

Institution of the Human Rights Defender of the Republic of Armenia

05.11.2012

1.
 - a) *Please Provide a brief overview of the legislative framework adopted to establish a National Human Rights Institution (hereafter 'the Institution') in your country. Please cite the names of any such laws or regulations in full.*
 - b) *Please indicate how these laws and regulations comply with international human rights standards, and in particular, to Paris Principles.*

The Institution of the Human Rights Defender of the Republic of Armenia was established by Law on the Human Rights Defender which was adopted on 21 October 2003 and entered into force on 01 January 2004. The Law was amended and supplemented on 01 June 2006, 08 April 2008 and 07 December 2010.

The Law defines the process of appointment and dismissal of the Human Rights Defender, mandates, authority, individual complaints and relevant procedures as well as the guarantees of his/her activity.

The HRDA is entrenched in the Constitution by Article 83.1 (appointment, role and immunity of the Defender), Article 18 Part 3 (right to receive protection from the HRDA) and Article 101 (HRDA's entitlement to file a constitutional appeal to the Constitutional Court). The Constitution was adopted on 5 July 1995 and amended on 27 November 2005.

The RA Law on Human Rights Defender is in full compliance with Paris Principles which was affirmed in 2006 by the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights when Human Rights Defender of Armenia/the institution/was granted status "A" by the ICC. Since then the Law has undergone some amendments which even more enlarged the competences of the Defender.

The broad mandate of the Defender to protect and promote human rights (this function is inferred from the context of the Law) is clearly set forth in the Law on the Human Rights Defender and Constitution of the Republic of Armenia. The HRDA Law itself provides for all the necessary authorities for the Defender to accomplish this function. The Law provides for all the resources for the Defender to promote human rights. The law precisely defines protection related functions, strong legislative guarantees ensuring the independence of the Defender, grounds for termination of the Defender's powers, the competence of the Human Rights Defender extending to all the state bodies, local self-governing bodies and their officials without any exception as well as competence of the Defender to be guided not only by national legislation but also by norms and principles of international law, lobbying the Government and the Parliament in legislative matters, delivery of a yearly and special reports on Defender's activities and on the human rights situation to the President of the Republic of Armenia and the representatives of executive, legislative and judicial authorities, as well as to the mass media and relevant NGOs, and other functions. Defender's authority to apply directly to the Constitutional Court is prescribed in the Constitution of the Republic of Armenia. The competence of the Defender to examine the legislation and administrative provisions in force, as well as bills and proposals and making of relevant recommendations is enshrined in the Presidential decree of 2007.

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2.

a) *Please provide details outlining the mandate adopted by the Institution in relation to the protection and promotion of human in accordance with the range of competences and responsibilities specified in the Paris Principles.*

b) *Please indicate whether the Institution is mandated to consider and/or adjudicate individual complaints of human rights violations.*

c) *If relevant, please indicate whether the mandate is limited to specific rights or whether complaints against the Government, the police and/or the military are permitted and how they are dealt with.*

d) *this regard, please indicate whether the Institution is empowered to carry out protection related functions including providing remedies to victims of human rights violations, witness protection mechanisms and conducting visits to detention facilities.*

a) The Human Rights Defender is an independent official who implements the protection of human rights and freedoms violated by the State and local self-government bodies and their officials according to Article 83.1 of the Constitution.¹

Mandate of the HRDI to protect and promote human rights is clearly set forth in the RA Law on the Human Rights Defender. According to the 2nd article of the HRDA Law the Human Rights Defender is an independent and unaltered official, who, guided by the fundamental principles of lawfulness, social co-existence and social justice, protects the human rights and fundamental freedoms violated by the state and local self-governing bodies or their officials.

The wording of the second article of the Law implies that the competence of the Human Rights Defender extends to all the state bodies, local self-governing bodies and their officials without any exception. The Human Rights Defender executing his powers is guided not only by national legislation but also by norms and principles of international law as indicated by Article 5 of HRDA law, so he can directly cite norms prescribed in international documents and well-recognized principles of international law.

