WHAT IS JUSTICE?

EXECUTIVE SUMMARY OF REPORT ON PERCEPTIONS OF JUSTICE AMONG PERSONS LIVING IN ARMENIA

HUMAN RIGHTS RESEARCH CENTER

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FOREWORD

This study was initiated by the Human Rights Research Center (HRRC) in cooperation with Friedrich-Ebert-Stiftung Armenia. HRRC initiated it with the aim of revealing public perceptions about justice - one of the most discussed issues in Armenia in the aftermath of the "Velvet Revolution".

"What is justice?", "How is it perceived and defined", "What is unjust and why?", "How can we achieve justice", "What's the link between the "Velvet Revolution" and justice" – the research aims to answer these and other questions through a combination of focus-group discussions and interviews with key informants.

As a result of developments in April-May 2018 – the national movement and the so-called "Velvet Revolution", change of power took place in Armenia. This was confirmed by the results of the extraordinary parliamentary elections on December 9 2018.

The establishment of justice is one of the most prioritized and widely discussed issues in the current transitional phase of Armenia. During this period, it is crucially important to make sure that the voice of different societal groups is heard in the discourse around the public demand for justice and that the opinions, needs and perceptions of these groups are explored.

In this context, we find it important to develop a relevant research base, which implies a continuous and in-depth study of public perceptions and policymakers' visions around the establishment of justice in Armenia. This derives from the imperative to make sure that future policy-making is more participatory, human-centered, inclusive and human rights-based. This research is the first step towards the creation of such a base.

METHODOLOGY

To study the perceptions of justice among different groups of the Armenian public, 6 focus-group discussions with women, men and children were held in Yerevan, Vanadzor, Gyumri. The principle of intersectionality was taken into account while forming the focus groups, thus ensuring the representation of various social groups (persons with disabilities, LGBTQ+ persons, migrants, the elderly, persons living in remote areas, etc.).

To study the perceptions of justice on the level of policy-making, interviews with representatives of state bodies were held. Adhering to the method of total population sampling, the research team sought to organize interviews with *all* key decision-making agencies in the country. However, a part of ministries/other bodies refused to participate or failed to respond. As a result, interviews were held with top-level representatives of the following structures:

9. Ministry of Labor and Social Affairs
10. Ministry of Health
11. Ministry of Justice
12. Ministry of Nature Protection
13. Ministry of Agriculture
14. Ministry of Energy Infrastructures and Natural Resources
15. Ministry of Education and Science
16. Human Rights Defender's Office

1. Ministry of Culture
2. Ministry of Defense
3. State Control Service
4. Ministry of Sport and Youth Affairs
5. Ministry of Diaspora
6. Ministry of Territorial Administration and Development
7. Lori Regional Government
8. Shirak Regional Government

SUMMARY FINDINGS

1. What is justice?

All research respondents – both focus group participants and interviewed policy-makers – were asked to **define** justice in their own terms. While the resulting perceptions of what justice is varied greatly both within the different focus groups and between focus-group participants and policy-makers, the diversity of perceptions can be grouped into 4 categories in terms of their thematic directions:

▪ Justice as equality: equal opportunities, equal conditions, equal treatment, equal accessibility

"Justice, I think, is equal opportunities for everyone", representative of the Ministry of Agriculture

▪ Justice as equality of rights: protection of human rights, the rule of law and non-discrimination

"[justice is] being equal under the law", 12 y.o. child, Gyumri

- Justice as a personality trait, personalized category

  "justice is the human conscience", man, Vanadzor

- Justice as a relative term, dependent on the time-period and the political situation of the country.

  "Justice isn't a concept set in stone. It changes with time, becomes more adjusted to the public demand of that time-period…", representative of the State Control Service

2. Why is there injustice?

The discourse around *injustice* formed the axis of the focus-group discussions and interviews with policy-makers. The establishment or restoration of justice in every society is closely linked to the discovery and analysis of underlying causes, sources and roots of injustice. The perceptions of research respondents about the causes injustice in Armenia can be grouped as follows:

- Differentiated/discriminatory approaches, lack of equality

  "[injustice arises when]…somewhere the principle of equality, equity, proportionality is broken", representative of the Ministry of Culture

- Non-application of laws and flaws in the legal-judiciary system

  "we have issues in terms of application of the law, that's where injustice is…", representative of the Ministry of Justice

- Corruption

  "corruption is the first manifestation of injustice", representative of Shirak Regional Government

- Impunity

  "…those who benefit from injustice are people whose injustices the society turns a blind eye to.", child, Yerevan

