconciliation Commission in 2001-2004, Hrant Dink's assassination in 2007, and the Armenia-Turkey protocols and "football" diplomacy in 2008-2010.

Responding to feedback from various civil society actors from Armenia and Turkey, the film has been translated into English². A special version of the film was produced with French subtitles to be screened in France among the Armenian and Turkish communities. Currently the documentary in different languages has more than 3000 views only online, apart from in-person viewers, and the number of views is growing constantly. The partnership with the History Foundation was crucial in ensuring high-level participation of "storytellers" from Turkey. The film is an enduring resource for new generations of diplomats and civil society peacebuilders.

2. The ATNP-1 grant scheme supported Okan University in Turkey to implement a <u>project</u>³ called Turkish-Armenian Dialogue and School of Discourse Transformation. The project empowered the participants of the School to promote cultural dialogue and tolerance in relations between the two societies, engaging students and young faculty members from both countries. The project contributed to awareness-raising about the largely marginalized peace and conflict transformation narratives.

As a result, a new project idea was born, developed and supported within the ATNP-2 grant scheme. The History Foundation, in partnership with Imagine Center for Conflict Transformation promoted Armenia-Turkey normalization through building collaboration between historians and history educators from the two countries.

For the first time ever, partners jointly conducted an <u>analysis</u>⁴ of contradicting historical narratives in history textbooks in Armenia and Turkey.

An alternative history narrative on relations between Armenians and Turks was elaborated with the engagement of university students and faculty, and other professional groups. In cooperation with the Association of Young Historians (Armenia), a network of historians and history educators from Armenia and Turkey was created, which engaged in several workshops and eventually presented their findings during the CRRC conference (another grantee, demonstrating synergy across grants). The material developed by the group of experts is extremely important as it is a unique attempt to challenge the mainstream exclusionist discourses on both sides of the border.

3. The <u>project</u>⁵ of HCA Armenia on prose translation aimed at promoting cooperation and understanding between Armenia- and Turkey-based literary translators. The translation method used during the workshop in Armenia made it possible to co-translate contemporary writer Birgul Oguz's award-winning novel "HAH" from Turkish into Eastern Armenian. It was the first time that the author of the book herself participated in the workshop with young literary translators and enriched their work with her perspective. It was the first time that collaborative literary translation method (a US methodology) was applied to Armenia-Turkey relations. The book is published in Armenia by Antares publishing house. Open space reading sessions and other presentations for young professionals interested in literary translations from Turkish to Armenian will follow. Collaborative relations have been built between Turkey- and Armenia-based writers and translators as a result.

^{2.} https://www.youtube.com/watch?v=OidJE4TjTYU

^{3.} http://armenia-turkey.net/en/Okan-University-Grantee

^{4.} http://caucasusedition.net/analysis/history-education-in-schools-in-turkey-and-armenia/

^{5.} http://armenia-turkey.net/en/HCA-Armenia

fellowship scheme

1. **Duygu Bostanci**, who did her fellowship at the Institute for Contemporary Art, conducted a research on the traditional dances of Armenia and Turkey (November 2016-April 2017, Yerevan). Based on her research, she developed a contemporary performance idea, collaborating with Baardia Dance Laboratory and con-

temporary dancers from Yerevan. The performance "Ne var ne yok – Inch ka chka" was included in the program of "ARé" performing arts festival 2017 and staged at NPAK - Norarar Portzarakan Arvesti Kendron Art Gallery. After the performance in Yerevan, Duygu and the other dancers decided to stage the performance in Ankara and Istanbul as well, which was received with great enthusiasm by the Turkish audience.

Duygu also organized a number of events (Contemporary Dance Short Films Screening⁷, a short film⁸ screened by her on her way from Kars to Yerevan, a dance game⁹) thus making the cultural life of the institute more active. During her stay in Armenia, Duygu wrote a personal blog¹⁰ in Turkish to share her experience with people from Turkey. By sharing her experiences, she wanted to fill in the gap about Armenia in the minds of people from Turkey. At the end of her fellowship, Duygu presented her film "Aygestan" with which she summarized her blog.

- 2. During her fellowship, **Anahit Ghazaryan** conducted an Eastern Armenian Language Course at Lifelong Education Center in Kadir Has University (November 2016-June 2017, Istanbul). According to an internal survey conducted at the Center among the students of Language Studies, Anahit's course has been recognized as the "most efficient" one. As a result of these courses, one of the students from Anahit's group went to Armenia to continue studying at an Armenian language summer school.
- 3. **Mariya Yeghiazaryan** conducted her fellowship at Ret Film and Liman Film, where she assisted the teams in the organization of Armenia-Turkey Cinema Platform (ATCP) (November 2016-April 2017, Istanbul). By the end of her fellowship, she became one of the organizers of ATCP, by helping with relevant activities in Yerevan within the Golden Apricot international festival.
- 4. **Anna Muradyan** completed her fellowship at Yuva Association where she conducted research on migrants from Armenia who currently live in Turkey (November 2014-May 2015, Istanbul). Her research findings were published by Yuva Association under the title 'An Island within an Island: Educational Needs Assessment of Armenian Migrants in Turkey.' This research is the most recent one done in the field of Armenian migrants in Turkey. Historically, there is very limited research in this area that is reliable. Doing such research is extremely challenging and valuable since Armenian illegal migrants are not inclined to come out and speak overtly.
- 5. **Suzan Rosita Meryem** completed her fellowship at Gallery 25, where she built connections between artists of the two countries, did research for her art projects "Voices in the Dark" and "Consumption Patterns" (November 2014-February 2015, Gyumri). After the com-

^{6.} http://www.gazeteduvar.com.tr/forum/2017/04/09/ermenistanda-bir-zamane-genci/

^{7.} http://armenia-turkey.net/en/Contemporary-Dance-Short-Films-Screening

^{8.} https://vimeo.com/196478574

^{9.} https://www.facebook.com/events/684600718389793/

^{10.} https://hayastandans.wordpress.com/

^{11.} https://vimeo.com/221753376

^{12.} http://armenia-turkey.net/files/2016-02/WOzmNK3RKmZuMeJ01auDvYmTTG.pdf

pletion of her fellowship, her art project "Silent Book [Armenian Genocide]" was published by Antares Publishing.

6. **Marianna Hovhannisyan** completed her fellowship at SALT Research, where she studied the archives of the American Board of Commissioners for Foreign Missions as well as the archives of SALT Research as a reference to explore city life in the early 19th and 20th centuries in several Anatolian cities with significant Armenian populations (October 2014-April 2015, Istanbul). After the completion of her fellowship, she was offered a new fellowship grant by SALT Research for the completion of her research and for the organization of the resulting exhibition Empty Fields¹³ curated by her in 2016.

travel grants

1. The executive director of <u>Music of Armenia</u>¹⁴, **Hasmik Movsisyan**, visited Istanbul to establish partnerships for Music of Armenia's upcoming festival - Tsovits Tsov. During this visit, Music of Armenia has also become one of the co-organizers of the event "102 <u>STEPS | 102 ADIM,"</u> where **Hasmik Harutyunyan**, another Travel Grantee, gave a concert. During this visit, Hasmik Movsisyan estab-

lished a partnership with various institutions, among them <u>Atelier Muse</u>¹⁶. These two organizations have taken their cooperation into further stages - **Müge Olacak**, Founding Director and Performance Artist of Atelier Muse, visited Yerevan with the support of the Travel Grant to take part in the preparation work of the festival in Yerevan and Tbilisi. As a result of this cooperation, Atelier Muse has also become one of the host organizations in the new cycle of the Turkey-Armenia Fellowship Scheme.

