



Human Security and Security Sector Reform in Eastern Europe

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STUDY

- Human security and security sector reform: experience of Ukraine, Armenia, Georgia, Moldova, Belarus, Lithuania, and Slovakia. Best practices, common problems, and important lessons learned.
- Though the traditional threats are still vital, the human security paradigm placing people at the centre should be a hallmark for the security sector reforms in countries that have chosen a modern democratic model of development.
- In democratic societies, human security and state security are interconnected components that complement each other. Only those societies can be resilient, where people are properly protected from the entire range of threats, and where human security is guaranteed in its modern and inclusive sense.

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Human Security – Important Element for Democracy Building in Armenia

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Introduction

Human security has been prioritized by different international organization. With the shift from traditional warfare and security to new trends of terrorism, hybrid wars, human security has been especially highlighted by the Western World. The United Nations (UN), Organization for Security and Cooperation in Europe (OSCE) has reconceptualised the state centred security putting a special emphasis on the human security. It is mostly the Western World, in democratic state where the human security and the welfare of an individual is a crucial component of state and security building. Human dignity, political freedoms and safety of an individual are important elements of an establishment of a democratic state.

Since the collapse of the Soviet Union, the newly independent states started to build their own foreign and internal policy and ensure their own security. Armenia, a post-Soviet country, that strives to establish a democratic state, is a member of the UN and OSCE and thus is committed to the core priorities of these organizations.

On one hand the Nagorno Karabakh conflict and the closed border with Turkey and on the other hand inherited Soviet legacy lead to a strong emphasis on the military security. At the same time thanks to cooperation with OSCE, UN, EU, NATO Armenia implements various reforms that include components of human security. This paper looks at security sector reforms in Armenia and how human security in Armenia is approached. It starts with overall assessment of security in the country and then proceeds to the reforms in the police sector, fight of organized crimes, data protection and etc. It assesses the adopted respective legislation and highlights the missed out elements and

violations that lead to a threat to the human security in Armenia.

Reconceptualising State-centred Security

Armenia, a post-Soviet country in the South Caucasus, has an escalating conflict with Azerbaijan and a closed border with Turkey. The dividing lines of the South Caucasus in terms of security are strong. The state-centered security often prevails in Armenia. As the National Security Strategy of the Republic of Armenia reads Azerbaijan and Turkey are a security threat for Armenia¹. Protracted Nagorno Karabakh conflict, Armenian-Turkish closed border, Russian military bases in Armenia - these are the main security issues of the country. The conflicts in the South Caucasus region are not frozen. Only a year ago the war between Armenia, Nagorno Karabakh and Azerbaijan restarted. The April 2-4 2016 war reminded how fragile and vulnerable the situation between Armenia and Azerbaijan is.

The fighting of April involved artillery and rockets, multiple launch rocket systems, armoured units and combat helicopters with infantry. Drones were used from Azerbaijani side. Armenia and Azerbaijan give different numbers of casualties but fatalities were perhaps as high as 200².

Turkey is yet another disturbing neighbour. Turkey keeps its border closed with Armenia since the 1990s and is in close relations with Azerbaijan. In fact Armenia connects with the world through Georgia and Iran.

For insuring its security Armenia has become a member of the Collective Security Treaty Organization. Russia is considered to be a military ally and ensures the security of Armenia. Russia has its military bases in Gyumri, in the second largest

1. National Security Council at the RA President Office, 'National Security Strategy of the Republic of Armenia (RA)', 26 January 2007, available at: http://www.mfa.am/u_files/file/doctrine/Doctrineeng.pdf.

2. International Crisis Group, Europe Report N°239, 'Nagorno-Karabakh: New Opening, or More Peril?', 4 July 2016.

city of Armenia. Armenia has a military agreement with Russia for 50 years till 2049. Russian-Armenian Agreement on joint air defence system was signed in December of 2015. Militarized security is a priority for Armenia.

At the same time Armenia's commitment towards its international obligations, cooperation with the West and membership in international organization led to the need of reforms in the security sector. Obviously, after the collapse of the Soviet Union the newly independent state inherited the Soviet legacy and it was the support of the West that brought to some innovation and reforms in the security sector.

