

## Armenia 2024

### Information from: The Human Rights Defender's Office of Armenia

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

The Human Rights Defender of Armenia was last [re-accredited with A-status in March 2019](#).

The SCA recognised that the NHRI interprets its mandate in a broad manner. However, the SCA encouraged it to advocate for appropriate amendments to explicitly include provisions in its enabling law in relation to encouraging ratification of or accession to 3 international human rights instruments, promoting human rights, and covering acts or omissions of the private sector.

Additionally, it encouraged the NHRI to strengthen the implementation of its anti-discrimination mandate, particularly regarding LGBTI and women's rights.

Regarding the selection and appointment process, the SCA acknowledged that the NHRI reported that, in practice, vacancies are advertised, the process is broad and transparent, and that civil society can participate in the screening and selection process. However, this practice is not explicitly enshrined in law, regulation, or in another binding administrative guideline. The SCA encouraged the NHRI to advocate for amendments for the formalisation and application of the selection and appointment process in this direction.

Finally, acknowledging that the budget of the NHRI had increased significantly since the previous review, the SCA encouraged the NHRI to continue to advocate for the funding necessary to ensure that it can effectively carry out the full extent of its mandate, including all additional responsibilities with which it has been mandated, such the NPM under the OPCAT.

The Armenian NHRI is scheduled to undergo its periodic re-accreditation by the SCA in the October 2024.

## Follow-up to SCA Recommendations and relevant developments

### Women's rights and gender equality

The Human Rights Defender's Office, following-up on the [SCA recommendations](#) of 2019, has strengthened the implementation of its anti-discrimination mandate regarding the protection of women's rights. In 2022, the Defender's Office established the [Public Council on Women's Rights](#) adjunct to the Human Rights Defender. The Public Council aims to support the Defender in ensuring women's legal equality, promoting their political participation, preventing violence against women and gender violence, contributing to increasing the effectiveness of the protection of women's rights, and highlighting problems and gaps by proposing legislative solutions. The Public Council is composed of 15 non-governmental organizations which are specialized in the promotion and protection of women's rights.

During 2023, the Public Council on Women's Rights held its regular [sessions](#) and board [meetings](#), during which, representatives from international organizations mandated with the protection of human rights, and relevant stated bodies also participated.

The Defender's Office had also prepared "A Brief Overview on promoting the involvement of women in the law enforcement system of Armenia". In this regard, the Defender's Office has signed a [memorandum](#) of cooperation with the Embassy of the United Kingdom in Armenia to implement the [project](#) called "Promotion of Gender Equality in the Law Enforcement System of Armenia", which aims to promote gender equality in the law enforcement system of Armenia, by raising initial awareness, studying of international best practices, and proposing legislative reforms, including by contributing to the expansion of women's involvement in the Patrol Service of Armenia. Moreover, during the [international campaign](#) "16 days of activism against gender-based violence", the Defender's Office published awareness-raising materials on sexual harassment, which were widely distributed; the material was produced within the framework of the EU4Gender Equality Reform Helpdesk project.

## **LGBTI rights**

Regarding the rights of LGBTI people, the problem of the lack of effective legislative structures for the prevention of discrimination continued to be relevant. Armenia lacks a stand-alone anti-discrimination legislation which will define the concept of discrimination, type of discrimination, procedural guarantees ensuring the effective protection of rights in cases of discrimination, as well as will create legal bases for the activity of the equality body.

During 2023, the Human Rights Defender's Office continued its activities in the direction of protecting and promoting the rights of LGBTI people. The Defender's Office has received applications and complaints regarding rights violations based on sexual orientation and gender identity. The Defender's Office has also studied the state of the rights of LGBTI people through

monitoring of mass media and social networks. In addition, the analysis of the incident of the beating of a transgender woman, initiated in 2022, continued at the Defender's Office. The Defender's Office also initiated an examination of the issue in the frames of the Defender's mandate, underlining the importance of evaluating whether the [murder](#) of a 28-year-old resident of Armavir province was a hate crime based on gender identity.

During 2023, measures aimed at improving the capacities of the representatives of the Defender's Office and of development of sensitive approaches to discrimination based on sexual orientation and gender identity were also conducted. For example, in partnership with COC Netherlands NGO, an assessment of knowledge and skills was anonymously carried out amongst HRD staff members in charge of questions related to sexual orientation, gender identity and sexual characteristics via an online platform. Based on the results of the survey, COC Netherlands supported organizing a two-day training for HRD officials aimed at building capacities and sensitive communication skills for responding to cases of LGBT discrimination. Furthermore, the Defender's Office organized, in cooperation with PINK Armenia NGO, a two-day training session on sexual orientation and gender identity, and how to handle complaints addressed to the Defender from a LGBTI perspective.

