

ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՄՇԱԿԱՆ ՆԵՐԿԱՅԱՑՈՒՑՉՈՒԹՅՈՒՆ
PERMANENT MISSION OF THE REPUBLIC OF ARMENIA

OHCHR REGISTRY

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Recipients : *SfD*

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The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organisations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to the latter's Note dated 27 April 2012 has the honour to convey the information of the Government of the Republic of Armenia with regard to the Questionnaire on the use of legislation, including criminal legislation, to regulate the activities and work of human rights defenders, pursuant to the resolutions A/RES/60/251 and A/HRC/16/5.

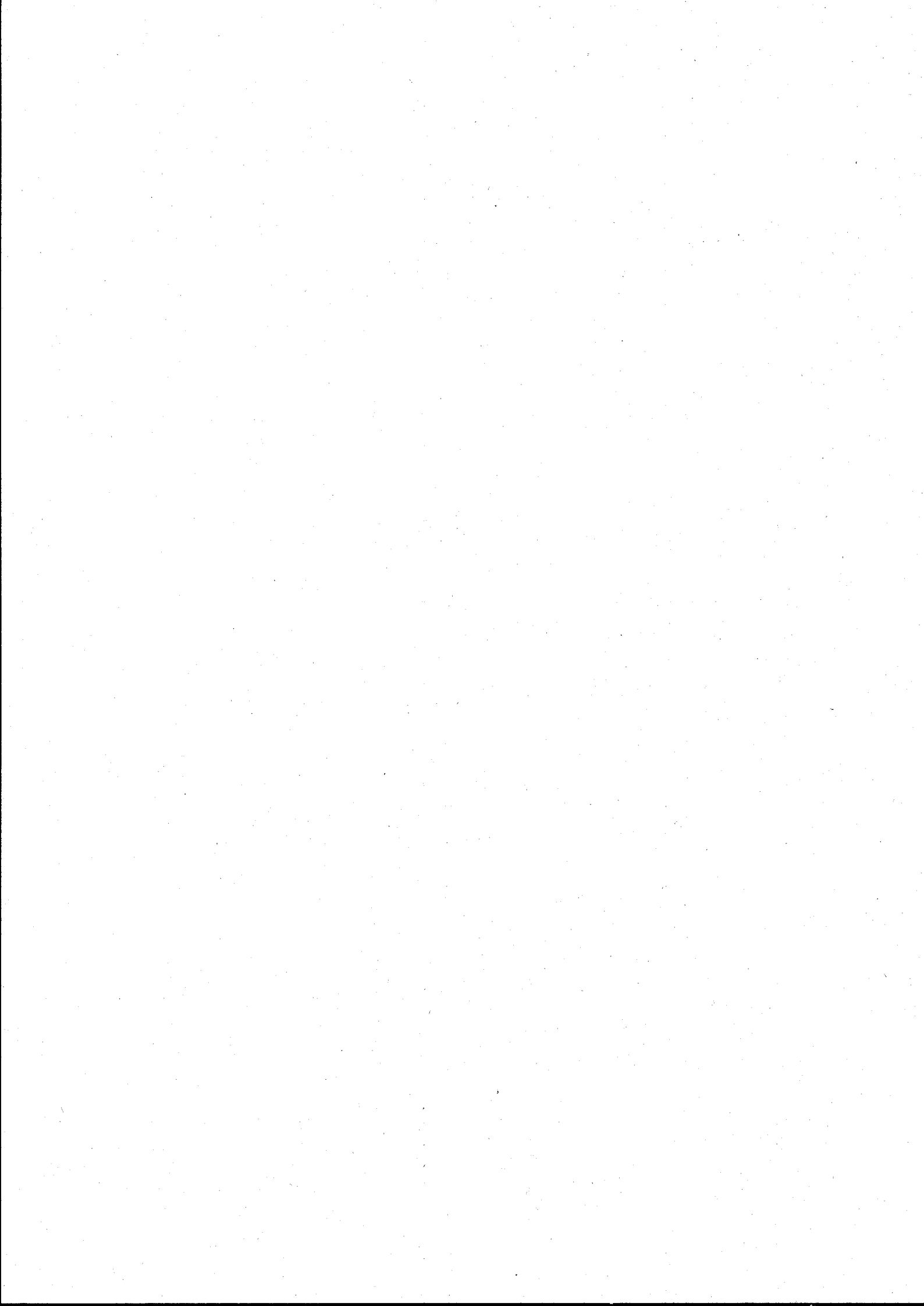
The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organisations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Attached: 3 pages.