Human security has become one of the major fields of international organizations. The UN Commission on Human Security (CHS) defines human security as a protection of human freedoms, fundamental freedoms and human fulfilment. It means protecting people from threats, creating political social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity. This definition aims at moving away from traditional state-centric concept of security that focused primarily on the safety of state from military aggression, it aims at reconceptualising human security as an individual oriented concept with the goal of protecting and empowering the individuals. The new definition also draws attention to the threat towards various aspects of human life, and highlights the interface between security, development and human rights. The new definition promotes new integrated and people-centred approach to advancing peace, security and development³.

OSCE defines human security as a combination of peace and the rule of law in which fight against trafficking, security of minorities and socially vulnerable groups, appropriate legislation and the

rule of law must be a high priority. Individual is the ultimate beneficiary of security rather than the state. Individual's security includes livelihood and dignity and for achieving such security the individual must be protected and empowered⁴.

Human security is not defined broadly or as a separate entity in the legislation of Armenia. However, thanks to various requirements from international organizations Armenia undertakes reforms which are meant for human security.

Legal Framework Addressing Human Security

Specific foundations for ensuring human security have been provided in the legislation of Armenia. Although indirectly, but human security has been addressed by adoption of laws on freedoms and rights as well as by joining international conventions.

With establishing its independence in 1991 Armenia adopted its own legislative framework. It adopted a law "On Press and Mass Media" on October 8, 1991, "On Public-Political Organizations" on February 26, 1991, "On Non-governmental Organizations" on November 1, 1996. The Electoral Code of the Republic of Armenia was adopted in 1999. The legislation aimed at insuring rights and freedoms of its citizens.

For becoming a member of international organizations such as the UN and Council of Europe, adoption as well as harmonization of legislation with international criteria was required. Adhering to the international standards required Armenia to have the direct responsibility of creation and protection of necessary conditions for the realization of the rights and freedoms of people.

Thus for example in 1998 Armenia joined the Universal Declaration of Human Rights, contributing to the enhancement of respect towards human rights and fundamental freedoms in Armenia.

3. Human Security Unit, United Nations, 'Human Security in Theory and Practice. An Overview of the Human Security Concept and the United Nations Trust Fund for Human Security', 2009, available at: http://www.un.org/humansecurity/sites/www.un.org/humansecurity/files/human_security_in_theory_and_practice_english.pdf.

4. Gerd Oberleitner, 'The OSCE and Human Security', *Security and Human Rights* (2008).

HUMAN SECURITY – IMPORTANT ELEMENT FOR DEMOCRACY BUILDING IN ARMENIA

Armenia also became a party to the International Covenant on Civil and Political Rights, taking obligation to protect and provide for the freedom of movement, equality before the law, the right to a fair trial and presumption of innocence, freedom of thought, conscience and religion, freedom of opinion and expression, peaceful assembly, freedom of association, participation in public affairs and elections, and protection of minority rights.

In 1993 Armenia also acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. The convention required to guarantee the basic civil, political, economic, social and cultural rights regardless of race, colour, tribal, ethnic and national origin of the individual. In 1993 Armenia also acceded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 2002 Armenia Ratified the European Convention on Human Rights.

The Office of Human Rights Defender in Armenia is also aimed at ensuring freedoms of citizens of Armenia. According to the Draft Constitutional Law on the Human Rights Defender of 2016, the Defender shall, in case of a complaint or upon own initiative, consider violations of human rights and freedoms enshrined in the Constitution and the laws of the Republic of Armenia.

Perhaps the main problem for Armenia is the implementation of the legislation. The legislation of Armenia has been harmonized with the criteria of the UN and Council of Europe. Thus freedoms and rights are ensured according to the legislation, however in practice often these laws are violated.

NATO and Security Sector in Armenia

NATO has played an important role in security reforms in Armenia. Armenia launched its cooperation with NATO back in the early 1990's. However, a new, more in-depth phase of this cooperation began in the early 21st century. Thus, in December 2005 the first Individual Partnership Action Plan with NATO (IPAP) was signed, after which

numerous NATO delegations visited Armenia, a NATO Information Centre was opened in Yerevan, as well sessions of the North Atlantic Council-Armenia were held in a 26 + 1 format. As part of the IPAP implementation, NATO formed an international advisory group which facilitated the drafting of the Armenian National Security Strategy. Since June 2008, NATO weeks have been organized in Armenia on a yearly basis (the last one was held in November 2016); in July 2008, the Armenian militaries along with the military personnel from the United States, Georgia, Azerbaijan and Ukraine participated in NATO exercises held in Georgia, whilst in September the «Cooperative Longbow / Lancer-2008» trainings took place in Armenia. In March 2010, NATO Parliamentary Assembly (NATO PA) held its first «Rose-Roth» conference in Yerevan (and already the third one was held in Yerevan in June 2015), while on 11 September of the same year NATO commenced the «Armenia-2010» exercises in Armenia related to disaster control.