## **Amendments to the Constitutional Law on the Human Rights Defender**

The SCA had recommended to introduce appropriate amendments to the Constitutional Law on the Human Rights Defender to give the institution an explicit mandate to encourage ratification or accession to regional and international human rights instruments, while acknowledging that the Defender's Office already implements these functions in practice. For instance, in 2023, the Human Rights Defender has [raised](#) awareness of the importance of the ratification of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention), and the Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

## **Regulatory framework**

The main legal act regulating the mandate of the Human Rights Defender of Armenia is the Constitutional [Law](#) on the Human Rights Defender (hereinafter also referred to as "the Constitutional Law"), which has not been amended since the [last report](#). As a brief reminder, the Constitutional Law was amended in December 2022, as a result of which, the mandate of the Human Rights Defender was expanded to also cover the protection of whistle-blowers. Thus, according to the amendments made, the Defender's Office has the mandate to receive complaints and applications from whistle-blowers and affiliated persons

regarding violations of their rights by state bodies and private entities. The Defender is also mandated to publish a report and statistical data regarding the protection of whistle-blowers in his/her Annual Report.

The Defender's Office will include statistical data regarding the protection of whistle blowers in its Annual [Report](#) of 2023. The Annual Report will raise awareness of the rights of whistle-blowers, and the mandate of the Defender's Office in the protection of their rights.

For this purpose, the Human Rights Defender's Office has appointed a Contact Officer for Whistleblowing, who is responsible for monitoring developments and cases, receiving and analysing complaints, implementing the necessary measures aimed at the protection of the human rights of whistle-blowers. At the same time, it is planned to create a specialized unit, ensuring the necessary sectoral specialization for the implementation of the new mandate.

### **Harassment and attacks towards the head of institution**

The Human Rights Defender reports that since her election process in 2023 certain political actors started spreading gender-based hate speech and statements against the Defender. The Defender and the Defender's Office find these forms of harassment and the targeting of women public actors and human rights defenders utterly unacceptable. One of the most concerning circumstances in this context is that the gender-based hate and insulting speech against the Human Rights Defender has been spread by the candidate to the Human Rights Defender's position presented by certain political forces in 2023.

Moreover, the Defender has become the target of specific political figures and actors affiliated with them solely because of her involvement in advocating for the protection of the rights of vulnerable groups. For example, certain actors targeted the Human Rights Defender for activism in the protection of the rights of persons with disabilities.

Amidst a disturbing trend, a number of statements containing hate speech and insults have been directed towards the Defender, particularly during her public addresses on gender equality issues. This targeting reflects a distressing pattern of intolerance and discrimination. Such targeted attacks undermine the fundamental principles of human rights and distracts from the crucial work being done to ensure the rights and dignity of all members of society.

The fact that the above-mentioned cases of targeting of the Defender have been carried out by certain political forces, as well as human rights defenders, actors and advocates affiliated with them, is particularly worrying. Moreover, the cases of hate speech and insult with no content-based criticism of the activities of the Human Rights' Defender's office have recently become widespread and created real threats for proper functioning of the Defender.

In one of the recent cases a political actor arrived at the meeting point of the Human Rights' Defender and the citizens and tried to obstruct their communication when the citizens were presenting their problems to the Ombudsperson, by guiding them what they should tell or not tell the Defender.

In another case the advocate affiliated with the same political figures started targeting the representatives of the staff of the Human Rights' Defender's office by using insulting language. All those campaigns were organized and coordinated by certain political forces and actors affiliated with them. The latter have been regularly implementing hatred and insult campaigns against the Human Rights' Defender and the office. At the same time, during the recent political processes those campaigns became more and more threatening, as these figures started calling their followers not to apply to the Human Rights' Defender's office, as well as started factually obstructing the activities of the Defender. Noting the politically polarized atmosphere in Armenia, as well as politicization of all the human rights issues, this is used for political goals and is creating (already created) real threats for the proper activities of the Human Rights' Defender's office. Moreover, this is creating improper public perception on the role and status of the Human Rights' Defender in the constitutional system of Armenia.

Currently, political movement is underway in Armenia, which is led by an Archbishop of the Armenian Apostolic Church.

The leaders and activists of the movement target the Defender because of her involvement in advocating for the protection of the rights of vulnerable groups, for instance LGBTs, etc. The processes lead to targeting the Defender also for the protection of the rights of people with different religious beliefs.

The movement has been implementing different campaigns against the Ombudsperson because of her activities as the Human Rights Defender, including the above-noted ones. The official social platform of the political movement published the photos of the Human Rights Defender which were disseminated in the city with the captions, using hate speech on the ethnic/national ground.

As a result of all those campaigns the Defender receives threats of violence mainly through online platforms, the activities of the Human Rights Defender's office are obstructed and hindered, which distorts the public perception on the human rights values, the role and status of the Human Rights Defender, as well as deliberately jeopardizes the public trust towards human rights institutions.