- Public stereotypes, prejudices and traditions that lead to injustice

  "[injustice] comes from stereotypes, from people's inner fears…from traditions", representative of the Ministry of Nature Protection

3. Where is the Injustice?

The cases, examples, forms and manifestations of injustice identified and discussed by research respondents can be grouped into the following spheres of life:

- Injustice in the **sphere of education**: corruption, differential treatment and unfair assessment, lack of quality education, unequal access to education for different groups, bad conditions of schools in rural/remote areas, etc.
- Injustice in the sphere of **employment**: discriminatory hiring practices, unequal opportunities for different groups, violations of workers' rights, lack of dignified working conditions, etc.
- Injustice in the **family**: gender-based discrimination and stereotypical gender roles, domestic violence
- Injustice in the sphere of **social protection**: unequal distribution of social services across the country, issues with quality healthcare services, unequal access to various services (healthcare, social services, issues with the social security system, including corruption
- Injustice in the sphere of the **justice system** (judicial-legal system): unequal access to justice for different groups, corruption, lack of independence, lack of competence.

4. Injustice against who?

Perceptions around who is most subject to injustice in Armenia varied greatly between focus-group discussion participants and interviewed policy-makers. The only group identified by both groups of respondents are **persons living in poverty/socially disadvantaged persons**, who, as perceived by respondents, on one hand face injustice more often than other groups, and, on the other hand, are deeper affected by it.

> *"The socially disadvantaged are those who always suffer most [from injustice],*
> *representative of the Ministry of Justice*

5. How to Achieve Justice?

The ways, methods and tools for achieving justice in Armenia were identified both by asking research respondents the specific question of "how to achieve justice" and deriving their perceptions around how to reach justice from discussions around causes, manifestations and personal experiences of injustice. ways of achieving justice, as perceived by *both* focus-group discussion participants and interviewed policy-makers.

- Ensuring equal conditions and opportunities for everyone
- Eradicating corruption
- Ensuring the equal access and independence of the judiciary
- Raisine the legal awareness of the public and fostering public demand for justice
- General reforms of the legislative system
- Targeted efforts aimed at *prevention* of injustice, including through legislation

6. Who is Responsible for Justice?

According to research respondents, the key stakeholders/role-players responsible for (re)establishing justice in Armenia are:

- The state (the government/decision-makers/policy-makers
- The society, the nation, the people
- Each individual

In addition to these key role-players, the media and the civil society were also identified as stakeholders in the process of (re)establishing justice.

7. Justice Before and After the Revolution

The research also aimed to explore the link between the "Velvet Revolution" and the public perceptions of justice. Both focus-group participants and interviewed policy-makers often expressed the opinion, that Armenia was a largely unjust country prior to the revolution, and that the revolution in many ways was a result and a response to these past unjustices.

> *"There were many injustices. And that's why I think the revolution happened",*
> *representative of the Ministry of Energy Infrastructures and Natural Resources*

As for the period following the "Velvet Revolution", two distinct approaches were expressed by respondents: one part is of the opinion that no revolution has taken place and nothing has/is being changed and another (majority) part is confident that positive steps are currently taking place and there is an opportunity for real change towards more justice.

IMPLICATIONS FOR POLICY-MAKING

Research findings are evidence that both the public and representatives of state bodies consider decision-makers (the government, policy-makers and the state in general) as the key role-players responsible for establishing justice in the country. So, how can these role-players take the public perceptions of justice into account during different decision-making/policy-making processes.

The key implication of this research for policy-making in Armenia, as derived from public perceptions around justice, are that future state efforts aimed at (re)establishing justice or preventing/eliminating injustice should include efforts aimed at:

- ensuring **equality**, including through the provision of equal opportunities and equal/equitable/proportionate distribution of resources, as well as efforts targeted specifically at groups that currently face discrimination.

- strengthening the **rule of law** and equal application of the law, including targeted efforts to ensure equal rights for different groups and equal accessibility of justice/courts, as well as efforts to ensure the independence of the justice system.
- **proportionate regional development,** including through proportionate distribution of human and financial resources, public services, infrastructures and opportunities, as well as increased autonomy of local governments.
- **eradication of corruption,** with special emphasis on the spheres of education, employment and the justice system.
- **improved social security and eradication of poverty**
- improved **legal awareness**, as well as dissemination/strenghthening of values such as **equality, rule of law, freedom, solidarity, mutual support and cooperation, freedom of speech and plurality, peace, kindness** and **analytical thinking**.