The IPAP reforms implemented in the framework of strategic reviews of defence and emergency situations, as well as the creation of the Crisis Management Centre were particularly significant for Armenia. A number of important documents were developed and approved within the IPAP framework, including the Civil Defence Doctrine, Development of Military-Industrial Complex Concept, Information Security Concept and the Strategy on Border Security and Integrated Management of Armenian Borders.

Armenia is currently completing its fourth IPAP program for 2014-2016. This program includes hundreds of events, where special attention is paid to border security issues, improvement of military education system, environmental issues and civil crises, as well as strengthening cooperation in the field of emergency situations. Currently, the Armenian side together with the Alliance are developing an updated version of the Individual Partnership Action Plan for the next three years. Please note that already in the first IPAP signed in 2005, among other objectives of the framework for cooperation with NATO, one was the fair and democratic election of the

mayor of Yerevan city (be reminded that after the constitutional reform of 2005 the mayor was to be elected by the citizens).

NATO has also assisted in establishing Armenian peacekeepers. Thus, a peacekeeping team of the Armenian troops was formed in Afghanistan back in February 2010, as part of a German group. Since 2004, Armenia is participating in a NATO-led international peacekeeping mission in Kosovo.

It is also important to note that NATO countries do not supply offensive weapons to South Caucasus countries with unresolved conflicts. For example, NATO does not supply Armenia and Azerbaijan with any heavy and offensive weapons, due to the unresolved Nagorno-Karabakh conflict which is different to Russia.

Reforms in the Police Sector

One of the major contributions towards reforms in the security sector of Armenia is done by OSCE. The OSCE Office in Yerevan was established by a decision of OSCE Permanent Council in 1999 and commenced operations in February 2000. OSCE received the mandate to improve democratic policing practices. In 2002 a Politico-Military Officer to the Office in Yerevan was appointed providing capacity to the OSCE to assist the host country. The OSCE's police assistance activities started with the visit to Armenia by the OSCE Senior Police Adviser in June 2003. It was exactly the period when OSCE started to expand its involvement in law enforcement cooperation with many newly independent countries of the former Soviet Union. OSCE supported Armenia in establishing community-based policing model to foster cooperation, mutual respect and trust between the police and the population. Community-based policing and police education reform were to be important parts of the reform. In November 2008, a memorandum of understanding was signed to establish two joint OSCE/police working groups: one dealing with the further development of a community-based policing model

and the other with creating a modern and integrated police education sector⁵.

Police sector is one of the most important areas that need consistent reforms since this is body that is negatively perceived by the populations, has low trust among the people and unfortunately serves to the President and the authorities of Armenia. For example, the traffic police are particularly unpopular and are perceived to be interested in bribes, rather than keeping roads safe. According to the Global Corruption Barometer 2013, 66% of respondents in Armenia consider the police of the country corrupt or extremely corrupt⁶. The police also frequently follows the orders of the authorities and uses disproportionate violence towards peaceful protesters.

Political Freedoms of Individuals Are Under Threat

Unfortunately, the reforms in the security sector often are not implemented or are implemented partially. Despite the efforts by the international organizations, the police in Armenia remains the body that uses violence during protests instead of insuring human security and public order during the protests. They serve to the authorities rather to the public order.

Cases of violence have become usual in Armenia. For example the Presidential elections of 2008 ended with mass protests where 10 people were shot to death. According to the Human Rights Watch Report on the day of elections riot police without any warning attacked the demonstrators, using rubber truncheons, iron sticks, and electric shock batons⁷.

Political freedoms and safety of humans were put under even more severe threat the follow-

5. Carel Hofstra, 'Police Development Activities of the OSCE in Armenia', OSCE Yearbook (2011), available at: <https://ifsh.de/file-CORE/documents/yearbook/english/11/Hofstra-en.pdf>.

6. Transparency International, 'Global Corruption Barometer 2013', 2013, available at: <http://www.transparency.org/gcb2013/country/?country=armenia>.

7. Human Rights Watch, 'Democracy on Rocky Ground', 2009, available at: <https://www.hrw.org/report/2009/02/25/democracy-rocky-ground/armenias-disputed-2008-presidential-election-post-election>.

ing years. During the social movement called Electric Yerevan police referred to excessive use of violence. On June 23 2015 protests were dispersed brutally. Armenian police made 237 arrests after roughly breaking up a Yerevan sit-in⁸.