The above-mentioned issues are a matter of concern not only in terms of proper functioning of the Human Rights' Defender's office and the Ombudsperson, but also in the sense that such politically organized and coordinated campaigns actually do harm constructive human rights dialogue,

leading to its politicization, and create public misconceptions about the existing human rights protection system in the country.

## **Cooperation**

During the reporting period, the working cooperation between the Human Rights Defender's Office and state authorities remained on a good level, allowing for the effective exercise of the Defender's mandate. The practice demonstrates that the Armenian authorities are aware of the importance of the Human Rights Defender's mandate. The Defender constantly cooperates with the legislative, executive and judicial authorities, local self-government bodies, law enforcement agencies and other bodies established by law within the framework of her mandate, while maintaining institutional independence. During 2023, within the framework of cooperation with the legislator, the Defender and the representatives of the Defender's Office participated in public discussions, parliamentary hearings, and consultations.

## **Human resources**

As stated above, the Constitutional Law was amended, expanding the mandate of the Human Rights Defender to also cover the protection of whistle-blowers. To effectively carry out the new mandate of the Defender's Office, additional human resources are needed, and thus, amendments need to be made to the Prime Minister's [Decision 706-U](#) of June 11, 2018, which stipulates the maximum number of employees in each state institution, including the Defender's Office. Currently, the changes have not been yet made, and discussions with the authorities in this regard are ongoing. Furthermore, the Defender's Office is in the process of analysing the volume and scope of the work regarding the protection of the rights of whistle-blowers to register whether there is currently the need to establish a specialized unit.

## **Dialogue with state authorities**

The Human Rights Defender also uses his/her right to participate in Government sessions, while the representatives of the Defender's Office participate in ministerial level meetings to present recommendations on human rights issues, including on draft initiatives and proposals. [Decision 252-L](#) on the Approval of the Rules of Procedures of the Government provides a mandatory requirement to submit draft normative legal acts on human rights to the opinion of the Defender. Moreover, Cooperation and interaction with the Defender and the National Assembly is important from the perspective of promotion of human rights standards, which contributes to the strengthening of the human rights system in the country. The cooperation between the Defender's Office and the National Assembly is ensured in a broad manner 1) the institute of the representative of the Human Rights Defender. The representative participates in discussions, parliamentary hearings and working meetings on draft legislative acts related to human rights with the staff of the

National Assembly and experts. During the hearings, systemic problems are raised as a result of the discussion of individual complaints and systemic issues are raised as a result of the implementation of key monitoring functions. They require legislative solutions to be presented. 2) The Defender also participates in public discussions, parliamentary hearings, and consultations, and meets with foreign parliamentarians visiting Armenia, members of parliamentary friendly groups.

### **Election of the head of the NHRI**

There is a contradiction between the provisions of the Constitutional [Law](#) on the Human Rights Defender (“the Constitutional Law”) and the [Constitutional Law on the Rules of Procedure of the National Assembly of Armenia](#). The Constitutional Law provides that, in case of resignation of the Human Rights Defender, the election of the new Defender by the National Assembly should be held within-one month following the day of the publication of the communication of the resignation by the Chairperson of the National Assembly. However, the Constitutional Law on the Rules of Procedure of the National Assembly provides that the election of officials by the standing committees of the National Assembly, including the election of the Human Rights Defender, should be done within a period of three (3) months after the position becomes vacant (Article 145(1)).

### **New and accessible premises**

The Human Rights Defender’s Office has raised the issue of the need of a new premises, and consultations with the Armenian authorities are ongoing in this regard. The need to make the building and the premises of the Office more accessible, including to persons with disabilities, has also been registered.

### **Salaries**

In terms of the financial independence of the Defender’s Office, it is important to ensure an appropriate and sufficient salary level for the Staff of the Human Rights Defender, considering the tendency to increase the monthly salaries of investigators and prosecutors in recent years (in the amount of 92 percent of the official rate), whereas the salaries of the staff of the Defender remained unchanged. Considering the specifics of the activities of the Defender and the attitude of the state towards protection of human right, it is important to develop mechanisms aimed at eliminating the large salary gap between the mentioned systems and the Staff of the Defender.

In 2023 the Defender raised some issues connected with the procedure of selecting the junior specialists of the civil service system (which applies also to the Defender’s staff), noting the fact that the existing procedure limits the authority and independence of the Human Rights Defender in hiring this group of specialists. In the result of communication of the problem with relevant state

authorities in 2024 amendments were made in the list of positions of the Human Rights Defender's staff and the positions of junior specialists were replaced by positions of legal advisers, selection of which is implemented by the Human Rights Defender with no limitations and interference by other state authorities.

## **NHRI's recommendations to national and regional authorities**

- Provide the Defender's Office with all the necessary resources and make the changes in the Prime Minister's Decision 706-U of June 11, 2018, which stipulates the maximum number of employees of the Defender's Office.
- Provide the Human Rights Defender with new premises, which would also be accessible to persons with disabilities.
- Address the contradiction between the Constitutional Law and the Constitutional Law on the Rules of Procedure of the National Assembly of Armenia, by incorporating the necessary amendments in the Rules of Procedure of the National Assembly.

