



ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ  
ՄՇՏԱԿԱՆ ՆԵՐԿԱՅԱՑՈՒՑՉՈՒԹՅՈՒՆ  
PERMANENT MISSION  
OF THE REPUBLIC OF ARMENIA

2203/0306/2021

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit hereby the response by the Republic of Armenia to the joint urgent appeal by the Special Rapporteur on Minority Issues, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the human rights defenders (ref UA ARM 2/2020).

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

Encl.: 4 pages



Geneva, 19 February, 2021

A.H.

OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS  
Geneva



Actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity, are punished with a fine in the amount of 200 to 500 minimal salaries, or with correctional labor for up to 2 years, or with imprisonment for the term of 2-4 years. 2. The actions envisaged in part 1 of this Article committed: **1) publicly or by mass media, with violence or threat of violence;** 2) by abuse of official position; 3) by an organized group, are punished with imprisonment for the term of 3 to 6 years.

The preliminary investigation is still underway. At the moment, there are no persons involved in the criminal case as suspects or accused, the necessary investigative and other legal actions are being carried out.

***3. Please indicate what measures have been taken to guarantee [REDACTED] personal security following the attacks and threats against him on social media.***

In general, the Police of the Republic of Armenia, within the framework of their authority prescribed by law, takes measures to protect the rights, freedoms and rights of persons belonging to national minorities, enshrined in the Constitution, as well as in various legal acts of the Republic of Armenia. In the context of the fight against all the forms of discrimination, practical steps are taken to discover, detect and prevent crimes committed on national, racial, religious and other grounds, as well as violations of the rights of persons belonging to national minorities to freely express their opinions. The police officers cooperate with human rights defenders dealing with national minorities, as well as with the representatives of international non-governmental organizations thus ensuring their safe activities and providing the necessary information within the framework prescribed by law.

Moreover, in all cases of desecration of national dignity, a comprehensive and objective investigation is carried out. Persons participating in criminal proceedings who do not speak Armenian are given the opportunity to exercise their rights with the help of an interpreter. Public calls for violence against a person or a group of persons based on sex, race, skin color, ethnicity, belonging to national minority, as well as the public justification and propaganda of such violence are seen as extreme hate speech, and steps are taken to give a legal assessment in response to such acts of great public danger.

The territorial subdivisions of the Police of the Republic of Armenia are also carrying out preventive measures to prevent clashes and tensions between certain groups of the population belonging to different nationalities, as well as to neutralize the tense interethnic relations. The High-Tech Crimes Division of the Police of the Republic of Armenia monitors the Internet to prevent the dissemination of the racist or xenophobic material via computers, to detect and respond quickly to acts of hatred on national, racial or religious grounds.

***4. Please indicate the measures undertaken by your Excellency's Government to ensure that human rights defenders, and in particular those advocating and working for the rights of persons belonging to minorities including Yezidis, are able to carry out their legitimate work***

*in a safe and enabling environment, without the fear of prosecution, harassment and violence.*

According to the Articles 28 and 29 of the Constitution of the Republic of Armenia, “Everyone shall be equal before the law” and “Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.”

The Government of the Republic of Armenia ensures the effective protection and cooperation with the human rights defenders and prioritizes this issue within the framework of the protection of human rights in Armenia.

The Government of Armenia acknowledges the important and legitimate role of human rights defenders and especially of those advocating the rights of persons belonging to national minorities and takes preventive measures to address structural discrimination and violence faced by human rights defenders of all ages and groups.

The legitimacy of the work of human rights defenders is fully promoted in the Republic of Armenia, particularly through awareness-raising policies and legal guarantees.

Taking into account the recent increase in the pressures on human rights defenders around the world, the Clause 33 of the National Strategy for the Protection of Human Rights of the Republic of Armenia, was approved by the Government Decision No. 1978-L<sup>3</sup> dated 26 December, 2019 and its deriving Action Plan for 2020-2022, which strengthens the legal guarantees for the protection of the representatives of national minorities.

***5. Please indicate the measures undertaken by your Excellency’s Government to ensure protection and promotion of the human rights of minorities to hold opinions without interference and to enjoy the right of freedom of expression either orally, in writing, print, art or through any other media of her choice.***

According to the Article 42 of the Constitution of the Republic of Armenia “1. Everyone shall have the right to freely express his/her opinion. This right shall include freedom to hold own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers. 2. The freedom of the press, radio, television and other means of information shall be guaranteed. The State shall guarantee the activities of independent public television and radio offering diversity of informational, educational, cultural and entertainment programs. 3. Freedom of expression of opinion may be restricted only by law, for the purpose of state security, ***protecting public order, health and morals or the honor and good reputation of others and other basic rights and freedoms thereof.***”

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<sup>3</sup>The Government Decision No. 1978-L of the Republic of Armenia;  
<https://www.arlis.am/DocumentView.aspx?DocID=138194>

According to the Article 17 of the Constitution of the Republic of Armenia<sup>4</sup> “The freedom of activities of religious organizations shall be guaranteed in the Republic of Armenia,” and according to the 4<sup>th</sup> Part of the Article 41, “Religious organizations shall enjoy legal equality and shall be vested with autonomy. The procedure for the establishment and operation of religious organizations shall be prescribed by law.” Moreover, according to the Article 4 of the Law of the Republic of Armenia on “The Freedom of Conscience and on Religious Organizations”<sup>5</sup> (approved in 17.06.1991) “A Religious organization is an association of citizens established for professing a common faith as well as for fulfilling other religious needs.”

At the same time, the draft laws regulating the sphere of religion and minority rights of the Republic of Armenia are under the discussion, and it is envisaged to expand the scope of the rights. Thus, the Action Plans for 2014-2016 and 2017-2019 envisaged the need to adopt relevant legislative acts and implement their provisions. Accordingly, the issue of creating legislative guarantees for ensuring equality and their effective application continues to be of paramount importance for the Republic of Armenia. In particular, the adoption of draft laws “On the National Minorities” and “On Ensuring Equality” is of utmost significance. It should be noted that the draft law “On National Minorities” has been a subject for discussions since 2006, and has been amended and circulated within the government over the past year.

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<sup>4</sup>The Constitution of the Republic of Armenia; <https://www.president.am/en/constitution-2015/>

<sup>5</sup>The Law of the Republic of Armenia “On the Freedom of Conscience and on Religious Organizations;” <http://www.parliament.am/legislation.php?sel=show&ID=2041&lang=eng>