The HRDA Law itself provides for all the necessary authorities for the Defender to accomplish this function. The Law provides for all the resources for the Defender to promote human rights. He can lobby the Government and the Parliament in legislative matters, not the least by having the right to participate and speak at Cabinet meetings and Parliament sessions, and can also undertake other proactive measures, such as advocacy and outreach campaigns. The Defender can protect both civil and political and social, economic and cultural rights. The Defender is endorsed by the Law with a wide range of powers (no areas of the country that are excluded from the jurisdiction of the Defender) provided the rights are violated by the state and local self-governing bodies or their officials.

¹ Each year Institution of the HRDA receives in the average 5000 complaints written and oral.

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The Human Rights Defender has the responsibility to submit to the Government, Parliament, President, judicial authority bodies, as well as to non-governmental organizations and mass media through the exercise of his power to hear a matter without

higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights. Besides, according to the article 15 (1.1) of the HRD Law based on the findings of the examined complaint, the Defender shall decide to propose to the central or local government agency or official, the decisions or actions (inaction) of whom have been qualified by the Defender as violating human rights and freedoms, to eliminate the committed violations, indicating the possible measures necessary and subject to implementation for the restitution of human and fundamental freedoms.

This kind of recommendations constitutes essential part of the Defender's day-to-day work. According to article 15(5) upon necessity the Defender can submit special reports to the President of the Republic and the National Assembly. According to Point 4 of the paragraph 1 of the Article 15 of the RA Law on the Human Rights Defender based on the findings of the considered complaint, the Defender shall bring an action before the court on invalidating in full or partially the normative legal acts of the state and local self-governing bodies or officials that violate human rights and fundamental freedoms and contradict the law and other statutes, if the state and local self governing bodies or officials, who committed the named violation, do not invalidate in full or partially their corresponding legal act within the prescribed period.

Moreover according to the paragraph 8 of the Article 101 of the RA Constitution in conformity with the procedure set forth in the Constitution and the Law on the Constitutional Court the application to the Constitutional Court may be filed by the Human Rights Defender – on the issue of conformity of normative acts listed in paragraph 1 of Article 100 of the Constitution² with the provisions of Chapter 2 of the Constitution.³

A key element of the Defender's work is the expert review of draft legal acts. If draft laws and other legal acts that are related with human rights and fundamental freedoms are adopted in a rush, without an in-depth legal analysis, often contain uncertainties and even inconsistencies and their enforcement violates rights; uncertainties and inconsistencies of legal acts leave room for arbitrary enforcement to the detriment of the right-holders. In this light, it is vital to carry out thorough expert review of draft laws and other legal acts; the Human Rights Defender has a central role in this process. The role of the Defender in these procedures was enhanced by Presidential Decree NH-174-N dated July 18, 2007 "On Defining the Procedure of Organizing the Activities of the Republic of Armenia Government and Other Public Administration Bodies Subordinate to the Government": paragraph 42 of this Decree provides that draft laws related to human rights and freedoms shall, before their submission to the Government, be referred to the Human Rights Defender of the Republic of Armenia.

² RA Constitution. Article 100. The Constitutional Court shall, in conformity with the procedure defined by law: 1) determine the conformity of laws, resolutions of the National Assembly, decrees of the President of the Republic, decisions of the Government, Prime Minister and bodies of local self-government with the Constitution;

³ RA Constitution. Chapter 2. Fundamental human and civil rights and freedoms.

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Moreover according to Article 17 of the RA Law on the Human Rights Defender each year, during the first quarter of the year, the Defender shall deliver a report on his/her activities and on the human rights situation in the previous year to the President of the Republic of Armenia and the representatives of legislative, executive and judicial authorities. The reports shall be presented to the National Assembly during the first sitting of the National Assembly's spring session. The Defender also presents his/her

report to the mass media and relevant NGO-s. In cases that produce widespread public response, or in cases of flagrant violations of human rights or mass occurrence of non-elimination of the violations, the Defender shall have the right to deliver unscheduled public reports. Accordingly all the Annual and ad-hoc reports issued by the Human Rights Defender contains recommendations and suggestions to eliminate gaps or shortcomings in the legislation and to harmonize national laws and practices to international standards.