## **Armenia 2024**

### **Information from: The Human Rights Defender's Office of Armenia**

## **Democracy - checks and balances, disinformation, and other topics**

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### **Separation of powers**

According to Article 2 of the [Constitution](#) of the Republic of Armenia, the people exercise their power through free elections, referenda, as well as state and local self-government bodies and officials provided by the Constitution, while Article 48 of the Constitution defines the right to participate in elections and referenda.

### **Elections**

In 2023, local self-government bodies and the Yerevan Council of Elders elections were held. To monitor the elections, the Human Rights Defender's Office created a [working group](#), for the consideration of complaints and applications related to the competences of the Defender, which carried out

independent and multilateral monitoring activities in the pre-election and post-election stages, as well as during the voting days.

One of the issues that the Defender's Office highlights from the issues registered during the monitoring conducted, is the guaranteeing of the rights of arrested and detained persons. Although the Constitutional Law "[Electoral Code](#)" provides that voters in places of detention participate in the voting process following the procedure established by the Central Electoral Commission, the legislation of Armenia does not provide for legal arrangements that would allow the organization of local self-government election in places of arrest and penitentiary institutions. Another issue that was registered during the monitoring of the election process, was the fact that the vast majority of polling stations were inaccessible to persons with disabilities. This issue was specifically registered in the provinces of Armenia.

Furthermore, during the pre-election campaign, the Defender's Office received an alarming call by a parent, mentioning that a candidate had visited their kindergarten, within the context of the pre-election campaign. The parent notified that the administration of the school had involved their child in the event, and that they had prepared the children of the school for it. The candidate had also taken pictures with the children and had widely disseminated it on social media networks, without the consent of the parents, violating the rights of the child. Based on the registered information, the Defender's Office implemented the relevant measures, and the issue found its solution. The monitoring of social network platforms conducted by the Defender's Office has registered that a large number of candidates disseminated pictures of children in the promotion of their pre-election campaigns.

## **The process for preparing and enacting laws**

During the reporting period, undue laws, processes and practices which undermine checks and balances in relation to the procedures of preparation, drafting, of laws have not been registered.

However, the Defender's Office has registered a violation of the requirements of public discussion provided for by the domestic legislation. the Law on Normative Legal acts of Armenia. In particular, the domestic legislation stipulates that the duration of public discussions following the submission of legal proposals is 15 days.

An NGO specialized in the rights of persons with disabilities submitted its proposals regarding the draft of the decision of the Government on Approving the Concept of Introducing Comprehensive Health Insurance were not included on the official website of the of the Government. The mentioned NGO had submitted the proposals after 18:00 P.M. (the end of the working day) of the

15th day, while the competent bodies summarized the proposals which were submitted until 18:00 P.M. of the last day, excluding those which were submitted later.

The Defender's Office undertook the necessary steps, addressing letters and requesting clarifications by the competent body; the Defender also requested, in the absence of other regulations, to consider the duration of public discussions by the competent state authorities to be at least 15 calendar days (and not the end of the working day on the 15th day), and to provide clear regulations and apply them in practice.

The Human Rights Defender submitted an opinion on the draft amendments to the Law on Martial law proposed by the Ministry of Justice of Armenia in 2022, as mentioned in the previous report. In the opinion, the Defender noted the fact that the draft was not submitted to a proper public and professional discussion; the Defender also underlined the fact that preliminary consultation with the bodies that would ensure the implementation of the law was not ensured.

In the submitted [opinion](#), the Defender specifically underlined the fact that the proposed measures limit human rights, especially the rights to freedom of expression and access to information. In this regard, as a result of the [analysis](#) conducted by the Defender's Office of precedent decisions of the European Court of Human Rights, the [reports](#) of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN High Commissioner for Human Rights and other international legal documents, the Defender [concluded](#) that the legal regulations in question are of concern from the point of view of human rights, which, in particular may lead to a disproportionate restriction of the rights to freedom of expression and access to information.

## **Access to information**

Access to information is an important guarantee of civil control over the state, and it is the obligation of the state to ensure fair access to information for all, in line with people's needs and the development of new technologies. The right of access to information is guaranteed by the Constitution of Armenia, and the [Law](#) on Freedom of Information. Moreover, in 2020, the Armenian Government signed the Council of Europe Convention on Access to Official Documents.

Furthermore, the study of applications and complaints addressed to the Defender's Office reveals that there are cases when the state bodies leave a request unanswered or respond with delays or provide evasive answers to written inquiries from journalists.

## Persons with disabilities

The Defender's Office also registers that the problems related to the access of information for persons with disabilities in their preferred methods and in ways which are appropriate; these include such as written or spoken language, easy read versions, signs, Braille, symbols, drawings, photographs or other objects. This is an important component for the realization of the right to independent living of persons with disabilities. This issue has been registered in various spheres.