- 2. **Umut Vedat** from Istanbul visited Yerevan to find a gallery that would hold his solo exhibition in Yerevan, aiming to build a bridge between the two countries through his art. As a result, he organized the exhibition "Who am I?" in Yerevan. The aim of the exhibition was to show the changes that occurred in the east of Turkey and to increase the readiness of people in the neighboring countries to encounter the narratives from the other side. On January 2017, the Armenian Diocese in Georgia held a ceremony as a tribute to Hrant Dink which was followed by Umut Vedat's "Who am I?" exhibition.
- 3. **Vedat Akçayöz** from Kars, president of the Kars Culture and Art Association, was supported with a Travel Grant to visit Vanadzor, to do research on the Ani Ruins and Molokans, Doukhobors. His contacts and the networks he built led to a series of workshops on the issues related to the protection and restoration of the Turkish and Armenian common architectural heritage in and around the Kars province.
- 4. **Levon Lachikyan** from Yerevan was supported with the Turkey-Armenia Travel Grant to visit Istanbul and make graphic drawings for a book project on Istanbul, and to make arrangements for the exhibition of these drawings in Istanbul. The exhibition in Istanbul¹⁸ raised wide public resonance. As a result of the trip, Levon Lachikyan organized another exhibition entitled "Constantinople Reflections" in Yerevan and Gyumri. The exhibition comprised 24 graphic works on Istanbul. The exhibition in Yerevan¹⁹ was open to the public for one week and was dedicated to the centennial of the Genocide.

^{13.} http://saltonline.org/en#!/en/1364/empty-fields?q=empty_fields

^{14.} http://www.musicofarmenia.com/

^{15.} https://www.facebook.com/events/1789506184700072/

^{16.} http://www.mugeolacak.com/atelier-muse/

^{17.} https://www.tomsarkgh.am/en/event/27961/PHOTO-Video-exhibition-WHO-AM-.html

^{18.} http://en.aravot.am/2015/10/29/172712/

 $^{19. \} https://www.facebook.com/1962337540654103/videos/vb.1962337540654103/1983048868582970/?-type=2\& the ater$

EPF Occasional Policy Brief CIVIL SOCIETY POLICY RECOMMENDATIONS

Updated Summer 2017

EPF has worked on civil society development for about 20 years, since its inception. In recent years, EPF implements the USAID-funded CSO Development Program (CSO DePo) as a lead agency and the EU-funded Bridge for CSOs project with AGBU as the lead agency. Both projects are focused on building the capacities of civil society.

Over the years of its work, EPF has done numerous studies of CSO development trends in Armenia and internationally; it provides such studies to CSOs, analyzes the existing ever-increasing literature on the subject and also uses its knowledge to build the capacities of CSOs in a variety of ways. As a result, EPF has developed the following set of policy recommendations for addressing the issues of CSOs in Armenia, which are pertinent to the situation with CSOs typical for 2016 onwards.

CLUSTERING OF CSOs IN NETWORKS AND CONSORTIA

ISSUE: A large number of civil society actors having the same focal field of action such as culture, education, environment, inclusion of persons with disabilities into all areas of public life, etc. mostly compete with each other, rather than collaborate. Meanwhile the tendency in the developing world shows donors' inclination to fund consortia and networks instead of funding individual entities.

RECOMMENDATION: There is a need for CSOs to learn to work in consortia and become proactive in building mutually beneficial relations with various CSOs and civil society actors. Through consortia and networks, CSOs will be able to complement their capacities, as well as become more successful in fundraising and increase their sustainability.

RATIONALE: Clustering will allow common platforms for networking and consortium building. Also, such platforms will be to the benefit of newly created CSOs and for civil society actors such as university-foundations, writers' and artists' unions, etc., which are civil society actors de facto but are not involved in civil society developments and usually do not work on developing organizational capacities.

LEGAL LITERACY FOR CSOs

ISSUE: Most of the CSOs (except the ones which exercise advocacy) are not aware of Armenian legislation regarding both basic laws such as the Labor Code, the Law "On CSOs", the Tax Code, etc., and specific legislation regarding their fields of activities such as the Law "On the Rights of the Child", the Law "On the Social Protection of Persons with Disabilities", the Law "On Provision of Equal Rights and Equal Opportunities for Women and Men", the Law "On Freedom of Conscience and on Religious Organizations" etc. Additionally, there is a need to sensitize CSOs on the procedure and peculiarities of drafting laws in Armenia (including the ones affecting CSOs and/or their stakeholders) and/or initiating legislative changes and how they can be engaged in these processes. Moreover, there is a lack of awareness and

understanding¹ among Armenian CSOs of Armenia's obligations under international law and vis-a-vis a variety of international organizations which Armenia is a member to. This knowledge would enable them to address many issues they identify during their day-to-day work before international bodies; it would allow them to use the international standards in their recommendations on draft laws developed by the state.

RECOMMENDATION: Develop legal consultancy and legal literacy packages, continuously amend the changes in accordance with legislation and communicate with the CSOs, inform CSOs of legislative amendments affecting their respective areas and support in drafting legislative recommendations to the state. This can become a specific service/consultancy direction.

RATIONALE: There is currently no such service for CSOs in Armenia. There are a number of CSO networks, CSOs and lawyers, which address the issues hindering smooth operation under Armenian legislation, but in terms of "legal literacy" most of the CSO employees, including heads of organizations, are not aware of national and international laws. In case of need, they seek the assistance of lawyers; however, they should be aware of the laws at their own level to be able to operate successfully and benefit from opportunities provided by legislation or question the problematic laws and advocate for their respective changes.

SIMPLIFY CSO "CLOSING-DOWN" PROCEDURES

ISSUE: In Armenia, there are 4,499 public organizations, while a large majority of them have stopped their operations de facto or have never functioned for various reasons. Because the "closing down" procedure is too burdensome, CSOs prefer to cease operations yet remain registered legal entities. As a result, the numbers of CSOs in Armenia as well as all estimates regarding CSOs are inaccurate and statistics are biased.

RECOMMENDATION: The government should create a clear and simple administrative procedure for closing down CSOs. This procedure should be clearly communicated to the CSOs.

RATIONALE: Once inactive CSOs exit the market, it would be possible to have a clearer picture of the Armenian development actors – something that would be beneficial for the government, local and international support actors, and civil society.

LOCAL GOVERNMENT (LG)-CSO COOPERATION

ISSUE: A number of CSO programs aim to build bridges between LG and communities, enhance democracy and participatory governance, strengthen the role of LG in the communities, etc. This kind of projects are often a result of CSO-LG partnership. But there is a need to take these partnerships to the next level: LGs should start supporting CSOs as key community actors and allocate resources for the smooth operation of CSOs on their territory, by channeling some community development funds through CSOs.

RECOMMENDATION: Enhance direct cooperation of LG agencies and civil society actors by promoting targeted initiatives of LGs to fund various CSO programs and activities, perhaps also via legislative means (allocating a budget percentage of LGs to CSO programs).

RATIONALE: Once LGs start funding some programs of CSOs, there is a high probability

^{1.} http://www.epfarmenia.am/en/current-programs/human-rights/assessing-the-involvement-of-armenian-csos-in-the-preparation-of-alternative-reports-for-un-treaty-bodies-and-the-upr/

that the CSOs and LGs will increase their credibility and will gain trust in their communities. The funded programs will be better administered, because CSOs usually have a lower rate of inefficiency and corruption than other entities; therefore, their impact will be higher. The CSOs will report to the LGs, and the reports will be publicly available, resulting in an increase in transparency.