Alongside wit drafts the Defender often makes proposals relating amendments to the existing legislation or adoption of new pieces of legislation pertaining to human rights and fundamental freedoms to competent bodies.

b)In practice HRD considers the complaints of individuals (including citizens) regarding the violations of human rights and fundamental freedoms provided by the Constitution, laws and the international treaties of the Republic of Armenia, as well as by the principles and norms of International Law, caused by the state and local self-governing bodies and their officials. The defender has the right of providing advice to those that wish to appeal the decisions and judgments of the court.

According to the Article 15 of the Law on the Human Rights Defender based on the findings of the considered complaint, the Defender takes one of the following decisions: 1) to propose to the state or local self-governing body or the official, the decisions or actions (inaction) of whom have been qualified by the Defender as violating human rights and freedoms, to eliminate the committed violations, indicating the possible measures necessary and subject to implementation for the restitution of human and civil rights and freedoms; 2) on the absence of violations of human rights and freedoms, if during the examination of the complaint no violation of human rights and fundamental freedoms by the state and local self-governing bodies or officials has been revealed; 3) pursuant to the defined procedure if there were discovered the bases concerning not considering the complaint, or concerning the cease of considering. 4) to bring an action before the court on invalidating in full or partially the normative legal acts of the state and local self-governing bodies or officials that violate human rights and fundamental freedoms and contradict the law and other statutes, if the state and local self-governing bodies or officials, who committed the named violation, do not invalidate in full or partially their corresponding legal act within the prescribed period; 5) to recommend that the authorized state agencies execute disciplinary or administrative penalties or file criminal charges against the official whose decisions or actions (inaction) violated human rights and fundamental freedoms and (or) violated the requirements of this Law. In practice HRD considers the complaints of individuals (including citizens) regarding the violations of human rights and fundamental freedoms provided by the Constitution, laws and the international treaties of the Republic of Armenia, as well as by the principles and norms of International Law, caused by the state and local self-governing bodies and their officials. The defender has the right of providing advice to those that wish to appeal the

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c)The mandate of the Defender is not limited to specific rights. The Defender can protect both civil and political and social, economic and cultural rights. He is endorsed by the Law with a wide range of powers (no areas of the country that are excluded from the jurisdiction of the Defender) provided the rights are violated by the state and local self-governing bodies or their officials. Complaints against Government, police and/or military and other bodies are accepted and dealt the following way:⁴

Upon receiving a complaint the Defender shall make a decision on:

- accepting the complaint for consideration;
- presenting to the applicant possibilities of the protection of his/her human rights and fundamental freedoms;
- upon complainants' consent assigning the complaint to those state or local self-governing bodies or a their officials who have the jurisdiction to settle the case;
- not considering the complaint.

The refusal to consider a complaint shall be substantiated according to the first part of Article 10 of this Law. If the Defender decides to decline a complaint s/he shall explain to the complainant the statutory procedure for consideration of that complaint.

The Defender shall send a copy of the adopted decision to the complainant as soon as possible, but no later than in 30 days time from the date s/he received the complaint.

The Defender shall by his own initiative make a discretionary decision about accepting the issue for consideration, particularly in cases when there is information on mass violations of human rights and freedoms, or if these violations have exceptional public

⁴ HRDA Law. Art. 11.

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significance or are connected with the necessity to protect the rights of such persons who are unable to use their legal remedies,

After making a decision on accepting a complaint for consideration, the Defender shall be entitled to apply to the relevant state agencies or their officials for assistance in the process of examining the circumstances subject to disclosure.

