

# RECOMMENDATIONS ON ANTI-DISCRIMINATION

*Based on the study visit to the UK (March 2017)*

While the United Kingdom and Armenia differ in many substantial characteristics, the mission participants observed several elements of the work on anti-discrimination done in the UK which trigger thinking and action in Armenia related to implementing anti-discrimination policies. One of the most striking characteristics of the UK approach is that it is systematic and covers several issues: gender, social equality, discrimination, hate crimes, domestic violence etc., within one united methodology; and it is dealt with from several angles: by different structures of the authorities, civil society, the media, businesses, etc.

The recommendations presented below are grouped into relevant sections: to and for the authorities, civil society, businesses, media, and the international community.

## AUTHORITIES: EXECUTIVE

Some of the most striking elements of the anti-discrimination policies in the UK are the position of the women's minister, and the work of the police.

Women's minister: The post of Minister for Women and Equalities is a ministerial position in the UK Government Equalities Office, an independent department that is responsible for addressing all forms of discrimination, particularly emphasizing gender inequality. It would be very worthwhile for the Armenian Government to consider the creation of such a department and position, where one of the women portfolio ministers is also assigned the position of Minister for Women and Equalities within the Equalities Office. Moreover, as in the UK experience, her position should rotate, engaging, over time, different ministries whose heads happen to be women, with a small group of staff, specialized in women and equality issues, rotating with the position of the Minister. This idea can be modified to better fit the Armenian realities. Having such a rotating minister allows for saving resources; for addressing equality issues in different ministries in an in-depth manner over time; for mainstreaming the issues of women, gender and equality throughout the government and its work;

and it allows for in-depth tackling of discrimination and inequality in the area covered by every ministry whose head also becomes the Minister for Women and Equalities.

### **AUTHORITIES: PARLIAMENT**

It is recommended that the Parliament (National Assembly) and the parliamentary standing committee on the protection of human rights and public affairs develop a strategic work plan on the issues of equality and anti-discrimination, including comparative research studies, etc. to study the issues of equality and anti-discrimination; or its existing research unit should have a strategic work plan concerning this issue; a formal or informal caucus on this issue is recommended to be built by parliamentarians voluntarily joining a group which is concerned with this issue.

The parliamentary standing committee on the protection of human rights and public affairs should have a clearly stipulated mandate on the above-mentioned issues. Its caucus and the research unit should be in permanent touch with the Ombudsman; corresponding governmental structure; and NGOs which work on this issue. Together with the executive, parliamentary experts and CSOs, the committee should form an ad-hoc working group to study every existing and incoming law draft to see how it corresponds to international human rights law and obligations in anti-discrimination and state policies, and suggest drafting new legislation or amending or supplementing the existing one(s) as necessary.

### **AUTHORITIES: THE JUDICIARY**

It is very important for Armenia, after adopting the package of relevant laws, to engage in a few cases of strategic litigation on such issues. It is recommended to train some of the younger generation of judges, via studies both in Armenia and in the West, on how to address these issues. A legal textbook on such issues can be developed based on Armenian realities, or translated and adapted, and recommended at least as an elective course in the law departments of the universities. Special trainings should be organized for all judges in the Academy of Justice.

### **AUTHORITIES: OMBUDSMAN**

It is assumed that when the Law on Equality is adopted, an Equality Council adjacent to the Ombudsman will be created to address anti-discrimination issues. Making this Council's work effective via creating a system for its support is crucial for the success of the policy. The members of the Council should also be trained and their capacities increased through in-house activities along with enrolment in similar study-trips, short-term educational programs abroad, etc.

### **AUTHORITIES: POLICE**

There were two major learning points from the study visit to the Police:

a) The zero tolerance policy towards domestic violence in UK is understandable, given the levels of violence existing there also due to culture clashes. In Armenia, where the number of police is exaggerated and its level of education cannot be claimed to be satisfactory when it comes to its dealings with the population, the following actions are recommended:

- a. Police trainings and study trips, also for the police academy teachers, on how to behave with the population.