CSO BRIDGING TO SOCIAL ENTREPRENEURSHIP

ISSUE: As the CSO market survey² and other research have indicated, CSOs face the issue of sustainability, which can be addressed by strengthening financial management capacities, enhancing entrepreneurial skills and helping them acquiring additional resources through social enterprises.

RECOMMENDATION: To develop realistic and locally-tailored methodologies and provide business trainings for CSOs to engage in social enterprise and enhance business thinking with the objective of encouraging those starting viable and successful social enterprises. This should include trainings in business psychology, marketing, etc.

Being civil society actors, CSOs and their leaders and personnel are sometimes distant from business thinking and skills which are needed in order to build up a successful profit-making enterprise, even if their profits will go to advance the CSO mission. Trainings conducted so far have been numerous but they sometimes have not focused on entrepreneurial thinking; and have not addressed contradictions in business versus non-profit approach. If the CSO works as a business, it should serve its clients and not comment on them. Its mission may happen to be in contradiction with some activities of the client, e.g. if the client is an oligarch. These issues have not been addressed yet in Armenia in a systematic manner.

RATIONALE: According to the new Law "On Civil Society Organizations," which entered into force in the beginning of 2017, CSOs are eligible to conduct entrepreneurial activities. Once CSOs manage to build successful social enterprises, this will contribute to the implementation of their missions and will allow them to ensure an average of 10-20% of their CSO operational costs from a sustainable core source.

EMPOWERING CITIZENS' MOVEMENTS

ISSUE: In recent years, a number of citizen movements have taken place which have evolved in response to specific social, economic or political causes and have faded with time without their benefits being fully capitalized upon, studied and made more effective next time, and without keeping the institutional memory from the lessons learned. Thus, there is a need to build the capacities of potential social movement leaders and to build a database of their history, as well as to analyze them from an organizational behavior perspective.

RECOMMENDATION: A specific strategic approach should be developed to address the capacity needs of past and future citizen movements and informal active groups.

RATIONALE: There is a need to study the effectiveness of citizen movements, conduct discussions with the key participants and organize trainings for civil society actors on how to contribute or increase the effectiveness of citizen movements, how to make the movements

^{2.} http://www.epfarmenia.am/wp-content/uploads/2016/03/CSO-Market-Research-Summary_English-1.pdf

successful in achieving their objectives. As a result, civil society actors will be better informed and equipped with tools to lead citizen movements rather than participating in them on an ad hoc basis or simply observing.

Movement leaders often do not want to be associated with institutional CSOs in order to avoid being coined as implementing the plans and policies of donors. At the same time, a lack of institutional capacities greatly affects the movements' efficiency. Therefore, trust building is needed between movement leaders and CSOs, and new methodologies should be worked out which allow for movements to acquire the means for efficiency and institutional memory without aiming at official institutionalization.

CSO EDUCATION FOR MAKING THEM SUCCESSFUL STRATEGIC IMPLEMENTERS OF VALUE SYSTEMS CHANGE

ISSUE: Critical thinking and capacity to act effectively remain vital for civil society actors, so that they become the driving forces of social transformation and changes in value systems.

RECOMMENDATION: There is a need to strengthen the media literacy, decision making, critical thinking, conflict transformation and investigative journalism skills of CSO actors, as well as enhance the effective advocacy skills of local CSOs.

RATIONALE: While many CSOs have attended advocacy trainings and conduct advocacy programs, the CSO Market Research as well as other research demonstrates that the rates of successful advocacy of CSOs are low. This means that something is wrong with selecting targets, devising strategies and implementing them. CSO leaders need state-of-the-art knowledge in decision making, critical thinking and other such skills in order to be able to realistically select the targets and work in such a way as to achieve the aims of advocacy rather than to merely spend the resources. This need is intrinsically linked with the need for CSOs to be able to have international remit, i.e. to cooperate with international advocacy issues and platforms, as well as to rely on international support, including that of the state and intergovernmental actors which support reforms in Armenia, while advancing causes important for Armenia's development.

EPF Occasional Policy Brief CONFLICT OF INTEREST SITUATIONS IN ARMENIA: SUGGESTIONS ON IMPROVEMENT OF MONITORING AND PREVENTION

2016

In Armenia, Conflict of Interest (CoI) is one of the major issues that leads to enhanced corruption. The lack of a regulatory basis and low level of understanding of CoI and ways to manage CoI situations have become preconditions for nepotism, clientelism, abuse of official position, etc. The cases where CoI is not regulated, announced and made transparent harm social justice and healthy competition, and result in the highly ineffective utilization of state resources.

EPF has worked on Col policies since 2012. EPF has studied the experience of Moldova, Georgia and the Czech Republic in Col policies and developed a manual titled <u>How to live in Armenia and avoid corruption</u> (in Armenian). The manual introduces the typology of corruption and Col, corruption prevention tools, situations of corruption and Col risks, and behavioral models in these situations.

In 2013-2014, EPF implemented an EU-supported project jointly with Moldovan, Ukrainian and Polish CSOs aimed at studying the legal and practical levels of CoI regulations in these countries, and the level of understanding among public servants on the national and local levels. This project offers proposals on improvement of CoI regulation in Armenia. One of the findings was that only 56% of public servants interviewed from 10 of the Ministries of Armenia had a more or less clear understanding of CoI. Please see the <u>link</u>² to the research results.

The reasons for this situation are determined both by culture as well as by the size of society. Culturally, CoI has been considered something normal since Soviet times: it was assumed that holding a public position is in fact a means which leads to personal well-being and formal or secret enrichment. The same culture continued also in post-Soviet Armenia, and this tendency was exacerbated by poverty and the low quality of state personnel. The lack or insufficiency of public support mechanisms also contributes to the fact that state positions are often viewed as means to afford opportunities to one's family and/or clans, to the 'nearest and dearest.'

The size of society contributes to the same tendency: fair, equal and impartial recruitment and disbursement of public good is challenged because 'everybody knows everybody' in a small society, and therefore impartiality is considered to be impossible.

Below are several practical recommendations for addressing the issue of Col in Armenia:

LEGISLATIVE LEVEL

The National Assembly should develop and adopt a Law on Conflict of Interest, regulating the issue for all groups of public, municipal servants and state officials. Amendments should be made to other legal acts related to the Col issue (e.g. the Law on Public Service). CSOs should be involved in the process of development of the legislation; the international experience available through such platforms as the OECD Istanbul Action Plan, Open Government Partnership, Eastern Partnership and others should be utilized while drafting the legislation.

^{1.} http://bit.ly/2kAcYrQ

 $^{2. \} http://www.epfarmenia.am/wp-content/uploads/2017/03/Survey_Report_for_dissemination_Engaging_Civenum and the content of the content of$

il_Society_in_Monitoring_Conflict_of_Interest_Policies_Project_2014.pdf

POLICY AND INSTITUTIONAL DEVELOPMENT

Government agencies should review their internal regulations in terms of inclusion and/or reformulation of Col regulations such as the policies on declaration of Col by public servants, forming of internal monitoring bodies, etc. Trainings and presentations should be organized for public servants on Col regulations.

RAISING PUBLIC AWARENESS ON Col

Government agencies should review their internal regulations in terms of inclusion and/or reformulation of Col regulations such as the policies on declaration of Col by public servants, forming of internal monitoring bodies, etc. Trainings and presentations should be organized for public servants on Col regulations.