Examination of issues indicated in the complaint cannot be performed by the state or local self-governing body or official, whose decisions or actions (inaction) are being complained against.

a. 1. By the HRDA Law the Defender is authorized to having the following protection functions:⁵

1) have free access to any state institution or organization, including military units, prisons, preliminary detention facilities and penitentiaries;

2) require and receive information and documentation related to the complaint from any state or local self-governing body or their officials;

3) receive from the state or local self-governing bodies or their officials with the exception of Courts and judges, information clarifying the issues that arise in the process of examination of the complaint;

4) instruct relevant state agencies to carry out expert examinations and prepare findings on the issues subject to clarification during investigation of the complaint;

5) familiarize with those criminal, civil, administrative, disciplinary, economic and other cases of violation of rights on which the respective Court verdicts and decisions have entered into legal force, as well as materials related to such cases on which no proceedings have been instituted;

6) familiarize with any information and documentation related to the complaint. By the written decision of the Defender the powers provided in items 1, 2, 5 and 6 of this paragraph can be exercised by members of the Defender's staff or by members of the Expert Council;

7) appeal to the Council of Courts' Chairmen of the Republic of Armenia, with a view to receiving official clarifications of consultative nature about the existing law enforcement practice;

8) make a statement about initiating a disciplinary procedure against a judge. The person receiving the statement who is authorized to initiate such a procedure shall inform the Defender about the results of the discussion of the statement within three days after making the decision.

2. Through the relevant statutory procedure the Defender can be familiarized with information containing state and commercial secrets or other information qualified as

⁵ HRDA Law, Art 12.

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confidential

by

law.

3. Officials of the state and local self-governing bodies within the framework of their jurisdiction shall transfer to the Defender, free of charge and without hindrance, the required information and documentation, which is necessary for the review of the complaint.

4. Materials, documents or information required by the Defender shall be delivered as soon as possible, but no later than within 30 days after the Defender's request, unless a later deadline is indicated in the request.

5. In exercising his/her powers the Defender shall enjoy the right of urgent reception by state and local self-governing bodies and their officials as well as by top management of organizations and other officials and coercive detention facilities.

d)The Defender or his/her representative has the right of a free access, by his/her own initiative, to military units, police detention centers, pre-trial or criminal punishment exercising agencies, as well as other places of coercive detention in order to receive complaints from the persons being there.

Persons who are under arrest, in preliminary detention or serving their sentence in penitentiaries, as well as persons in other places of coercive detention shall also have the right to appeal to the Defender.

The Defender or his/her representative shall be guaranteed to have confidential, separate, unrestricted communication with persons in military units, under in preliminary detention or serving their sentence in penitentiaries, as well as persons in other places of coercive detention.

Conversations of the Defender or his/her representatives with persons mentioned in this paragraph shall not be subject to any interference or eavesdropping. Having appealed to the defender shall not result in any administrative, criminal or other liability, or in any discrimination towards the applicant.

A special department on Vulnerable Groups Protection and Cooperation with Civil Society organization carries out other protection related functions and programmes in collaboration with other human rights defenders, media and civil society organizations.

3.

a) Please indicate what specific activities and programmes the Institution carries out in relation to the protection of human rights defenders.

b)Please indicate what mechanisms, if any, are in place within the Institution to ensure that human rights defenders at risk are protected (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases)

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The HRDI considerably contributed to the development of an active and independent civil society by fostering cooperation with other human rights defenders and non-governmental organizations for the improvement of the human rights situation, by exchanging information on approaches, experiences and best practices amongst themselves and with international and regional networks and by protecting and supporting human rights defenders when they are at risk.

In 2011 the HRDA signed Memorandum of Understanding with around 80 human rights non-governmental organizations and human rights defenders/activists outlining the precise format of cooperation.

MoUs in each respective field⁶ were signed between the Human Rights Defender Karen Andreasyan and NGO authorized representatives which aimed at identifying the scope of cooperation and supporting the activities of the sides in the sphere of human rights. They commenced dynamic constructive dialogue and promotion of knowledge and experience sharing and further collaboration between the Human Rights Defender's Office and human rights NGOs in protecting and promoting human rights in Armenia.

A special department for the protection of vulnerable groups and cooperation with civil society was created in the HRDA institution for enhanced cooperation and protection of human rights defenders.

During 2012 HRDA supported more than 15 human rights defenders who were endangered and repressed by state authorities. In certain cases the involvement of the HRDA contributed to wholly positive settlement of the case.