- b. Special trainings and tests for the police officers charged with investigating such crimes (domestic violence, hate crime etc.).
- c. Exams (role plays etc.) to be passed by the police officers charged with such authority in the presence of civil society representatives and specialized experts, after which a certificate is given to the officers who successfully passed these exams.
- d. Means for symbolic and career-related encouragement and discouragement developed in the police stations, presenting those who deserve mention in connection with addressing anti-discrimination.

b) The success of the police anti-discrimination work in the UK is dependent on cooperation with the relevant local authorities, NGOs, health and education authorities. The weekly meetings of these bodies help address the issues of individuals, families and children who have experience in addressing problems of domestic violence, discrimination etc. This experience of joint collegial work can be replicated in Armenia. At the same time, this means also developing specialized entities/positions in the health and education department, social services, as well as in the local authorities. In order to save resources, this can be done via assigning authoritative people from the existing staff (for instance, from the Community Councils) such additional respectful roles, after special training. The role of local NGOs to provide such training and participate in such councils is very important.

c) Participation of the police in conferences, seminars on anti-discrimination, organizing such seminars, having leaflets, publications, media events and hotlines, which should be also easily available in the offices of the local authorities, educational and health institutions, as well as other local community gathering places (barbers shops, supermarkets, other shops, restaurants, churches) should be encouraged.

d) Training for police on hate speech and hate crimes, bias indicators, special methods of reporting and investigation should be included in curricula of police academy, and other institutions (criminal law chairs in Law departments) dealing with preparation of police officers.

#### **AUTHORITIES: OTHER**

Every area ministry, but particularly those who deal with situations where discrimination may take place more frequently, such as education, health, defense, social, and dealing with business, should send some of their relevant people for special training. There should also be trainings for trainers from these ministries and other government structures so that these entities can successfully and creatively pass the anti-discrimination policies to the areas they cover. All government agencies and LGs should have anti-discrimination regulations in their policies and procedures.

#### **CIVIL SOCIETY**

It is recommended, following the example of the UK, to develop a network hub for all those NGOs which work on anti-discrimination, to better coordinate joint advocacy and action.

It is also recommended to boost the capacities and build on the existing voluntary network of lawyers specialized in anti-discrimination which appeared as a result of a Council of Europe (CoE) project. Such lawyers' networks should also have hotlines, alongside with specialized

NGOs, and these hotlines should be widely promoted. There should be a capacity developed to provide pro bono legal consulting and to engage in strategic litigation. Legal statistics should be gathered by this entity, to be shared and compared with the official one.

Human rights lawyers should also be concerned with a) passing their knowledge to the larger public to the extent that there is a level of legal education on these issues which is necessary to everybody, and b) involving and training in practice the next generations of lawyers who specialize in such issues.

It is recommended to specializing NGOs as well as such hubs to be in constant communication with the UK as well as selectively other European and US NGOs and civil society actors, to exchange experiences and build capacities. They should build solidarity and learn the tactics to be successful rather than merely confrontational; they should learn lobbying techniques; correct messaging; tackling counter-constructive opinions and opinion-makers; they should become more sustainable and work on collecting institutional memory, acquiring cutting edge research and evidence, supporting strategic litigation etc.

These NGOs and networks should also encourage that the anti-discrimination policy and thinking ‘trickle sideways’ to their peers who are specializing in other issues. They should creatively offer sticker labels and other means of encouragement to those entities—NGOs, the media, the businesses, the government—as well as to the population (for instance via car stickers) which demonstrate outstanding performance on these issues, and vice versa—to those who fail to demonstrate improvement. Some examples of such actions exist in Armenia: FOICA has had an annual prize for transparency (and an anti-prize for non-transparency) to the governmental institutions and the media. The annual Human Rights prize given by the US, European governments, CoE and UN can also be capitalized upon; however, it is recommended to make the prizes more specific, for them to be issued by national institutions of Armenia (in addition to the international community’s event), and have several nominations, such as ‘for tackling discrimination’, ‘for gender equality’, ‘for the culture of tolerance’ etc.

Major civil society networks, such as the Eastern Partnership Civil Society Forum Armenia National Platform, can adopt, within their thematic directions, a special focus on AD, and present this chance to the other EaP platforms.