Geneva, 02 July 2012

**OFFICE OF THE UNITED NATIONS
 HIGH COMMISSIONER FOR HUMAN RIGHTS**
Geneva



**ANSWERS TO THE QUESTIONNAIRE CONCERNING THE
RESOLUTIONS A/RES/60/251 AND A/HRC/16/5**

Regarding Point 1(a), it should be informed that Law on the Human Rights Defender was adopted on October 21, 2003 in order to facilitate and protect the activities of the human rights defender. The Law entered into force on January 1, 2004.

According to the Article 2 of the above-mentioned law, the Human Rights Defender (hereafter - the Defender) is an independent and unchangeable official, who protects the human rights and fundamental freedoms violated by central and local government agencies or their officials acting pursuant to the Constitution and the Law of the Republic of Armenia, as well as principles and norms of International Law.

Amendment has been made to the Law in 2010, according to which the official salary of the Human Rights Defender of the Republic of Armenia has been equated with that of the President of the Constitutional Court.

As for the Point 1(b), the Law is completely in compliance with the international standards and before its adoption it had undergone all required expertise, inter alia by international experts.

Regarding Point 1(c) it should be noted that the Article 19 of the Law stipulates that the Defender shall have immunity over the whole period of execution of his/her powers. No criminal prosecution shall be brought against him/her; s/he cannot be detained or arrested. The Defender and his/her apartment cannot be searched without the consent of the National Assembly. The immunity of the Defender shall be extended also to his/her luggage, correspondence, communication means used by the Defender, as well as documents belonging to him/her. In case the Defender is caught in the act of crime, the official person executing the arrest shall immediately inform the National Assembly about the fact so as a decision is made on granting consent that allows further enforcement. If such consent is not received within 24 hours, the Defender shall be released immediately. The Defender shall have the right to refuse to testify as a witness in a criminal or civil case on circumstances which became known to him in the course of performing his/her responsibilities.

As for the Point 2(b), the Article 27 of the Constitution of the Republic of Armenia stipulates that everyone shall have the right to freely express his/her opinion. No one shall be forced to recede or change his/her opinion. Everyone shall have the right to freedom of expression including freedom to search for, receive and impart information and ideas by any means of information regardless of the state frontiers.

The Article 7 of the RA Law on National Security Bodies stipulates that during their activities the national security bodies guarantee the protection of rights and



freedoms of individuals and citizens . Restriction of rights and freedoms of individuals and citizens is prohibited except for the cases envisaged by the Constitution and Laws of the Republic of Armenia.

If the national security bodies violate the rights and freedoms of an individual and citizen while exercising their duties they will be brought to responsibility in the prescribed manner.

Concerning the Point 3(a) it should be mentioned that a working group has been established to elaborate the new Criminal Procedure Code in order to eliminate the existing shortcomings.

As for the Point 3(b), according to the Article 19 of the RA Constitution, everyone shall have a right to restore his/her violated rights, and to reveal the grounds of the charge against him/her in a fair public hearing under the equal protection of the law and fulfilling all the demands of justice by an independent and impartial court within a reasonable time period.

According to the Article 111 of the Civil Procedure Code of the Republic of Armenia, the case must be considered and a ruling must be made within a reasonable time period.

