



人权理事会

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议程项目 3

促进和保护所有人权——公民权利、政治权利、
经济、社会及文化权利，包括发展权

亚美尼亚人权维护专员提交的书面材料*

秘书处的说明

秘书处谨向人权理事会转交亚美尼亚人权维护专员提交的书面发言，** 该材料根据理事会议事规则第 7 条(b)项(见第 5/1 号决议附件)以及人权委员会第 2005/74 号决议中商定的安排和做法分发。

* 获得国家人权机构全球联盟“A级”认证的国家人权机构。

** 附件不译，原文照发。



附件

亚美尼亚人权维护专员的书面发言

亚美尼亚人权维护专员就与和平集会自由特别报告员的互动对话提交的书面发言

Distinguished colleagues, Excellencies,

I very much appreciate the work of the Special Rapporteur on freedom of peaceful assembly and of association.

The freedom of peaceful assembly is one of the main human rights, and it is a necessary precondition for the establishment of a democratic state, and a fundamental cornerstone of democracy. The freedom of peaceful assembly is recognized and protected by various international and regional human rights instruments; furthermore, the freedom of assembly is guaranteed by the Constitution of Armenia.

The full realization of the right to freedom of assembly is under the direct attention of the Human Rights Defender of Armenia. In this regard, the Defender's Office has established an institutional and stable cooperation with the police of Armenia, which is aimed at the protection of the rights of persons participating in assemblies/protests. To guarantee the protection of the rights of persons deprived of their liberty during assemblies, the rapid response groups of the Defender's Office, based on the initiative of the Human Rights Defender, conduct visits to various Police departments, detention facilities, investigative bodies, and medical institutions, and hold private conversations with persons deprived of their liberty, analyses the grounds of the deprivation, and the state of ensuring their rights. The Defender's Office summarizes the results of the monitoring visits and addresses the issues to the competent state bodies.

In 2023, the Human Rights Defender's Office 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 the issues registered is the failure to comply with the requirement to immediately notify the person of reasons for the deprivation of his/her liberty, and the notification of his/her rights, and detection of persons for periods of time which are longer than that provided for by law.

The majority of the alarming-class 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 for the protesters. Taking into consideration the national legislation, international legal instruments, and practice, the European Court of Human Rights' (ECtHR) jurisprudence, the Defender published a decision, stating that, in the specific discussed by the decision, and in the context of the clarification 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 with weighty and convincing arguments.

In another significant case, in 2023, the Defender's Office received regarding the denial of access of lawyers to Police departments and the administrative building of the investigative body, which access of lawyers to Police departments and the administrative building of the investigative body, which caused problems in providing legal aid to persons deprived of their liberty during protests. Moreover, issues related to the access of lawyers who appeared to provide legal assistance to minors were also raised. In this regard, as a result of the

intervention of the Human Rights defender and the cooperation with the competent state bodies, the entry of lawyers was ensured.

In 2023, the Armenian authorities submitted a new draft law on the Code on Administrative Offences of Armenia. The Constitution of Armenia, 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 provided for a complete and absolute ban on assemblies/ protests during the legal regime of martial law, making it an act subject to administrative responsibility.

As protests have again erupted in Armenia over the past couple of months in 2024, the Human Rights Defender has maintained the ongoing events under its direct attention. The Defender has issued statements condemning the disproportionate use of force by the Police to disperse the protests, while at the same time calling on the protesters to maintain the peaceful nature of the protests, and has registered the violations which have taken place, have addressed the issue to the competent state bodies, and has taken all necessary steps, within the context her mandate, to prevent and restore the violated rights of the effected persons.

The Human Rights Defender underlines the importance of developing the capacities of the relevant bodies to develop a legal culture and methodology for addressing the discussed problems. For example, in 2023, the Human Rights Defender initiated a meeting-discussion with the European Court of Human Rights judge Armen Harutyunyan entitled “ECtHR case law in the context of guaranteeing the right to freedom of assembly, presentation of international legal standards and national issues.