From the point of view of ensuring access to information and communication for persons with disabilities, the provision of accessible digital services is of great importance. Meanwhile, the studies carried out in the office of the Human Rights Defender prove that a clear toolkit for the realization of that goal has not yet been implemented. For example, important websites are still not accessible for people with disabilities, such as the unified website of draft legal acts - "e-draft.am" and the legal information system of Armenia - "arlis.am", judicial information system: "datalex.am", "e-request.am" unified platform for electronic requests, etc.

## Information on missing persons

One of the main problems which had been registered by the Defender's Office in the sphere of access to information is the inadequate information provided to the members of the families of the missing persons regarding their fate and location. Among the issues noted is the fact that the family members were not properly informed on which competent state body is involved in the process of locating their relatives and collecting information about them. In this regard, by [Decision N 1236-U](#) of the Prime Minister of Armenia, an Interagency Commission on issues related to Prisoners of War, Hostages and Missing Persons was created. The Human Rights Defender is also a member of the Commission.

## Enabling environment for civil society and human rights defenders

### Harassment of human rights defenders

During 2023, civil society and non-governmental organizations (NGOs), and human rights defenders in Armenia have faced hate speech, cases of targeting, intolerance, and discrimination. Furthermore, the extreme polarization of public opinion, and political polarization in the Armenian society has in certain cases adversely affected the activities of human rights defenders and NGOs.

In particular, environmental activists/defenders and their organizations have faced [attacks](#) and have been increasingly targeted through defamation,

intimidation, smear campaigns, criminalization. These attacks were intensified when civil society organizations and citizens published a [statement](#), in which their concerns on the mining project of Amulsar were raised. In particular, the target of these campaigns have been environmental activists and NGOs, and the attacks and hate speech against the environmental activists and NGOs intensified after they published a joint [statement](#) regarding the mining project in Amulsar.

## **SLAPPs**

As mentioned in the [ENNHRI 2023 Rule of Law Report](#), Strategic Lawsuits Against Public Participation (SLAPPs), the Defender's Office has received complaints from environmental activists, about civil lawsuits brought against them.

In this regard, the Human Rights Defender has [received](#) representatives from NGOs working on environmental issues, to discuss existing issues and problems in the environmental sector.

## **Enhancing CSOs and HRDs capacity**

The Human Rights Defender's Office considers the development and empowerment of civil society and human rights defenders as an important component in the promotion of democratic values, human rights, and rule of law in the society.

In this regard, the Defender's Office has continued its activities in the direction of enhancing the capacities of civil society and human rights defenders in Armenia. As mentioned in the 2023 ENNHRI Report on the State of Rule of Law in Armenia, the Defender's Office has [established two](#) Public Councils adjunct to the Human Rights Defender: The Council on Women's Rights and the Council on Child and Youth Rights. During 2023, the Defender's Office established [Public Council](#) for the Protection and Promotion of the Rights of Persons Belonging to National Minorities adjunct to the Defender. The Council is composed of representatives of non-governmental organizations engaged in the [protection](#) of human rights of national minorities in Armenia, including the Yazidis, Assyrians, Greeks, etc. total, the Defender has 6 [councils](#). In particular, 13 of these councils were held during the reporting period.

## **Inclusion of children in public discourse**

Furthermore, the children who are members of the Public Council on Child and Youth Rights were included in the delegation headed by the Human Rights Defender of Armenia to Geneva, to participate in the [Pre-session](#) of the UN Committee on the Rights of the Child, during which the children presented issues related to the guaranteeing and protection of their human rights.

Additionally, the children of the Public Council participated in the Cabinet session of the Government of Armenia session. The members of the Public Council addressed questions to the Prime Minister and members of the Government; among the issues raised, support for forcibly displaced persons from Nagorno-Karabakh, provision of housing, real estate sale and rental prices, accessibility of electronic platforms, issues regarding the 'Academic city' that will be constructed, ensuring necessary conditions for children with disabilities in academic institutions, including existence of ramps and other measures.

The Defender's Office has also signed a [memorandum](#) of cooperation with a civil society organization enhance its cooperation with these actors.

## **NHRI's recommendations to national and regional authorities**

- Ensure proper investigation of cases of targeting of and attacks against representatives of civil society organizations and NGOs.
- Adopt legislative and practical methods ensuring the effective exercise of the right of persons with disabilities to request and receive information.

## **Armenia 2024**

### **Information from: The Human Rights Defender's Office of Armenia**

## **Securitisation's impact on the rule of law and human rights**

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### **Freedom of assembly in a new draft on the Code on Administrative Offences of Armenia**

In 2023, the Armenian authorities have submitted a new [draft](#) on the Code on Administrative Offences of Armenia.