RECOMMENDATIONS TO DONOR COMMUNITY AND INTERNATIONAL ORGANIZATIONS

Legal and policy improvements on Col should be reflected in the EU-Armenia framework agreement both as a funding precondition for direct budget support and in light of ensuring transparency and accountability of EU financial support expenditure.

Civil society actors' activities aimed at monitoring implementation of Col policies should be supported.

Development and adoption of Col legislation and policies with direct involvement of civil society and media should be set as a precondition for providing financial support to the government.

EPF Occasional Policy Brief KEY RECOMMENDATIONS ON HUMAN RIGHTS

February 2017

The Paradigm of Transformative Change lies at the core of Eurasia Partnership Foundation's (EPF) Human Rights Program. EPF works towards changing the structural causes of intolerance, violence and discrimination, as well as the attitudes and behavior of actors. Critical thinking methodology—deconstructing stereotypes, opening up tabooed discussions, changing imposed narratives and perceptions, challenging the notion of 'the other'—is key to addressing issues of minority rights, the rights of the child, non-discrimination and freedom of expression, areas which are at the heart of EPF's Human Rights programming.

Promotion of the right to **freedom of religion or belief** (FoRB) and **non-discrimination** are the main areas of EPF's programmatic intervention. EPF is a key civil society organization involved in development of the new draft law on non-discrimination (the Law of the Republic of Armenia "On Equality") together with the Ministry of Justice of Armenia and facilitating civil society dialogue with the government around adoption of the law. The adoption of a stand-alone, comprehensive law is one of the pre-conditions of the EU Human Rights Direct Support to Armenia. The draft was submitted by EPF to the Ministry of Justice in May 2016. According to the 2017-2019 Human Rights Action Plan, the deadline for adoption by the Parliament is the end of 2017.

EPF is also actively involved in the process of shaping the human rights policies of Armenia through other initiatives. Particularly, EPF is continually contributing to the baseline Human Rights report within the initiative launched by the EU Delegation in Armenia for ongoing monitoring of ENP and GSP+ agreements, with a particular focus on rights of religious minorities, children and non-discrimination issues. EPF has also submitted a package of recommendations including a separate section on the right to freedom of thought, conscience, religion and faith, combating discrimination, and rights of the child to the Ministry of Justice of Armenia for the elaboration of the 2017-2019 Human Rights Action Plan deriving from the provisions of RA National Strategy on Human Rights protection.

The Government of the Netherlands is the main donor of the EPF's human rights program. Support is also provided by the Government of Sweden to work with mainstream media towards adoption on the "Law on Equality" and UN Office of High Commissioner of Human Rights to increase CSOs' capacities in work with UN Human Rights bodies. EPF closely cooperates with the EU Delegation to Armenia, UNDP, OSCE/ODIHR and the Council of Europe.

The policy recommendations articulated below are based on studies conducted by EPF as a part of programmatic activities, hands-on experience accumulated through several years on grassroots work and feedback collected from the various beneficiaries.

GENERAL RECOMMENDATIONS

Enhance capacities of Armenian CSOs and civic activists in doing proper level human rights reporting and international advocacy, including proactive work with UN human rights instruments.

Strengthen capacities of Armenian CSOs and civic activists in monitoring and reporting of hate crime cases through available local and international mechanisms such as the OSCE/ODIHR hate crime reporting platform.

Unveil the roots of tolerance/intolerance and acceptance/discrimination in Armenian society through the in-depth study and critical analyses of Armenian literature, folklore, school text-books and other forms of culture. A better understanding of the root causes would contribute to the shaping of human rights agendas dealing with causes and not consequences.

Expand systemic human rights work to unrecognized entities such as Nagorny Karabakh (NK). Being unrecognized by the international community and not being a signatory to basic international human rights documents, those entities have much lower human rights standards and protection thresholds, which strongly affects the rights and freedoms of people living there. The EU-funded European Partnership for Nagorny Karabakh (EPNK III) project provides some opportunity for doing that.

1. RIGHT TO FORB AND COMBATING DISCRIMINATION

- **1.1.** With the engagement of civil society, ensure the adoption of the Law of the Republic of Armenia "On Equality" guaranteeing the protection and promotion of equal rights and freedoms and equal opportunities for every person and citizen. The anti-discrimination law should, inter alia, prescribe:
- the definitions of key concepts and forms of discrimination;
- a wider scope of protected attributes directly mentioning sexual orientation and gender identity among them, which is due to the necessity of setting forth additional safeguards against discrimination for the most vulnerable groups of society;
- a separate chapter on the mechanisms for prevention and countering of discrimination, which defines in detail the obligations and rights of the National Assembly, the Human Rights Defender, Government, State and local self-government bodies, non-governmental organizations, natural and legal persons;
- the formation of the Equality Council as a collegial body adjunct to the Defender with minimum interference by the Defender in its activities (particularly, within the context of its functions, election of its members, termination of powers, approving its Rules of Procedure and the Code of Conduct for its members) for the purpose of providing the objectivity, impartiality and independence of the Equality Council;
- the competence of the Equality Council, non-governmental organizations and other associations carrying out activities prescribed by law to bring an actio popularis claim before the court in discrimination cases, taking into account decision No. 906 of the Constitutional Court of the Republic of Armenia dated September 7, 2010 explicitly acknowledging the right of the aforementioned organizations whose statutory purposes cover protection from discrimination to bring an actio popularis claim before the court;
- a provision regarding the burden of proof in compliance with European Union Council Directive 2000/43.
- 1.2. Revise the Draft law on "Making Amendments to the Law of the Republic of Armenia on the Freedom of Conscience and on Religious Organizations" and amendments and/or supplements to adjacent laws, bringing it into full compliance with the principles and norms of international law, excluding any provisions that would result in a discriminatory approach towards religious organizations.
- 1.3. opt-out the compulsory school subject of history of the Armenian Church and, in par-

allel to it or as an option, introduce the subject of world religions and/or history of culture in line with recommendations of the UN Committee on the Rights of the Child, UN Committee on Racial Discrimination, European Commission of Racism and Intolerance (ECRI) and OSCE Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools. The teaching process should be exclusively secular, avoiding elements of religious indoctrination, usage of religious symbols or rituals in public school which is in line with Armenia's Constitution and Law on Education.

1.4. address the issue of teaching religion in public schools, and introduce alternatives from the human rights and non-discrimination perspectives, taking into account international best practices.

2. RIGHTS OF THE CHILD

- 2.1. Explicitly prohibit corporal punishment against a child by legislation.
- **2.2.** Establish a child-friendly justice system providing its conformity with the international obligations of Armenia and ensuring that the child-friendly justice system corresponds to the principle of the best interest of the child, is accessible, age appropriate, speedy, adapted to and focused on the needs of the child, based on respect of the right of the child to participate in and to understand the proceedings, the right to private and family life, the right to integrity and dignity.
- **2.3.** Establish panels of appropriately trained and approved justice sector professionals (e.g. attorneys, judges, police officers, prison officers, probation officers etc.).
- **2.4.** Develop a system of registration and monitoring for children who have dropped out of school.
- **2.5.** In parallel to the deinstitutionalization of child care and protection, provide proper care of children in a family-like environment.
- **2.6.** Conduct an extensive evaluation using the Council of Europe Child Participation Assessment Tool to measure the extent to which children are involved in decision-making on all matters affecting them and draw up a respective plan of both legislative and practical actions.
- **2.7.** Ratify the Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure.
- **2.8.** Ratify the Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse (the Lanzarote Convention).