## THE MEDIA

Trainings for the media on how to cover anti-discrimination policies and relevant cases, and tackling difficult and controversial issues, as done already by some NGOs, including EPF, should be carried out by engaging more media, particularly from the mainstream. Investigative reporting on anti-discrimination should be encouraged and relevant trainings offered. Anti-discrimination should be mainstreamed in any grant support to the media. Cutting edge international expertise on how to cover such issues should be made available, shared with the media, studied and internalized. Participation of the media in international projects on antidiscrimination should be encouraged. A regulation addressing AD issues can be developed by the media self-regulating body established by Yerevan Press Club. Strengthening the institute of self-regulation and Media Ethics commission is another tool for promoting discrimination-sensitive journalism.

A special effort should be made to engage the citizen journalists and new media producers and

users, as well as innovative institutions (such as TUMO) in this work. EPF's hub of citizen media centers (Infotuns) all over Armenia can be used as a starting point.

### **CIVIL SOCIETY AND THE MEDIA JOINTLY**

All institutions of civil society, including also academia, educational institutions, cultural institutions, can join into tackling the deeper underlying causes of discrimination, intolerance and domestic violence. Textbooks, exhibitions should be developed; civil society has the great opportunity to use the potential of academic institutions and young scholars, to study the deeper underlying causes of discrimination and violence and present to the general public and the relevant institutions. Studies on anti-discrimination and how it is reflected in Armenian history (particular during the last century), culture, arts (architecture; visual arts), literature, organizational culture, religious denominations, traditions, etc. should be done. Anti-discrimination traditions of different Armenian settlements and diaspora colonies should be studied, compared, and lessons acquired.

In all such programming, cost-effectiveness should be taken into account. For example, deeper and more open discussions on LGBTI issues should be developed in the form of cost-effective talk shows; the issues of violent behavior in closed male environments (prisons, garrisons etc.) should be addressed via special at least elective educational courses and via enlightening those in charge of such spaces. Violent and discriminatory behavior should be actively discouraged via zero-tolerance campaigns.

Civil society and the media should jointly develop advocacy messages which can be capitalized upon by politicians, institutions etc., such as 'diversity is good for business', 'we are an equal rights and equal opportunities society', etc. EPF has developed some such messages during its former work; these messages attempt to connect the national identity with anti-discrimination. For instance, 'Armenians have suffered historically from discrimination; at the same time, it is thanks to the tolerance of many other societies that they were able to settle in different countries; therefore they should be particularly sensitive to discrimination.'

Civil society and the media should develop databases of best experts on these issues and offer their expertise to the authorities; they should do independent research, investigations, and shadow reporting; they should help society and the authorities to enhance society's knowledge about Armenia's immersion in the network of international organizations and its obligations which stem from its being a member of several international institutions. They should study and offer the educational institutions knowledge about the relevant international institutions, documents, cases, treaties etc., which can be used in the fight for anti-discrimination.

Media and civil society can develop behavioral guidelines, exemplary codes of ethics and other documents to be offered to those who want to adopt such practices.

### **BUSINESSES**

Businesses should be encouraged to adopt equality policies; a part of their social responsibility should be equality policies inside their premises as well as promoting them in their environment. Businesses can also benefit from campaigns involving stickers 'most PWD-friendly office', 'we pay men and women equally', 'our business proves that equality is profitable', etc., if these campaigns are promoted by business fora, which also publish ratings of businesses and/or give

them annual and other mentions related to the same.

### **INTERNATIONAL COMMUNITY (THE WEST)**

The international community, in addition to continuing the development of a united value space with Armenia in the form of treaties and support schemes, including the new Armenia-EU agreement, helping Armenia with its HRAP and HR strategy, should also support the above-mentioned actions and change, either directly, via targeted projects, or also indirectly, via mainstreaming the need for anti-discrimination in their other types of support. Gender equality is being required by major international support schemes; its experience should be capitalized upon and expanded to counter any type of discrimination. Independent research on how successful the linkage is between the financial support schemes and change towards less discrimination and more equality should give lessons learned to adjust the support schemes accordingly. Independent NGOs are a major source of cooperation for the international community in this process. They should be trained in how to monitor budget support as related to advances in AD. Support via expertise transfer is also very important for the success of anti-discrimination policies.