

Name: Open Society Foundation (OSF)

Country: Armenia

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1.	<p><i>a) Please indicate if your country has a specific legal framework, laws or regulations that aim to facilitate or protect the activities and work of human rights defenders. Please cite the names of any such laws or regulations in full.</i></p> <p>Armenia does not have a specific legal framework to facilitate or to protect the activities of human rights defenders. Human rights defenders enjoy the same rights and safeguards as any other citizens, and are subject to the same risks as others people. In practice, human rights defenders suffer abuses more often than regular citizens, because of their activities for the protection of human rights.</p> <p>Existing legal framework and practice restricts access of human rights defenders to certain closed institutions/facilities completely, whereas those should be open for civilian oversight by country's undertaken commitments, and restricts the format for access to the others. Thus, the army remains closed for human rights defenders, so are certain parts of detention facilities, where torture allegedly happens and where people allegedly kept detained without being properly registered. For penitentiary and pretrial facilities (except the interrogation rooms), there are decrees of respective ministries which grant access to the monitoring groups composed of limited number of selected human rights defenders.</p> <p><i>b) Please indicate how these laws and regulations are in line with international human rights standards, including, but not limited to, the Declaration on Human Rights Defenders.</i></p> <p><i>c) Please also indicate what legal or administrative safeguards are put in place to prevent baseless legal action against and/or prosecution of human rights defenders for undertaking their legitimate work.</i></p>
2.	<p><i>a) Please describe the measures taken, if any, to ensure that your country's national security-related laws (including laws on public order, public safety, respect for morals and counter-terrorism laws) are not used to unduly restrict the scope of activities of human rights defenders.</i></p> <p>In February 2012 law on Legal Status of State of Emergency was passed, which is in sharp contrast to the rights and freedoms, ensured by international standards. In particular, regarding human rights defenders, the restrictions are that in case</p>

	<p>of declaration of the state of emergency, a complete censorship over the media is possible, as well as the stop of media organizations' activity, any kind of civic or human rights defenders' activity can be stopped. The reasons for such bans are not spelled out in clear or exhaustive way and give way to arbitrary decisions.</p> <p>The law on State Secret also imposes restrictions on human rights defenders activities concerning free access information, particularly related to closed institutions, such as the army. In particular, according to the law, a list of information, which is considered a state secret, is also close to access and considered itself as state secret.</p> <p><i>b) Please also indicate in particular how these national security-related laws respect the human right to freedom of expression and opinion.</i></p> <p>Along with the mentioned above, the practice of imposing pre-emptive censorship and putting down domain names for the entire country were used at the State of Emergency announced after the events of March 1, 2008. Such measures were not specified in the decree and yet were employed.</p>
3.	<p><i>a) Please describe the measures taken, if any, to ensure that provisions of the criminal code, or other national laws, are not ambiguous or too broad to allow their arbitrary use, thereby restricting the activities of human rights defenders.</i></p> <p><i>b) Please indicate what legal or administrative safeguards are in place in order to ensure that human rights defenders are not discriminated against in the administration of justice, be it through the handing down of disproportionate sentences, the unreasonable prolongation of criminal or other trials, or any other means.</i></p>
4.	<p><i>a) Please indicate if your country has specific laws or administrative rules governing the registration, functioning and funding of non-governmental organizations. Please cite the names of any such laws or regulations in full.</i></p> <p>The following laws on registration, activity and financing of non-governmental organizations adopted in Armenia. The RA Law on Non-Governmental Organizations, 24.12.2001, HO-268 The RA Law on Advocacy, 13.01.2005, HO-29 The RA Law on Trade Unions, 31.12.2000, HO-135 The RA Law on Foundations, 31.01.2003, HO-516 The RA Law on Freedom of Conscience and Religious Organizations, 17.06.1991, HO-0333, and others.</p> <p>The law on NGOs mentioned above was attempted to be changed by the government in 2010 to the effect that suspension of NGO activity could happen without any court decision but merely based on suspicions expressed by the Ministry of Justice of "incompliance of activities with the mission of the organization". In a result of NGOs join protest the draft was frozen,</p>