Even more cases of violence and arbitrary detentions happened in summer 2016. On July 17, 2016 largely peaceful protests erupted after armed men from radical opposition group seized a police station. Armenian police used excessive force against peaceful protesters on July 29, 2016 and assaulted journalists reporting on the demonstrations. Police used stun grenades, which wounded dozens of demonstrators and some journalists, some severely. The police also beat journalists and protesters and detained dozens of people⁹. The use of violence was without any basis and unfortunately the number of detained people and political prisoners grew.

Ombudsman Office

Establishment of the Human Rights Defender's Office was an important step towards importance of human rights in Armenia. Areas such as procedural rights and the rights of servicemen, prevention of torture and ill-treatment, children's rights, civil, socio-economic and cultural rights are under protection of the Human Rights Defender of Armenia.

On October 21, 2003, the RA Law "On the Human Rights Defender" was adopted. The RA Law "On the Human Rights Defender" stated that the Defender was an independent and irremovable official, who protects human rights and freedoms violated by state and local self-government bodies and officials governed by the fundamental

principles of legality, civil society and social justice (Article 2)¹⁰.

It is also important to note that the military servicemen are protected by the Human Rights Defender. According to Article 8.2 of the RA Constitution, "the armed forces of the Republic of Armenia shall maintain neutrality in political matters and remain under civilian control"¹¹. The armed forces are under civilian control by the Human Rights Defender, also by civil society as well as international organizations. The Human Rights Defender's role in the RA armed forces became even more important with the establishment of the post of adviser on military affairs and issues of military servicemen in the Human Rights Defender's staff in 2007, under the RA-NATO Individual Partnership Action Plan. The Office aims at protecting military servicemen, only conscripts, but also officers, whose rights have been violated by their superiors¹².

Fighting Human Trafficking

The EU is one more actor that stimulates reforms and puts emphasis on human security. As part of the visa facilitation process between the EU and Armenia, Armenia needs to undertake reforms in the area of "public order and security" that requires fight against organized crime and trafficking. In December 2011, Armenia adopted a National Strategy to improve the effectiveness of the fight against organised crime. UN Convention against Transnational organized crime and its Protocols, 2003 was ratified on 1st July, 2003. Regarding counteracting trafficking in human beings, the relevant changes were made into the national legislation and a law on "Making Amendments and Addenda into the RA Criminal Code" was adopted

8. EurasiaNet News Agency, 'Armenia: Police Disperse "Electric Yerevan" Protest', June 23 2015, available at: <http://www.eurasianet.org/node/73976>.

9. Human Rights Watch, 'Armenia: Excessive Police Force at Protest', August 1 2016, available at: <https://www.hrw.org/news/2016/08/01/armenia-excessive-police-force-protest>.

10. Webpage of Human Rights Defender of the Republic of Armenia, n.d., available at: <http://www.ombuds.am/en/defender/history.html>.

11. Amendments to Constitution of the Republic of Armenia, adopted 06.12.2015, available at: <http://www.parliament.am/parliament.php?id=constitution&lang=eng>.

12. OSCE Publication, 'Armenia and Democratic Control of the Armed Forces: Analysis and Perspectives' (2011), available at: <http://www.osce.org/yerevan/84943?download=true>.

on November 18, 2009. The Criminal Code was amended in April 2011 in relation to combating trafficking in human beings, toughening punishment for trafficking in children and persons with mental health problems. National Plan for Action to Combat Trafficking in Persons for 2010-2012 was approved by government in September 2010. Council of Europe Convention on action against trafficking in human beings, 2005 entered into force on 1 August 2008.

The legislative part is mostly fulfilled by the Government of Armenia. However there are still areas that Armenia need to work on, especially in terms of implementation of the adopted legislation. According to the Eastern Partnership Visa Liberalization Index the strategy on fighting organised crime is not fully implemented. There are serious concerns regarding corruption. The legislation is close to international standards, however implementation remains a challenge. An Anti-Trafficking Board was established under the Ministry of Territorial Administration. The anti-trafficking activities are coordinated by the Council on Trafficking Issues, headed by the Deputy Prime Minister. The interagency Working Group on Trafficking has been established to support the Council being led by the Director of the Department of International Organizations of the MFA. Representatives from non-governmental and international organisations are also included in the Working Group¹³.