EPF Occasional Policy Brief RECOMMENDATIONS ON TOLERANCE AND NON-DISCRIMINATION

September 2017

The situation and recent developments in Armenia pertaining to tolerance and non-discrimination and respective policy recommendations are presented below. They are based on studies conducted by EPF as a part of its programmatic activities, hands-on experience accumulated through several years of grassroots work and feedback collected from the various beneficiaries.

TOLERANCE AND NON-DISCRIMINATION

1. The lack of specific anti-discrimination legislation

SITUATION AND RECENT DEVELOPMENTS

The adoption of Decision No. 303-N of the Government of the Republic of Armenia dated February 27, 2014 has been one of the first steps in the state policy towards non-discrimination. The 2014-2016 Action Plan for the National Strategy on Human Rights Protection, approved by that decision, defined in point 8 the need for studying the compliance of the legislation of the Republic of Armenia with international legal norms on the prohibition of discrimination, as well as for discussing the feasibility of adopting a separate law "On anti-discrimination". Within the framework of implementation of the above point with the support of the Embassy of the Kingdom of the Netherlands to Georgia and Armenia, EPF conducted a legal research entitled "Is it expedient to adopt a separate 'non-discrimination law'?" which highlighted the need for adopting a stand-alone anti-discrimination law in Armenia. Based on this research, an agreement was reached with the Ministry of Justice of Armenia (MoJ) to draft a new non-discrimination law, bearing in mind the fact that the adoption of a comprehensive stand-alone anti-discrimination legislation has been prescribed as one of the specific conditions under the EU Direct Budget Support agreement with Armenia. To note, the indicators for the EU Direct Budget Support agreement relating to the anti-discrimination block were developed with EPF's advice and guidance. It should be mentioned that back in May 2013, another draft anti-discrimination law was prepared and posted on the website of the Armenian Ombudsman, but discussions on it were then suspended mainly due to the controversy over the categories of gender and religious belief, their interpretation and incorporation in the law.

Alongside with the study and the development of the new draft law, EPF embarked upon gathering and coordinating the government, Armenian CSOs and IOs to discuss and further develop the anti-discrimination draft law and its adoption strategy. The process marked an unprecedented level of cooperation between a CSO and the government, since this was one of the rare instances in Armenia where a CSO facilitated the process of adoption of legislation and elaborated a legislative act together with the Armenian authorities. The Law on Equality combating discrimination was drafted by two independent experts and two representatives of the Ministry of Justice.

While formally the Draft Law addressed the gaps in the current legislation, it lacked the comprehensiveness needed for compliance with European and international anti-discrimination

 $^{1. \} http://www.epfarmenia.am/wp-content/uploads/2014/06/Research-on-Anti-discrimination_-21.05.15-ENG_Fi-nal-1.pdf$

standards when it came to certain key provisions. Hence, EPF together with 11 civil society organizations revised the anti-discrimination draft law (with the preliminary title "On Equality") through consultations ensuring its compliance with international best practice and Armenia's international obligations, and submitted it to the Ministry of Justice on May 30, 2016. These consultations have not been held in a more public setting due to a concern of unwanted speculations around the Draft and the adverse effect they might have on the entire process of its further negotiations and adoption (which had previously happened with the Anti-Discrimination Draft Law elaborated by the Armenian Ombudsman in 2013, resulting in its termination).

The redrafted law added more clarifying provisions and contains:

- 1. necessary regulations on definitions of key concepts, burden of proof, forms of discrimination, independence of the Equality Council, provision of protected features in labor relations and educational processes, mechanisms for prevention and countering discrimination;
- 2. It is free of discriminatory exclusions which would reflect the exceptional role of the Armenian Apostolic Church, and consider the de-facto discriminatory in-family practices as not covered by the law. Apparently, though, the old version prepared by the working group stayed as such and the hope is that the MoJ will be persuaded to incorporate regulations from the second Draft (the CSOs' refined version) into the old one, to the extent possible.

From May 2016 till September 2017, no significant changes in Armenia's anti-discrimination agenda have taken place, apart from drafting and adopting the new National Human Rights Action Plan (HRAP) 2017-2019 by the MoJ, which has been shared through the official website on circulating draft laws, following informal consultations with civil society (including EPF) and other governmental and international agencies, calling for civil society and all interested parties to submit recommendations on the draft.

EPF has submitted a package of recommendations primarily referring to anti-discrimination legislation and redrafting the Armenian textbooks in line with human rights friendly, tolerant approaches. The HRAP was adopted on May 4, 2017 and entered into force on May 21, 2017. Point 77 of the HRAP envisages "Establishing legislative mechanisms for ensuring equality provided by the Constitution of Armenia," which the MoJ, in response to EPFs enquiry, interpreted as meaning to adopt a separate anti-discrimination law. EPF deems it worrying that, despite the MoJ's interpretation, the HRAP does not specifically mention adoption of a separate legislation on non-discrimination. Moreover, since the HRAP doesn't contain the *performance indicators* essential for effective implementation and monitoring of human rights action plans, it is impossible to predict the standard that would be set for drafting the anti-discrimination law by the Government.

The fourth quarter of 2017 has been set as the deadline for the adoption of the anti-discrimination law by the HRAP, however it appears from non-formal discussions with the representatives of MoJ that the Law is expected to be adopted in 2018.

Nonetheless, bearing in mind that societal and media discrimination remain the most prominent and difficult to combat forms of discrimination in Armenia, as well as public mistrust and deepening disappointment in the Government, the expected resistance to the process of adopting the draft law should not be overlooked. Given the present situation of political instability in Armenia, the MoJ and the government are becoming very receptive to negative attitudes with respect to the anti-discrimination agenda. In particular, there is a medium-to-high

risk that the conservative, religious and marginal organizations will campaign against the anti-discrimination legislation; therefore, a carefully crafted public campaign with the involvement of CSOs, the government, media and international community needs to be organized in order to mitigate these risks.

RECOMMENDATIONS TO THE GOVERNMENT OF ARMENIA

With the engagement of civil society, ensure the adoption of the Law of the Republic of Armenia "On Equality" guaranteeing the protection and promotion of equal rights and freedoms and equal opportunities for every person and citizen. The anti-discrimination law should, inter alia, prescribe:

- the definitions of key concepts and forms of discrimination.
- a wider scope of protected attributes directly mentioning sexual orientation and gender identity among them, which is due to the necessity of setting forth additional safeguards against discrimination for the most vulnerable groups of society.
- a separate chapter on the mechanisms for prevention and countering of discrimination, which defines in detail the obligations and rights of the National Assembly, the Human Rights Defender, Government, State and local self-government bodies, non-governmental organizations, natural and legal persons.
- the formation of the Equality Council as a collegial body adjunct to the Defender with minimum interference by the Defender in its activities (particularly, within the context of its functions, election of its members, termination of powers, approving its Rules of Procedure and the Code of Conduct for its members) for the purpose of providing the objectivity, impartiality and independence of the Equality Council.
- the competence of the Equality Council, non-governmental organizations and other associations carrying out activities prescribed by law to bring an actio popularis claim before the court in discrimination cases, taking into account decision No. 906 of the Constitutional Court of the Republic of Armenia dated September 7, 2010 explicitly acknowledging the right of the aforementioned organizations whose statutory purposes cover protection from discrimination to bring an actio popularis claim before the court.
- a provision regarding the burden of proof in compliance with European Union Council Directive 2000/43.