In particular, in May 2012 HRDA supported via public statements and negotiations with state authorities/Police/ a group of environmental activists who were boycotting for around 3 months the installation of kiosks in one of public parks (Mashtots park). Repeatedly HRDA Rapid Reaction Group members averted skirmishes between the activists and the Police as well as initiated the creation of a working group together with the RA Police to discuss the legality of placement of tent/s in public places as well as ECHR case – law and OSCE guidelines about the issue and to further come up with necessary legislative recommendations.⁷ The installation of kiosks in Mashtots park was later solved in favor of environmental activists.

Another example of HRDA protecting human rights defenders was HRDA involvement in the follow up of the case of explosion of “DIY” club and certain repressions faced by the director/human rights activist/ of the club. The case allegedly had some traces of homophobia and intolerance based on sexual orientation. HRDA was the first organization reacting on the blowing up of the club by a group of young people. Only owing to the intervention of the HRDA Rapid Reaction Group members the case was registered in the Police and taken into investigation. HRDA demanded from the Police that the victim of the crime be provided personal security measures which were granted

⁶ The respective fields are rights of minorities, refugees, children, disabled people, women, military servicemen, rights of persons in detentions and penitentiaries, rights of the persons suffered from violence and torture and the right to a fair trial.

⁷ Relevant information is available on HRDA official website www.pashtpan.am; http://www.pashtpan.am/en/library/view_news/article/661.

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to her based on HRDA request. Further to it, Ombudsman was periodically giving interviews to local media outlets strictly condemning pressure and violence towards human rights defenders and encouragement of intolerance and hate based on sexual orientation, race, gender, age, etc. In his statements Ombudsman demanded from relevant state authorities impartial investigation of the case and revealing of all the motives of the crime.⁸

In July 2012 HRDA's supported activities of environmental human rights defenders in their fight against increasing of water outlets from Sevan lake; eventually HRDA's intervention furthered the ecologically favorable decision concerning amounts of water outlets.⁹ Environmental activists later expressed their thankfulness to HRDA for his involvement and support in one of their media interviews.

In April 2012 HRDA issued statements supporting human rights activist A. Saqunts and condemning violence and attacks towards him. HRDA called on relevant state authorities for impartial and immediate investigation of the case-
http://pashtpan.am/en/library/view_news/article/643.

In addition to protecting human rights defenders at risk, HRDA continuously implements programmes aiming at strengthening capacities of human rights NGO and activists and supporting more broader execution of their mandate and human rights activities. A vivid example of efficient cooperation between HRDA and human rights defenders is a creation of Torture Prevention Expert Council and Special Rapid Reaction Council.

According to Article 26 of the HRDA Law in order to benefit from advisory assistance, the Ombudsman may establish an Expert Council composed of individuals with respective background in human rights and fundamental freedoms. In his capacity of the National Preventive Mechanism under OPCAT¹⁰ HRDA formed Torture Prevention Expert Council adjunct to the Defender consisting of HRDI staff members, civil society representatives who are experts in torture prevention, member of prison and police monitoring groups and independent experts (psychologist, sociologist, journalist). The applied model-Ombudsman plus- enables HRDA to benefit from experience of human rights defenders practiced in prevention of torture at the same time strengthening the capacities of the defenders by granting them special access to closed and semi-closed institutions (a license which other human rights defenders do not possess).

Another council adjunct to the Defender has been created by special MoU to foster the work of HRDA Rapid Reaction Group and strengthening capacities of the specialized NGOs. Rapid reaction by HRDA is carried out when person is illegally arrested/brought to custody by law-enforcement bodies or subjected to violence, torture or ill-treatment. The Rapid Reaction Council is consisting of HRDA staff members and specialized

⁸ One of the interviews posted on HRDA website http://www.pashtpan.am/en/library/view_news/article/657.

