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50 days of the Defender: reflection on social rights

My reflection on the social rights first is based on my confidence that people cannot become members of active society and protect their rights, if their adequate living conditions are not ensured. Unfortunately, a significant part of our society today faces the problem of having an elementary social security and requests the State support for that, as it is not always available for even the population capable of working to gain enough means by own work.

Today 34,1 % of the population in the Republic of Armenia is poor, i.e. every 3rd citizen. The minimum salary of 32 500 AMD, stipulated by the law, does not have at its basis the amount of the minimum basket of goods and is not considered as basis of social policy and calculation of social benefits of the State. In addition the calculations of the basket of goods based on the actual prices should be taken into consideration, according to which the minimum basket of goods is more than 52 000 AMD: this is the sum necessary for a single person as a minimum subsistence budget. I am more than sure that not a single methodology existing in the world would be able to confirm that 32 500 AMD in the Republic of Armenia as a monthly minimum subsistence budget can be enough.

2009 was a year of a considerable decrease in economy. The year of 2010 created also an unprecedented rise of 9,5% in prices. The reasons for the rise in prices were explained, according to different sources, by the rise of prices in international markets, expanding loan and tax and budgetary policy, reducing of arable lands in 2010, corruption, monopolistic economy and recession in agriculture. Both the international organizations and the Government of the Republic of Armenia consider the rise in prices as one of the main challenges for the year. In order to ease the rise, a number of programs of social direction and repress of rise are being implemented. However, to my opinion, there have been no tangible results yet.

One of the primary obstacles towards the raising of the level of economic activity are incomplete mechanisms for protection of economic competition and existence of monopolistic economies. According to different economic surveys, in average and long-run perspective the present system of protection of free competition can be one of the main obstacles towards the steady development of the country, overcoming of poverty and economic growth. I assess this situation as evidence of ineffectiveness of the activities of anti-monopoly institutes.

Another significant reason preventing from raising of the level of economic activity is a poor tax and customs administration which is confirmed by both RA Government and its opponents. Although

programmatic activities are being developed and implemented towards this direction, the result is perceptible neither in the wide range of economic entities nor in the increase of economic indicators. More concrete steps are ultimately necessary in the field of tax and customs administration, in particular in overcoming of corruption and ensuring of equal conditions customs clearance.

A fully intelligible argument of the RA Government about the deficiency of funds makes to appeal to the criticism about the frequent impossibility of allocating necessary minimum sums to socially unsecured levels of society as a result of the RA Government's lack of the efficiency, i.e. wrong distribution and disappearance of budgetary funds. For example, the RA Control Chamber examined on sample basis 1656 cases of persons receiving pensions on deposit order and revealed 1157 breaches of different kind. Only the inspections and fact of breaches found by the RA Control Chamber testify to the fact that limited financial resources of the State are often unproductively used.

In this situation the developed action plans and strategic approaches made by the RA Government are generally acceptable, though I think it is time to transfer them from speech and correctly formed documents to real actions and tangible results for people.

The Human Rights Defender has 3 missions: 1. mediator in political dialogue, 2. observer in the sphere of human rights protection, 3. defender of human rights in individual cases. As an observer of social rights realization and protection I will continue my analysis and observations in the sphere of ensuring social rights, regularly informing the society about my assessments and presenting the suggestions resulted from them to the authorities.

As a mediator between the authorities and society I am ready to present constructive suggestions from different society groups including opposition parties, non-governmental organizations and individuals to the RA National Assembly and Government by the order prescribed by the law thus influencing the state policy adopted in the field of social security.

The brief analysis of the economic situation confirms my concern that there are many cases, which, in the scope of the Defender's authority, can be brought to positive solutions consequently realizing social-economic rights of significant part of the citizens and legal entities. While, the scarcity of applications referring to social and economic sphere (36 applications per 4 months of the current year) shows that in the result of lack of awareness as well as low level of legal knowledge people and organizations do not turn to the Defender. Often applications refer to getting material assistance or for charting support, which, unfortunately, is not in the scope of my authority and resources.

In my capacity of the Defender in individual cases, in the event of violation of rights and just profits of the citizens and legal persons by state bodies I am authorized to require from these bodies (tax and customs bodies, RA Labor Inspection, State Social Security Service, etc) restoration of rights.

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