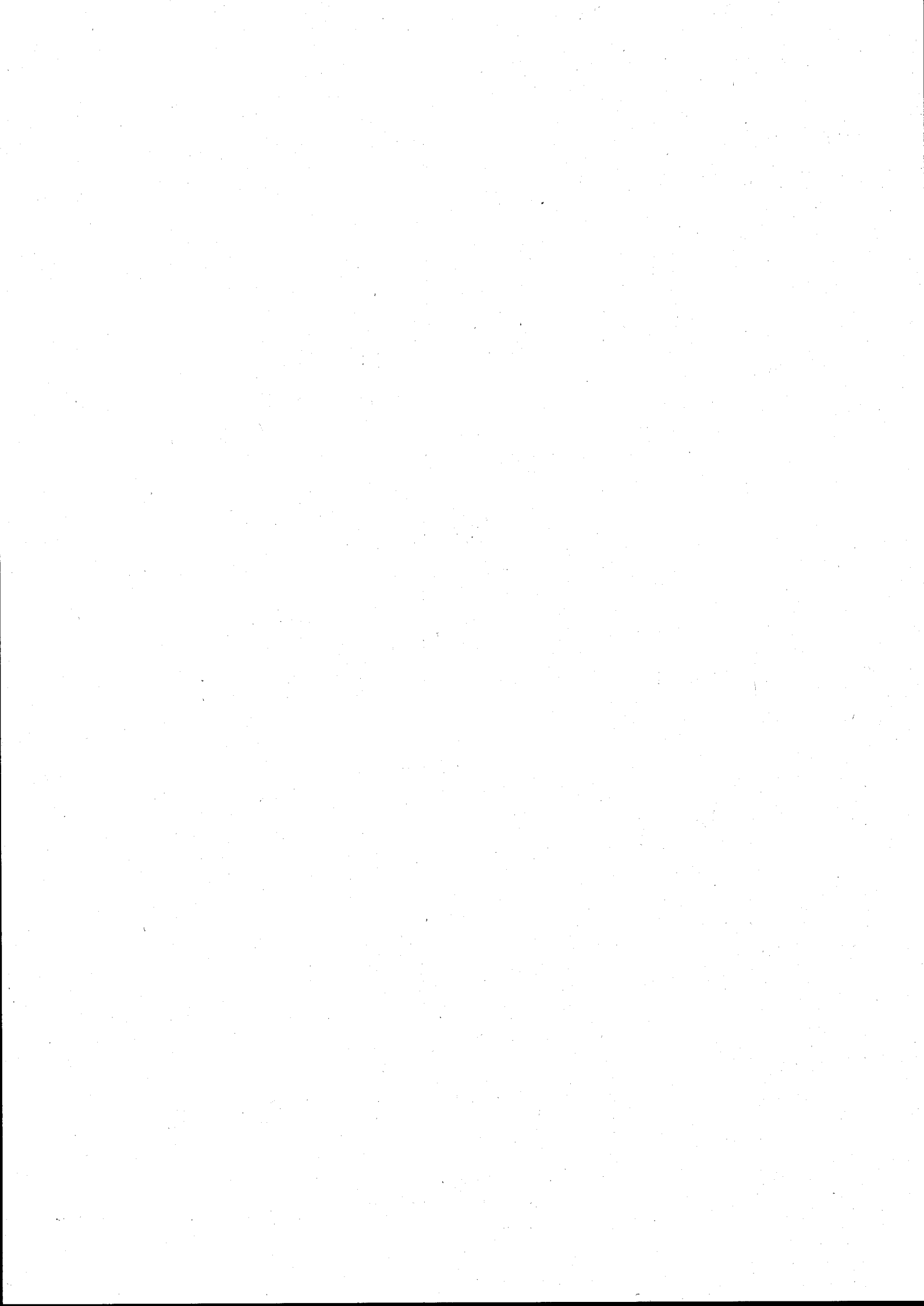
The Article 17 of the Criminal Procedure Code of the Republic of Armenia prescribes that everyone has the right to a fair trial with observance of all requirements of fairness, by an independent and impartial court, of any criminal case affecting one's interests within a reasonable time period.

Regarding the Point 4(a) it should be noted that all issues related to the registration and activities of non-governmental organizations are regulated by the RA Law on Public Organizations adopted on December 4, 2001 and the RA Law on the State Registration of Legal Entities adopted on April 3, 2001.

As for the Point 4(b), according to the Point 2 of the Article 3 of the RA Law on Public Organizations, a person's right to form associations with other persons encompasses the right to freely set up an association, the right to become a member (participant) of an organization, and the right to freely withdraw from membership (participation) to an organization, regardless of nationality, race, sex, language, religion, political and other beliefs, social origin, welfare standards and citizenship. This right may be restricted, in cases and manner envisaged by law, for the servicemen of the military and law enforcement bodies.

There are no sanctions prescribed by the Armenian legislation for the activities mentioned in the Points 5(a) and 5(b).

Concerning the Point 7(a), it should be noted that the Article 27 of the RA Constitution prescribes that everyone shall have the right to freely express his/her opinion. No one shall be forced to recede or change his/her opinion. Everyone shall



have the right to freedom of expression including freedom to search for, receive and impart information and ideas by any means of information regardless of the state frontiers.

As for the Point 7(b) it should be mentioned that the European Convention for the Protection of Human Rights and Fundamental Freedoms entered into force in Armenia on April 26, 2002, and its norms have to be implemented in the territory of the Republic of Armenia. According to the Article 6 of the RA Constitution, the Constitution of the Republic has shall have supreme legal force and the norms thereof shall apply directly. The international treaties are a constituent part of the legal system of the Republic of Armenia. If a ratified international treaty stipulates norms other than those stipulated in the laws, the norms of the treaty shall prevail.