The Constitution of Armenia, and the Law on the Legal Regime of Martial Law of Armenia provide for restriction or temporary suspension of the right of peaceful assembly during martial law, however the submitted draft provides for a complete and absolute ban on assemblies/ protests during the legal regime of martial law, making it an act subject to administrative responsibility.

Furthermore, the right to freedom of assembly is one of the cornerstones of a democratic society, and in this regard, the Defender's Office has established an institutional and stable cooperation with the Police of Armenia, aimed at the protection of the rights of persons participating in assemblies/protests. In this regard, Defender underlines the critical role of law enforcement agencies in preventing violations, combating crime, and protecting human rights. At the same time, recognizing the importance of proper mechanisms for human rights protection within the entire criminal justice system, the cooperation has always been a priority in the Defender's activities. The Defender places particular importance on effective cooperation with competent authorities in various formats. Many issues have been resolved through collaboration with the RA Ministry of Internal Affairs, Prosecutor's Office, Investigative Committee, Anti-Corruption Committee, and National Security Service.

During 2023, the Human Rights Defender's Office has registered the fact that a large number of protests and assemblies took place in Armenia, especially in Yerevan, during which the Police of Armenia used excessive and disproportionate force, and large number of protesters were apprehended and were subjected to administrative arrest. Among other issues registered is the failure to comply with the requirement to immediately notify the person of the reasons for the deprivation of his/her liberty, and the notification of his/her rights, and detention of persons for periods of time which are longer than that provided for by law.

### **Securitisation in conflict/post-conflict areas**

Additionally, the Human Rights Defender's Office registers that [security issues](#) and securitisation in conflict/post conflict areas and regions can have a devastating impact on the realisation of human rights. As a result of an incessant armed [conflict](#) on the border of Armenia, and the deployment of Azerbaijani armed forces in the immediate vicinity of border villages and communities of Armenia, and their regular shootings in the direction of the villages, the fundamental human rights of the residents of the border communities have been constantly violated; in particular, the rights to life, education, health and healthcare, an adequate standard of living, property, etc.

## **NHRI's actions to promote and protect human rights and rule of law in the context of national security and securitisation**

### **Acting on restrictions on freedom of assembly**

As mentioned, the Human Rights Defender's Office continued to receive complaints regarding disproportionate restrictions on the right to freedom of

assembly in 2023. The majority of the alarming-calls received by the Defender's Office were related to the restrictions of the Police of the Ministry of Internal Affairs, aimed at preventing the setting up of a tent in a meeting place by the protesters. Taking into consideration the national legislation of Armenia, international legal documents and practice, domestic and the European Court of Human Rights' (ECtHR) jurisprudence, the Defender published a [decision](#), stating that, in the specific situation discussed by the decision, and in the context of the clarifications presented by the Police, the right of freedom of assembly of the protesters were violated, as a result of the actions aimed at preventing the installation of the tent by the participants of the assembly.

In this regard, the Defender provided recommendations to the Ministry of Internal Affairs: 1. to take necessary measures in the direction of developing the knowledge and capacities of the Police of the Ministry of Internal Affairs regarding the guarantee of the right to freedom of assembly, and the legality of restricting the right, taking into consideration domestic and international legal standards, and 2) ) take necessary measures to maintain the standards of legality of the restriction in each specific case of restriction of the right to freedom of assembly, justifying the restriction of the right with weighty and convincing arguments.

The Human Rights Defender's Office has submitted its [recommendation](#) regarding the draft Law on Legal Regime of Martial Law of Armenia, stating that the absolute ban on the holding, organization and participation of assemblies/protests by the draft is problematic from the point of view of the legality of restrictions on basic rights and freedoms during the state of emergency or martial law provided for by the Constitution of Armenia. Furthermore, the "[Guidelines on Freedom of Peaceful Assembly](#)" of the European Commission for Democracy Through Law (Venice Commission) and the OSCE/ODIHR, enshrine the principle of "no blanket bans", which provided that blanket bans fail the proportionality test, and as a rule, contain disproportionate and infringing restrictions on the right to freedom of assembly.

In relation to the right to freedom of assembly, the Defender's Office has conducted a constant monitoring of the acts and behaviour of the law enforcement bodies during protests and assemblies; the Rapid Response [Groups](#) of the Defender's Office conduct visits to Police departments and places of detention and deprivation of liberty, hold private interviews with the persons deprived of their liberty, analyse the state of the protection of their rights, the grounds of depriving their liberty. In relation to registered violations of rights, the Defender's Office addresses letters and recommendations to the competent state bodies.

### **On-site fact-finding missions**

To guarantee the human rights of persons in the border villages and communities of Armenia, the representatives of the Defender's Office conduct fact-finding and monitoring [visits](#), to analyse the situation on site, and to register the violation of human rights. Consequently, taking into consideration the priority of the protection of the population of the border communities, and the urgency of the need to respond to their needs, the Defender also presents [recommendations](#), both to competent state bodies, and international organizations with a mandate to protect human rights.