RECOMMENDATIONS TO CSOS, THE GOVERNMENT OF ARMENIA, INTERNATIONAL COMMUNITY

- accompany the process of the adoption of the anti-discrimination law with a coherent, meaningful, carefully crafted and well-coordinated public campaign, which should be done in a manner of delivering pro-active messages to society before conservative, religious and marginal organizations start aggressive campaigning against the anti-discrimination legislation. It should be borne in mind that the majority of governmental offices, MPs and other decision makers are oftentimes ignorant of what discrimination is, hence they should be well prepared through informal explanatory discussions facilitated by the MoJ before the draft law reaches them for consideration.
- the nationwide media, having a strong influence on the public, communities, community-based CSOs and local authorities should also be the targets of the campaign.
- undertake special trainings and other capacity building measures for judges and lawyers following or in parallel with the adoption of the anti-discrimination legislation; conduct intensive work with CSOs, educational institutions and society in general.

2. Hate speech and hate crime SITUATION AND RECENT DEVELOPMENTS

According to research² on hate crimes conducted by the Collaboration for Democracy Centre in 2016, no comprehensive report on hate crimes has been ever prepared by the Armenian government, except for the research or statements produced by some human rights organizations dealing with specific spheres, and reports sent to international organizations related to concrete cases. Despite the government's claims on the insignificant number of hate crimes in Armenia, information provided by human rights organizations, the mass media, and government bodies, if studied thoroughly, indicates the occurrence of elements of hate crimes. According to these sources, hate crimes in Armenia are **predominantly committed against people based on their ethnic origin, religious belief, sexual orientation and gender identity**. Moreover, the Criminal Code of Armenia only covers hate crimes committed with motives of national, racial or religious hate or religious fanaticism, leaving out the sexual orientation and gender identity grounds. Hate speech also widely occurs in mass media and social networks, lacking adequate legislative regulation. Point 26 of the Armenian Human Rights Action Plan 2017-2019 envisages discussions of possible models of hate speech criminalization which are due to be accomplished by the end of 2019.

RECOMMENDATIONS TO THE GOVERNMENT OF ARMENIA

- introduce the definition of "hate speech" and define liability for hate speech against persons with protected features, includ ing on the ground of sexual orientation and gender identity.
- amend the existing criminal legislation on hate crimes to consider the committal of a crime
 on the basis of sexual orientation and/or gender identity of a person as a circumstance
 aggravating the guilt.

3. Tolerance and education

Point 81 of the National Human Rights Action Plan envisages the revision of the content of school educational materials based on the Toledo Guiding Principles, UNESCO's Convention against Discrimination, the UN Convention on the Rights of Persons with Disabilities, aiming to eliminate the dissemination of stereotypes leading to discrimination and intolerance. However, the point is excessively broad and no performance indicators are introduced to increase the effectiveness of its implementation and monitoring.

At the same time, the field³ study by EPF for the Council of Europe, which was conducted through focus group discussions with children, clearly indicates that the issue of compulsory teaching of history of the Armenian Apostolic Church in schools is one of the main concerns of both children and their parents. History of the Armenian Church has been taught as a subject in public schools (5-10 grades) since 2002.

The Law on relations between the Republic of Armenia and the Holy Armenian Apostolic Church was adopted in 2007 providing several privileges to the latter, such as budgetary support, the right to take part in drafting school syllabus for the Church history course and in implementation of school curricula in educational institutions. The class is mandatory; students are not permitted to opt out of the course, and no alternatives are available to students

^{2.} http://religions.am/en/article/hate-crimes-in-the-republic-of-armenia/

^{3.} http://www.epfarmenia.am/en/current-programs/human-rights/rights-of-children-from-religious-and-ethnic-minority-groups-in-armenia-field-study/

of other religious groups. In addition, the law grants the Armenian Apostolic Church the right to organize voluntary extracurricular religious classes in state educational institutions. Other religious groups may provide religious instruction to members in their own facilities.

EPF has collected striking evidence of intolerance and discrimination towards the "others" over the last years while working on religious tolerance within the projects funded by the Government of the Netherlands. In order to understand **the roots of tolerance/intolerance** which are closely interlinked with discrimination and structural violence, EPF is trying to look deeper into the Armenian culture, literature, customs, traditions, folklore and arts.

EPF will soon publish a print and electronic book, consisting of 8 studies on manifestations of tolerance and intolerance in Armenian literature. One of the research pieces focuses on the themes of tolerance and intolerance in 9th, 10th, and 11th grade textbooks on Armenian literature, history of the Armenian nation and history of the Armenian Church. Research revealed that school textbooks in Armenia often display ethno-national, religious, gender, and social-based intolerance. The ethno-nationalism prevails in Armenian textbooks, being closely intertwined with religious and gender intolerance. Particularly, in the textbooks one can frequently encounter the uniqueness of the Armenian nation and the representation of its superior character, which is also demonstrated as stemming from the Armenian apostolic direction of Christianity as the only true way, as well as the idea of the Armenian woman's decency based on her nationality. This phenomenon is particularly striking in the context of comparing two similar phenomena (Armenian-foreigner, Christian-Muslim, etc.).

Due to the fact that Armenian high school textbooks consist of the authors' comments and reviews, the subjective approaches of the textbook authors are displayed as the only acceptable interpretations, which directly contributes to the formation of respective social constructs, containing at times intolerant approaches towards a number of phenomena, groups and other issues.

RECOMMENDATIONS TO THE GOVERNMENT OF ARMENIA

- before being officially approved, school textbooks should undergo scrutiny by human rights experts in order to exclude the presence of elements leading to intolerance or discrimination.
- study the perceptions of some or all school textbooks by schoolchildren to be able to identify the impact of apparently intolerant approaches the textbooks contain on schoolchildren.
- eliminate the subjective interpretation of literary pieces by the authors of the textbooks, particularly, on Armenian literature, to enable children to form and express their own views regarding Armenian literature and develop critical thinking skills.
- revise the content of the subject of History of the Armenian Church, reflecting the coverage of historical events and excluding religious preaching.
- eliminate the instances of religious preaching in schools by the AAC as well as anti-preaching against other religions and beliefs, which lead to intolerant and discriminatory practices, through the intervention of authorized bodies (where necessary) guaranteeing that the education on religion is provided in line with the objective, impartial and democratic principles of pluralism.
- eliminate prayer, crossing oneself and other religious ceremonies while teaching the history of the Armenian Church at schools.

EPF Occasional Policy Brief RECOMMENDATIONS ON FREEDOM OF RELIGION OR BELIEF

September 2017

The situation and recent developments in Armenia pertaining to freedom of thought, conscience, religion or belief and respective policy recommendations are presented below. They are based on studies conducted by EPF as a part of programmatic activities, handson experience accumulated through several years of grassroots work and feedback collected from the various beneficiaries.

FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF

1. Legislation and policies relating to freedom of thought, conscience, religion or belief

SITUATION AND RECENT DEVELOPMENTS

The area of freedom of thought, conscience, religion or belief is presently regulated by the law "On freedom of conscience and religious organizations," adopted by Supreme Council of the Republic of Armenia back in 1991, prior to the adoption of the Constitution of Armenia, based on the USSR Law "On freedom of conscience and religious organizations." Bearing in mind the fact that the Law has a number of deficiencies, contradictions and fails to comply with Armenia's international obligations the Ministry of Justice of Armenia (MoJ) has developed and circulated on June 1, 2017 the draft law (the Draft) on "Making Amendments to the Law of the Republic of Armenia on the Freedom of Conscience and on Religious Organizations" and amendments and/or supplements to adjacent laws¹ through the Governmental www.e-draft.am website without duly notifying relevant stakeholders and with rather restricted timing for discussions – until July 2.

The civil society organizations and religious communities with which EPF is in regular contact had already articulated several concerns regarding the Draft.