	<p>but nevertheless a department within the Ministry of Justice established, which is “responsible” ensuring compliance of the NGOs’ activity with the mission and charter. This vaguely stated function can become a hindrance for independence of human rights NGOs in particular.</p> <p><i>b) Please explain how these legal or administrative provisions comply with your country’s international human rights obligations regarding the right to freedom of association.</i></p> <p>One of the big points of the restrictions for the right to freedom of association defined in the law on Freedom of Conscience and Religious Organizations which requires a minimum number of participants (min 200 people) for the registration of religious communities, and unregistered activity leads to different kinds of difficulties in relationships with other institutions, in charity activities, etc.</p> <p>Apart from this singled out restriction, there are numerous points of incompliance of the legislative framework regulating the freedom of associations with international human rights standards. This is an extensive topic that requires a separate study, so we specified the one above.</p>
5.	<p><i>a) Are there criminal or other legal or administrative sanctions for human rights defenders who undertake activities on an individual basis or while the association they are members of is unregistered?</i></p> <p>a) The Armenian legislation does not envisage criminal or administrative sanctions for individuals or human rights defenders in connection with their human rights defense activities, or for engaging in such activities without registration. Associations can operate freely without state registration. State registration gives associations the status of a legal entity, which entails a number of legal/organizational opportunities.</p> <p><i>b) If such a legal framework exists, does it restrict the type of activities that human rights defenders can undertake? If yes, please provide further details.</i></p>
6.	<p><i>Please indicate the measures taken, if any, to ensure that internal security and official secret-related laws are not used to deny freedom of information to human rights defenders and to prosecute them for their efforts to seek and disseminate information on the observance of human rights standards.</i></p> <p>The Armenian legislation does not contain any specific safeguards for human rights defenders in terms of collection and/or dissemination of information as part of their activities.</p>

7.	<p><i>a) Please indicate the measures taken, if any, to avoid the use of defamation, slander or blasphemy laws to unduly restrict the right to freedom of opinion and expression of human rights defenders.</i></p> <p><i>b) How is it ensured that such laws, as well as laws on printing, publication and censorship, comply with international human rights standards and do not target human rights defenders carrying out their legitimate work?</i></p> <p>Libel and insult have been decriminalized in Armenia since 2012. These things are now regulated by the Civil Code, and it is up to individuals, who feel they have been libeled or insulted, to file a lawsuit in this regard. Therefore, from the point of view of the law, state agencies cannot initiate proceedings or court cases against human rights defenders for the purpose of restricting their freedom of expression.</p> <p>However, this apparently positive change was accompanied by setting extremely high level of possible fines for defamation and slander. This resulted in sharp increase of court cases brought against the press by public officials and oligarchs. In few first months 14 such cases were heard in the courts with all of them decided against the press and with highest penalty imposed. As a result, many of the publications bore the penalty of a maximum amount of the fine (about \$6000), which could significantly affect their ability to existence.</p>
8.	<p><i>Please indicate if any other type of legislation is used to regulate the activities of human rights defenders in your country and how the application of the legislation mentioned affects the activities of human rights defenders. Please cite the names of any such legislation in full.</i></p> <p>Human rights defenders and human rights (non-governmental) organizations have been negatively affected by the December 8, 2011 amendments to the RA Law on Advocacy. The amendments imposed restrictions on human rights defenders who are not members of the chamber of advocates and who do not have an advocate's license. These human rights defenders can no longer represent citizens in civil court proceedings on the basis of a power of attorney. Prior to the December 8, 2011 amendments, only the following restrictions existed for human rights defenders without an advocate's license or legal education representing clients on the basis of a power or attorney: in criminal cases, defendants or the accusers could be represented only by licensed advocates, and anyone with higher legal education could represent a client in the Constitutional Court. There was no legal education or professional requirements for representing victims in criminal cases.</p> <p>In order for a human rights defender or a human rights organization to represent a client in a civil court, they must hire a representative of another human rights organization, who is a member of the Chamber of Advocates. There is still no such restriction for the administrative court. This change significantly limits the independence of human rights organizations and human rights defenders.</p>