## NHRI's recommendations to national and regional authorities

- Review of actions plans of martial law or emergency situations, making them more compatible, flexible, and more efficient with addressing, ameliorating, and eliminating the adverse effects of the created situation.
- International and regional organizations with a mandate to protect human rights should respond and implement a targeted legal assessment regarding the violations of the rights of the residents of the border communities of Armenia, and implement active efforts to eliminate those violations, including through the implementation of interim measures issued by the European Court of Human Rights.

## Armenia 2024

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## Implementation of European Courts' judgments

As stated in the [2023 ENNHRI Report](#), in the context of the implementation of the judgements of the European Court, the Armenian Government resumed the functioning of the Inter-Agency Commission in 2021 to coordinate the execution process of the judgments, through the [Decision N 1443-U](#) of the Prime Minister. However, the competent state bodies lack a coordinated policy, resulting in a limited efficiency of implementation of the Court's judgments.

Currently, there are 71 [cases](#) against Armenia transmitted for supervision, which are pending execution. Some of the main leading judgments of the European Court awaiting execution are the following:

- [Virabyan v. Armenia](#) (40094/05), a leading case for a group of cases concerning death and/or torture and ill-treatment of the applicant by the police, which resulted in the violation of Article 2 and/or Article 3 of the European Convention of Human Rights. Regarding the general measures in this case, the State has adopted a new Criminal Code, and Code of Criminal Procedure, and has eliminated the statute of limitations for the crime of torture. Regarding individual measures, the Court of Cassation partially satisfied the prosecutor’s appeal against the Court of Appeal’s decision (July 4 2019) finding two police officers guilty of exceeding official powers accompanied by [violence](#).
- [Muradyan v. Armenia](#) (11275/07) is another leading case for a group of cases concerning the deaths of servicemen during military service and the authorities’ failure to implement sufficient measures to prevent such cases (including the cases when conscripts committed suicide) and to conduct an effective investigation into those deaths. In most of these cases, the Court found both substantive and procedural violations of Article 2 of the Convention. Regarding the general measures, the authorities have implemented a wide range of legislative changes including the adoption of the Criminal Code, the Criminal Procedure Code and the Penitentiary Code. At the same time, the statute of limitations for the crime of torture, and for exceeding official powers by using violence was abolished, while amnesty and pardon for such crimes are prohibited. Regarding individual measures, the Prime Minister of Armenia created a working group for examination of selected criminal cases, including several cases from the Muradyan [group](#).
- [Ashot Harutyunyan v. Armenia](#) (3334/04), which is a leading case for a group of cases concerning the inhuman and degrading treatment of persons deprived of their liberty, mainly due to denial or lack of adequate medical treatment, resulting in violations of Article 3 of the Convention. Regarding the general measures, the Committee of Minister of CoE has considered the matter resolved in all the cases. In relation to the individual measures, the State has implemented a reform of the healthcare system of the penitentiary institution; The Centre for Penitentiary Medicine started functioning in [2019](#).

## **NHRI’s actions to support the implementation of European Courts’ judgments**

### **Rule 9 Communications**

For the purpose of supporting the implementation of the judgements of the European Court of Human Rights, the Human Rights Defender submits Rule 9 Communications. However, during 2023, the Defender’s Office did not submit any Rule 9 Communications to the ECtHR.

## **Inter-Agency Commission and cooperation with CSOs**

The Human Rights Defender is also member of the Inter-Agency Commission to coordinate the implementation of the Court's judgements. The Defender continuously holds consultations and meetings with competent state bodies and agencies aimed at the promotion of the implementation of the judgements. In this regard, the Defender's Office also conducts meeting-discussions with civil society organizations and NGOs. The Human Rights Defender also states -problematic issues in his/her annual report, as well as makes public statements connected with the remaining problems connected with the particular human rights issues engaged in ECtHR judgements. In this regard, The Inter-Agency Commission participated in a round-table discussion on promoting the implementation of the judgments of the European Court of Human Rights at the institutional level and the presentation of the Armenian user interface of HUDOC-ECHR.

## **NHRI's recommendations to national and regional authorities**

The Armenian authorities should design an action plan underlining the principle measures that should be undertaken for the purpose of the execution of the main leading cases. A systemic and thorough approach should be taken in order to solve all the existing problems in the sphere.

## **Armenia 2024**

### **Information from: The Human Rights Defender's Office of Armenia**

## **Other challenges to the rule of law and human rights**

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### **Displacement from Nagorno-Karabakh region**

In 2023, the population of Nagorno-Karabakh was forcibly displaced to Armenia, as a result of the September 19, 2023, Azerbaijani military aggression against Nagorno-Karabakh. It resulted in the forced displacement of over 100 000 persons from the region, and their settlement in different provinces of Armenia.