In particular, it could be inferred from the wording of the Draft that it would not be applicable to the activities of the Armenian Apostolic Church (AAC) as opposed to other religious communities, thus creating a risk of discriminatory approach and undermining the foundations of equality and secularism.

Hence, EPF, within the project supported by the Embassy of the Kingdom of the Netherlands to Armenia and Georgia, has initiated public discussions with all interested parties, which took place on June 16.

Representatives from the Ministry of Justice, the Staff of the Ombudsman of Armenia, religious groups and organizations, CSOs, international organizations and embassies attended the discussion. The discussion provided a platform for comprehensive, profound and inclusive considerations of the Draft, and development of relevant recommendations regarding its worrisome provisions.

For the draft law to be understandable to a wider audience and the international community, EPF translated it into English and provided it to all interested international parties.

^{1.} https://www.e-draft.am/projects/246

To mitigate possible risks with the Draft, EPF also approached the OSCE/ODIHR Senior Adviser on Freedom of Religion or Belief, who suggested that that National Human Rights Institution (the Ombudsman of Armenia) officially apply to OSCE/ODIHR with a request to provide a review of the Draft.

Thanks to these timely advocacy measures, the government's plan, if any, to pass the law quietly to the Parliament failed since too many local and international actors are already engaged. The achievements registered so far go as follows:

- EPF submitted a clarification request to the MoJ enquiring whether the Draft law will be
 equally applicable to the AAC due to the ambiguous wording of the Draft. An official positive reply is received, meaning that the AAC will be the subject of the law along with other
 religious organizations and associations. EPF is looking forward to the respective revisions
 of the draft.
- the Ombudsman of Armenia Mr. Arman Tatoyan has submitted the Draft law to OSCE/ ODIHR for review per EPF's request.
- the deadline for public discussions of the draft law and other related legal acts has been extended from July 2 to July 31.
- some religious organizations, which are usually reserved in terms of engaging in such
 discussions, were part of the advocacy process, due to the carefully crafted methodology
 of trust building that EPF applies during human rights advocacy. As a result, religious or
 belief communities took a lead in the advocacy process, and EPF hopes that this consolidation will go beyond the discussion of this particular law only.
- the discussions around the Draft law initiated by EPF increased the law's visibility and generated a number of recommendations from religious organizations and CSOs. EPF has also submitted its package of recommendations on the Draft law to the Ministry of Justice.

RECOMMENDATIONS TO THE GOVERNMENT OF ARMENIA

General recommendation

 revise the Draft law on "Making Amendments to the Law of the Republic of Armenia on the Freedom of Conscience and on Religious Organizations" and amendments and/or supplements to adjacent laws bringing it into full compliance with the principles and norms of international law, excluding any provisions that would result in a discriminatory approach towards religious organizations.

Specific recommendations

- to avoid misinterpretation of the Draft as well as based on the Constitution of Armenia, which guarantees prohibition of discrimination on the grounds of religion, the Draft should equally cover the relations pertaining to the activities of the AAC and stipulate its legal status as a "religious organization."
- replace the ground of "state security" for limiting the freedom of religion, introduced in the Draft, with "public safety," in conformity with paragraph 2 of Article 9 of the European Court of Human Rights (ECHR)². At the same time, the standard of "necessary in a democratic society" shall be added in the same clause in compliance with paragraph 2 of Article 9 of the ECHR.
- amend the Draft, making restrictions on carrying out religious preaching in educational institutions equally applicable to the activities of the AAC.

^{2.} http://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf

- remove the reference to the Law "On non-governmental organizations," which in fact confusingly mixes religious organizations with non-governmental organizations from the Draft, and introduce a new provision, envisaging the procedure of establishment of religious organizations.
- remove a blanket prohibition on foreign financing of religious organizations, bearing in mind the OSCE/ODIHR-Venice Commission Joint Opinion for Armenia, which considers the blanket prohibition of foreign financing of religious communities to be unreasonable and emphasizes the incompatibility of such prohibition with the requirements of Article 9 of the ECHR, i.e. absence of the "necessary in a democratic society" standard.
- replace with the term "member" of the religious organization the concepts of "follower" and "servant" and remove the requirement of keeping the personal data on the members of the organization.
- further, clearly provide an exhaustive list of documents on the activities of the religious organization to be requested by the Authorized Body (which carries out supervision over activities of religious organizations) in case such a necessity arises.
- include a provision in the Draft law removing the prohibition of law enforcement servants' membership in religious associations and/or religious organizations.

2. Freedom of thought, conscience, religion or belief and the right to education SITUATION AND RECENT DEVELOPMENTS

"The history of the Armenian Church" was introduced in Armenian schools as a pilot subject starting from 2002 and later **became compulsory**, giving rise to practical problems in terms of the child's freedom of conscience.

A field study conducted by EPF with the support of the Embassy of the Kingdom of the Netherlands revealed that during "the history of the Armenian Church" course, some teachers arbitrarily, without following the program methodology, start the class with The Lord's Prayer, during which the children stand up, and at the end they make the sign of the cross.³

At the same time, studies illustrate that many of the representatives of religious minorities have a positive attitude towards the history of the Armenian Church. They regard the topics of this subject as part of their national history and if this is not in conflict with their conscience, they enjoy studying it.⁴ However, there is also a viewpoint that the textbooks on the history of the Armenian Church are primarily aimed at teaching the theology of the Armenian Church, and there is no alternative course for the pupils whose parents do not wish for their children to participate in the course on the history of the Armenian Church.

The Committee on the Rights of the Child has suggested in its concluding observations of 2013 that Armenia should revise the curriculum of schools in order to reflect the freedom of religion of all children and eliminate the compulsory subject of the history of Armenian Church from the curriculum.

In accordance with OSCE Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools, if a compulsory program involving teaching about religions and beliefs is not sufficiently objective, efforts should be made to revise it to make it more balanced and impartial, but where this is not possible, or cannot be accomplished immediately, recognizing

 $^{3. \} http://www.coe.int/t/dg4/youth/Source/Resources/Publications/2014_Field_Study_Rights_of_Chidren_arm. \\ pdf$

^{4.} Ibid.

opt-out rights may be a satisfactory solution for parents and pupils, provided that the opt-out arrangements are structured in a sensitive and non-discriminatory way.

RECOMMENDATIONS TO THE GOVERNMENT OF ARMENIA

- based on the 2013 recommendations of the UN Committee on the Rights of the Child and the recommendations addressed to Armenia during the Universal Periodic Review in 2015, and bearing in mind the secular nature of education in Armenia stipulated by national legislation, revise the content of "the history of the Armenian Church" subject, reflecting the coverage of historical events and excluding religious preaching.
- eliminate the instances of religious preaching in schools by the AAC as well as anti-preaching against other religions and beliefs, which lead to intolerant and discriminatory practices, through intervention of authorized bodies (where necessary) guaranteeing that the education on religion is provided in line with the objective, impartial and democratic principles of pluralism.
- eliminate prayer, crossing oneself and other religious ceremonies while teaching the history of the Armenian Church at schools.
- opt-out "the history of the Armenian Church" compulsory school subject. In parallel to it or as an option, introduce the subject of "world religions" and/or "history of culture", thus reducing the risk of endangering the freedom of conscience and religion of the child in the school, in line with recommendations of the UN Committee on the Rights of the Child, UN Committee on Racial Discrimination, European Commission of Racism and Intolerance (ECRI) and OSCE Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools. The teaching process should be exclusively secular, avoiding elements of religious indoctrination, usage of religious symbols or rituals in public school, which is in line with Armenia's Constitution and Law on Education.