⁹ On June 15, 2012 the Armenian Parliament adopted the package of law amendments concerning Lake Sevan presented by the Armenian Government which provides for increase in water outlets from Lake Sevan up to 320 million cubic meters annually instead of limited 170 million. Meetings with environmental NGO organized by the Ombudsman staff clearly showed that the decision of increase in water outlets was made with serious procedural violations as well as violation of Aarhus Convention provisions. As follow up the meeting HRDA was periodically addressing relevant Ministries and state bodies about the procedural violations taken place and highlighting the need for public hearings about the size of water outlets and their possible adverse impact on the environment and Sevan in particular. As a follow up of the subject Government of Armenia during it session reduced the size of water outlets from Sevan to 204 from previously planned 320 million cubic meters.

¹⁰ Armenia ratified Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 14 September 2006. Based on this, the Human Rights Defender's Office (HRDO) of the Republic of Armenia, as a sole national independent institution granted with "A" status by the ICC, has been recognized as a National Prevention Mechanism (NPM) approved by the RA National Assembly on 08 April 2008 by Article 6.1 of the law on HRD.

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human rights defenders/human rights NGO representatives. HRDA has granted the NGO members of the RR Group with the licenses to enter closed and semi-closed institutions thus enabling them to fully implement their mission.

HRDA is actively involving human rights defenders and activists in discussions about legislative amendments or draft laws and presenting their recommendations to relevant state authorities. During autumn 2012 HRDA initiated round-table discussions with human rights activists to review the draft RA Criminal procedural code, RA draft law on freedom of conscious and religion (joint recommendations and comments were later presented to the RA Ministry of Justice). In the coming months HRDA is considering another consultation with human rights defenders about the draft anti-discrimination law currently being developed by HRDA.

HRDA is also facilitating legal initiatives and amendments suggested by human rights defenders. By virtue of Article 101.8 of the RA Constitution HRDA is authorized to file

an application to the RA Constitutional Court on the issue of conformity of certain normative acts with the Constitution. Thus currently HRDA is examining and facilitating launching of the application to the Constitutional Court based on the letter-request from a human rights NGO.

In addition recently HRDA publicly issued office policy according to which HRDA is henceforth refraining from external funding support from development partners. HRDA called upon all international partners and donors to direct the funds to civil society and to provide more consistent and coherent support to human rights defenders. According to the newly adopted policy all the projects of the HRDA in partnership with development partners will be implemented in future with participation of other human rights defenders as an obligatory requirement.

Having a well-grounded long-standing cooperation with regional/international human rights bodies or organizations HRDA has the ability to use the option of submitting complaints to these bodies on specific cases.

4.

a) Please indicate whether any member of the Institution's staff has ever been the victim of threats or harassment as a result of work carried out on behalf of the organization.

b) Please specify, what mechanisms if any, are in place to protect Institution members investigating human rights violations. If applicable, please specify what mechanisms at the institutional, national, regional and international level have been employed to protect Institution members.

a) In the recent period of time there were no direct threats or harassment towards the HRDA staff members as a result of work carried out on behalf of the organization. There are, however, cases when HRDA is facing lack of proper cooperation from state authorities. There are occurrences when members of the HRDA team are restricted by administration from entering closed or semi-closed institutions (prisons, military stations, police stations, etc).

b) According to Article 23.5 of the HRDA Law those persons that hold any position in the Defender's staff cannot be convicted, persecuted, detained, arrested or brought to court for any action performed, opinion expressed or decision made while performing their responsibilities under the Defender's instructions. In all these circumstances when any person holding a post in the staff is detained, arrested or brought to court, the enforcing agency shall inform the Defender of this occurrence in the defined procedure and due time.

5.

a) Please indicate the main source of funding for the Institution.

b) In this regard, please indicate whether any challenges exist, particularly in relation to the functional autonomy of the organization and how this impacts on the work of the Institution.

a) The activities of the HRDA and his staff are financed from a separate line item of the State budget as stipulated in Article 24 of the Law which is another strong guarantee of the independence of the Institution. The HRDA shall manage this budget himself. Funding from external sources, such as from development partners and donors, does not compose the core funding of the HRDI.