Taking into consideration the gravity of the humanitarian crisis, and the large movement of people and its consequences, the Human Rights Defender's

Office conducted monitoring [visits](#) to the sites where the forcibly displaced persons were being registered. The Defender's Office registered gross violations of fundamental human rights, such as the rights to life, health and healthcare, education, etc. as a result of the blockade of the Lachin corridor, as well as by the Azerbaijani armed forces during the September 2023 military aggression against the Nagorno-Karabakh region.

To mitigate the effects of the crisis, the Armenian authorities undertook several measures: the Government approved the identity document for the forcibly displaced persons from Nagorno-Karabakh who have received temporary protection and the procedure for its issuance. According to the [decision of the Armenian Government, temporary protection is provided to persons who are registered in the population register of Nagorno-Karabakh. Moreover, the persons who are taken under temporary protection through this decision are recognized as refugees based on the Law on Refugee and on Asylum of Armenia \(Article 62, part 1\). The temporary protection will be provided](#) for a period of 1 year, with the possibility of extension. Furthermore, the Armenian Government provided temporary shelters, cash assistance programs, and platforms were developed in parallel with all the programs, which contributed to increasing the addressability and efficiency of the provision of assistance and to its prompt implementation. The forcibly displaced persons are also benefiting from access to pensions and benefits, and appropriate support programs were also implemented for persons with disabilities, single elderly and children left without parental care.

However, certain issues have been registered by the Defender's Office; forcibly displaced persons have applied to the Defender's Office for not receiving the cash assistance programs, regarding the registration processes, and the process of receiving the refugee status. Mechanisms for overcoming the above and all the existing issues should be strengthened.

In the context of the protection of the human rights of the forcibly displaced persons from Nagorno-Karabakh, the Defender's Office has visited the registration centers where the forcibly displaced persons were welcomed when first arriving from Nagorno-Karabakh. This was later followed by regular monitoring visits to temporary accommodations/shelters which were provided to the forcibly displaced person (including with representatives of international organizations mandated with the protection of human rights). Furthermore, the Defender's Office conducts an analysis of the complaints received and the results of its monitoring activities. It raised the registered issues with the competent state bodies and provided recommendations on possible solutions for the human rights violations. The Human Rights Defender has established a [working group](#) to effectively protect the rights of people forcibly displaced from Nagorno-Karabakh.

## **Hate speech**

As mentioned, the Defender's Office has noted that public discourse in Armenia has become very polarized.

In this regard, it should be noted that the [Criminal Code](#) which entered into force on July 1, 2022, establishes criminal responsibility for discrimination which is defined as a distinction in treatment based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, health condition, disability, age, or other personal or social circumstances, which violates one's rights or freedoms or which benefits a person without objective grounds and legitimate aim. It is important to note that the new Criminal Code also includes a new article on hate speech. The corpus delicti of the crime and the protected grounds are broader than those for the discrimination offence. The new Criminal Code also contains a separate provision on calls for violence ([Articles 329-330](#)). The Defender's Office registers that while the Criminal Code includes provisions on hate speech and discrimination, and the commission of an offense with bias motive is considered an aggravating circumstance, none of these provisions explicitly refer to sexual orientation and gender identity as protected grounds.

In 2023, the Defender's Office published a study of incitement of hatred and calls to violence in the criminal justice of Armenia. The Defender's Office notes that 17 of the 19 criminal proceedings analyzed were related to alleged cases of calls for violence, promotion or justification of violence based on political or other views or public activity. In the remaining two criminal proceedings, the persons were accused in one case of inciting national enmity, and in the other, of inciting national and religious enmity.

The study highlights the necessity for states to not only criminalize hate speech but also ensure the effective enforcement of related domestic legislation. Significant factors to consider during hate speech investigations include the content and form of speech, social context, intent of the speaker, their status in society, prevalence of speech, vulnerability of the targeted group, and relevance to public interest or political dialogue. However, during criminal proceedings, courts often neglect these factors, failing to analyse the social context, political nature of speech, or content in depth. Acquittal verdicts reveal issues with preliminary investigation procedures, such as vague accusations lacking crucial details like time and place of the alleged crime.

Based on the above, it proposes:

- Develop manuals for investigating crimes under Articles 329-330 of the new Code.
- Revise or create training courses for investigators, judges, and prosecutors focusing on these crimes, including specific investigation methods and key circumstances for indictments.

- Conduct periodic training sessions based on these materials.
- Increase public awareness of these crimes, particularly among vulnerable groups.

## **NHRI's recommendations to national and regional authorities**

- Conduct training of the law enforcement agencies, judges, and prosecutors to build their capacity of investigating both hate crime and hate speech cases in line with the ECHR standards. There should also be training on how to effectively respond to the cases of targeting of human rights defenders and civil society organizations.
- Improve the data collection mechanisms on hate speech and hate crime to ensure disaggregation of data.
- Amend provisions of the Criminal Code on hate speech, discrimination, and hate crime and include sexual orientation and gender identity in the list of protected grounds.