Cases of Human Trafficking

According to the 2016 Trafficking Report Armenia is a source and, to a lesser extent, destination country for men, women, and children subjected to sex and labour trafficking. Armenian women and children are subjected to sex and labour trafficking within the country as well as sex trafficking in United Arab Emirates (UAE) and Turkey. Chinese women have been

subjected to sex trafficking in Armenia. Armenian men are subjected to forced labour in Russia and, to a lesser extent, in Turkey. Armenian women and children are vulnerable to forced begging domestically. Some children work in agriculture, construction, and service provision within the country, where they are vulnerable to labour trafficking. Articles 132 and 132-2 of the criminal code of Armenia prohibit both sex and labour trafficking and prescribe penalties of five to 15 years' imprisonment. The government investigated 14 new trafficking cases in 2015, compared with 10 in 2014. Authorities initiated prosecutions against two defendants and courts convicted three traffickers in 2015, compared with seven prosecutions and convictions in 2014. Two traffickers received sentences of 11 years' imprisonment and one received 11 years and six months' imprisonment¹⁴.

Data Safety of Individuals

The legal framework for data protection is based on the 2002 law "On Personal Data", which is generally in line with European standards (namely: the Council of Europe Convention on the Protection of Individuals with regard to the Automatic Processing of Personal Data as well as the relevant European Directives).

However despite the fact that the law is in place and is in line with European standards, some areas are still not regulated. According to the Eastern Partnership Visa Liberalization Index in contrary to the EU practice, there are limited sanctions for breaches. Moreover, the Armenian data protection law does not foresee the establishment of a specialized, national data protection authority nor has it delegated responsibility over the supervision of data protection to a particular governmental institution. The most concerning issue is that the law "On Personal Data" does not include a section limiting the transfer of personal data abroad. The relevant section of the law was removed during

13. Eastern Partnership Visa Liberalization Index (2015), available at: <http://monitoring.visa-free-europe.eu/armenia>.

14. U.S. Department of State, '2016 Trafficking in Persons Report', available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258714.htm>.

the revision of the law of May 23, 2006¹⁵.

There are disturbing facts that the data of Armenian citizens is being transferred to the Russian Federation. The Border Management Information System (BMIS) that contains a database on Armenian citizens and vehicles that have crossed the border of the Republic of Armenia has been functioning since 2006. To an enquiry, the Armenian National Security Service informed that they granted the Russian Border Protection Department of the Federal Security Service access to the BMS system¹⁶. It is noteworthy that the Armenian National Security Service makes a reference to the 1992 agreement between Armenia and Russia on the "Status and Activity of Border Troops of the Russian Federation in the Territory of Armenia", without mentioning any specific provision. It is obvious that the data protection in Armenia is threatened as the 1992 agreement cannot contain any clause related to the electronic system created in 2006.

Conclusion

The state centred security is a priority in Armenia. The Nagorno Karabakh conflict, frequent skirmishes in the Line of Contact between Nagorno Karabakh and Azerbaijan, the closed border with Turkey automatically lead to an importance of military security in the South Caucasus. On the other hand Armenia is a member of international orga-

nizations and is in fragile transition towards democracy. The commitments and cooperation with the Western actor leads to importance of human security. Thus OSCE has been working with the Armenian authorities on reforming the police sector. The EU has established a partnership for fighting organized crimes and human trafficking, ensuring data protection. NATO implements the Individual Action Plans with Armenia in military, emergency and scientific areas.

Partially Armenia has undertaken important reforms. In terms of legislation the country managed to establish a legislation that is mostly in line with the European practice. However there are still important fields that hinder the development of human security. Corruption and lack of political will to implement the legislation are one of the main problems. Thus, during peaceful protests the police refers to excessive use of violence and political freedoms are under threat. Additionally the country has problems of data protection by transferring data of individuals to the Russian Federation.

Armenian authorities and Western actors will need to work on implementation of the adopted legislation, fight the corruption. Moreover the Western actors need to continue empowering civil society sector in Armenia as this is the body that has civilian control in the security sector, can monitor and demand changes in the state policy.

15. Eastern Partnership Visa Liberalization Index (2015), available at: <http://monitoring.visa-free-europe.eu/armenia>.

16. Asparez webpage, 'Russian Federal Security Service Has Access to Personal Data of Armenian Citizens' (2016), available at: <http://www.asparez.am/wp-content/uploads/2016/12/Personal-info-eng.pdf>.