Another guarantee of financial independence of the Defender is the fact that from May 2011 the Defender himself also approves the extra estimate budget.

b) However, in terms of approving the extra estimate budget HRDA is encountering certain difficulties. These obstacles are connected with the issue of full enforcement of the provision of the HRDA law stipulating that the Defender manages his financial resources himself and de-facto a long time-consuming procedure adopted by RA Ministry of Finance when approving the HRDA extra-budget. This implies a burden of documentation and delays in activities for the HRDA. The mentioned issue of compatibility of HRDO law and Government procedure is subject to clarification as it notably hampers timely extra-budgetary activities of the HRDA.

6.

a) Please describe the procedures in place relating to the selection and appointment of members of the governing body.

b) Please indicate what mechanisms are in place to ensure independent scrutiny of candidates and security of tenure for members of the governing body.

The post of the Defender is open to different groups of societies which is enshrined in the RA Law on the Human Rights Defender and fully operates in practice. The Defender is elected by the National Assembly by the votes of more than 3/5 of the total number of deputies from candidates for a term of 6 years, nominated by at least 1/5 of the National Assembly deputies. (RA Law on the Human Rights Defender, Article 3/2). The post of the Defender shall be held by a person having attained the age of 25, who has high

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degree of prestige in the society, who the last five years lives in Republic of Armenia, who is a citizen of the Republic of Armenia and has right to vote.(RA Law on the Human Rights Defender, Article 3.1).

Requirements for the Defender are the same as for the Deputy of the RA National assembly thus allowing representatives of different groups of societies to be nominated.¹¹

On March 02, 2011 Mr. Karen Andreyan was elected Human Rights Defender of the Republic of Armenia with a vote 83 to 13. The process of election of the Defender is a public and transparent one. The candidates are having meetings and discussions with RA National Assembly fractions (also oppositional), the whole process is gaining wide media coverage with interviews for leading media outlets and meetings with individual journalists. The candidatures are further discussed during NA Plenary Session which is again widely covered by media.

The HRDA shall take office upon expiration of the term of office of his predecessor, or on the day following his election should the office be vacant at such time.¹²

The election of the HRDA shall be held within 40 days prior to the expiration of the term of the incumbent HRDA.¹³ Should the position of HRDA become vacant before the expiration of the term of the incumbent, the election for a new HRDA shall be called within 1 month of such vacancy.¹⁴

Once elected, the HRDA serves for a term of 6 years,¹⁵ during which term he shall be "irremovable."¹⁶

An important guarantee for ensuring independence of the Defender is not only the procedure of the Defender's appointment but also the procedure of termination of the Defender's powers. The grounds for termination of the Human Rights Defender's powers are stipulated in the 6th article of the law on the Human Rights Defender. The powers of the HRDA shall terminate prior to the expiration of his 6-year term if:

- a court decision convicting the HRDA becomes final and executory;¹⁷
- the HRDA takes up permanent residence in or acquires the citizenship of another country;¹⁸
- the HRDA reiterates his intention to resign no later than 10 days after he submits his letter of resignation to the National Assembly;¹⁹
- the HRDA is declared incapable of carrying out his functions, missing, or deceased by a court decision that is final and executory;²⁰ and
- the HRDA dies while in office.²¹

The Defender's reelection procedure is not limited by the Law.

¹¹ Constitution of the Republic of Armenia. Article 83.1. Any person held in high esteem by the public and corresponding to the requirements envisaged for a Deputy of the National Assembly may be elected a Human Rights Defender.

¹² HRDA Law, Art. 3(3).

¹³ HRDA Law, Art. 3(4).

¹⁴ HRDA Law Art. 6(4).

¹⁵ Constitution, Art. 83.1, para. 1.

¹⁶ Constitution, Art. 83.1, para. 3.

¹⁷ HRDA Law, Art. 6(2)(1).

¹⁸ HRDA Law, Art. 6(2)(2).

¹⁹ HRDA Law, Art. 6(2)(3).

²⁰ Ibid HRDA Law Art. 6(2)(4).

²¹ HRDA Law, Art. 6(2)(5).