CONFLICT TRANSFORMATION SCHOOL TOWARDS A NEW GENERATION OF PEACEBUILDERS

Civil society peacebuilding and conflict transformation (CT) approaches constitute the forte of EPF Armenia and one of the methodological pillars on which a major part of its work is based. For many years, EPF has built and continues building its expertise in these areas, and its portfolio of working across open and closed borders and conflict divides contains several undertakings. Roughly fifty percent of EPF's work relates to these issues.

Apart from programmatic activities that you can see by visiting this link¹, EPF also runs a Conflict Transformation School² for a variety of actors, from civil society representatives, media, youth, international organization personnel to state employees, both Armenia-based as well as international.

The CTS is not a traditional educational institution but rather a coherent, continuous and methodologically determined peacebuilding learning and sharing process. EPF sees the CTS as a sustainable platform to support the new generation of civil society peacebuilders to access alternative sources and counterbalance mainstream propaganda with critical thinking skills.

The School offers different foci, based on the needs of the applicants. Civil society and media folks, for instance, may need a focus on <u>critical thinking</u>³, which is indispensable in the current era of so-called 'post-truth'. International personnel may need knowledge and skills in <u>conflict sensitivity</u>⁴ and emergency planning, i.e. knowledge and understanding of conflict dynamics, as they may affect development work. Those actors who plan dialogues with the 'other side' may need <u>facilitation skills</u>⁵. Those who want to acquire a 'bird's eye' view on the situation and find solutions to problems which seem insurmountable may ask EPF with its partners and networks to help them via organizing a <u>Creative Game</u>⁶. See an example of a <u>module</u>⁷ of the CTS here.

In today's world, working in conflict and for its transformation becomes a skill which is useful to everybody rather than only to those who are directly engaged in dialogue and negotiations with the 'other side' of a large-scale violent conflict. While EPF does not specifically train on other types of CT, such as interpersonal or organizational, its <u>CSO DePo school</u>⁸ contains modules⁹ on these issues and can address them as well.

EPF's success in helping CSOs, media and other actors in strategic planning and organiza-

^{1.} http://www.epfarmenia.am/en/current-programs/cross-border/

^{2.} http://www.epfarmenia.am/en/program-portfolio/armenia-azerbaijan/armenia-azerbaijan/conflict-transformation-school-cts/

^{3.} https://www.youtube.com/watch?v=EhfkelTgcG0

^{4.} https://www.youtube.com/watch?v=5iQKsnK3cR0

^{5.} https://www.youtube.com/watch?v=Vbp6I5Zqa5A

^{6.} http://epfarmenia.am/wp-content/uploads/2014/06/creative_game_faq.pdf

^{7.} https://www.youtube.com/playlist?list=PLze7VHI5SyYiOFapUxWRPaK9AIHpKhdJ7

 $^{8. \} http://www.epfarmenia.am/en/current-programs/cso-depo/cso-management-school/\\$

^{9.} https://www.youtube.com/playlist?list=PLze7VHI5SyYii-I-zSPo59XF70sgHKfQA

tional development, particularly via its <u>CSO DePo</u>¹⁰ project and <u>Creative Games</u>¹¹, is based on the understanding that correct and constructive orientation and capacity to act in conflict situations so that there is a positive impact is a sine qua none for any strategic endeavor and its protagonists, whom we call **The Strategic Who**. It is EPF's position that any development strategy—and particularly in the regions where we work—benefits from adopting a CT approach and using CT skills.

EPF learns CT and peacebuilding alongside its beneficiaries. We have developed <u>large reading</u> and <u>viewing lists</u>¹², as well as a <u>series of online presentations</u>¹³, which may help deeper engage in some of the aspects of peace and conflict, such as <u>the language of peace and conflict</u>¹⁴, etc.

EPF's peace work is also intrinsically linked to its other areas of work. Its link with civil society development has been mentioned above. Its link and relationship with Human Rights is visible from the fact that we expressly address the CT approaches in the methods of our <u>Human Rights</u>¹⁵ work, as well as periodically renewing the mutual understanding of the actors who work on peace and those who work on Human Rights, on their relationships, complementarity and tensions.

The vectors of state propaganda, situational developments, and peer and societal pressure create fertile grounds for people who acquire peaceful attitudes and interests to be either side-lined, or indeed reverse their attitudes, thus diminishing the peace projects' long-term impact. EPF's CTS is trying to address this issue, building capacities of select young people to: understand what conflict transformation is about, become a peacebuilder, and stay one. At the same time it also tries to engage the previous generation, giving them an opportunity to design their own dialogue processes and be in charge of the strategies of peace projects, which is the best educational tool for becoming a peace-builder.

You can also visit a selection of the opinions of participants in our CTS. If you would like to contact EPF for further discussions on possible CTS tailored to your or your target groups' needs, or any other relevant type of work of EPF, such as setting up consortia across the conflict divide¹⁶, etc., please go here¹⁷.

The CTS targets the following:

- » Equip the participants with knowledge and skills to counter the traditional narrative of nationalism and national history (to challenge the primordial/parochial concepts of history);
- » Provide them with means to deconstruct and counter the flood of propaganda messages coming via textbooks during traditional education process and/or from the media; students learn to critically deconstruct this propaganda (also called 'post-truth' today), devoted to enemy-image building;

^{10.} http://www.epfarmenia.am/en/current-programs/cso-depo/

^{11.} http://epfarmenia.am/wp-content/uploads/2014/06/creative_game_faq.pdf

^{12.} http://www.epfarmenia.am/wp-content/uploads/2014/07/CTS_Recommended-literature_web_Eng.pdf

^{13.} https://www.youtube.com/playlist?list=PLze7VHI5SyYjc4pjdmiHjqjBAvJGryi-M

^{14.} https://www.youtube.com/watch?v=b4syx-cg3C4

^{15.} http://www.epfarmenia.am/en/current-programs/human-rights/

 $^{16. \} http://www.epfarmenia.am/en/current-programs/cross-border/armenia-turkey/support-to-the-armenia-turkey-normalisation-process/$

^{17.} http://www.epfarmenia.am/en/contact-us/

- » Give students general knowledge about the conflict transformation and civil society peacebuilding paradigm, familiarizing them with such concepts as sustainable and just peace, the 'strategic who', etc. Students learn to 'put themselves in the shoes of the other';
- » Situate this new knowledge in the general picture of knowledge on international relations, conflict resolution, ethnic studies, geopolitics, etc. Provide them with state-of-the-art and cutting-edge information about developments in these spheres;
- » Familiarize students with the important events in the history of the Nagorny Karabakh (NK) conflict in an unbiased manner, including the international community's position on the conflict:
- » Give them opportunities to discuss these issues with state representatives and/or experts directly involved in the negotiations and/or other ways of addressing the conflict for its resolution:
- » Unleash their creative thinking capacities and generate ideas that, if accepted by the other side, could become a basis for confidence-building steps.

The traditional educational system raises specialists in conflict resolution and international relations in order to brew good 'soldiers' and 'diplomats' for defending their side's positions in negotiations and interactions. This leads to a dead-end, since it is impossible to achieve a compromise while defending one's side and not taking into account the views of the other side. The conflict becomes antagonistic, zero-sum, and therefore intractable. The CTS teaches students to become Conflict Transformers who suggest actions which generate and/or increase peaceful outcomes, benefitting all.

EPF has started to film some of the sessions. EPF offers a combined set of School sessions: online and offline. Online sessions will allow the participants to absorb information, and offline sessions will allow them to ask questions, criticize the information they have acquired, and build their own active attitude to the issues discussed, increasing practical skills of working for conflict transformation.