

Mr Ararat Mirzoyan
President of the National Assembly of Armenia
19 Baghramyan
0095 Yerevan
Republic of Armenia

Monday, 22 March 2021

Re: Open Letter in Support of the Armenian Human Rights Defender

Dear Mr Ararat Mirzoyan,

In view of the proposed amendment to the Constitutional Law on the Human Rights Defender, which was submitted by the Armenian government on 11 March 2021, ENNHRI writes this letter to kindly draw your attention to the applicable international standards regarding the need to ensure an appropriate level of funding to National Human Rights Institutions (NHRIs), which can also influence their independence and effectiveness.

ENNHRI, alongside other international organisations, is aware that the proposed bill would remove Article 8 (5) of the Constitutional Law, which provides that the amount of allocation for funding provided from the state budget to the NHRI and to the National Preventive Mechanism (NPM) cannot be below the amount provided the precedent year.

The current process and the proposed amendment raise concerns about the respect for international standards, namely the need for meaningful and prior consultation with NHRIs and the public, and the impact of the amendment on the provision of adequate funding to the NHRI, based on objective criteria, which may affect its independence and/or effectiveness.

The [UN Paris Principles](#), adopted by the UN General Assembly Resolution 48/134, set out the international minimum standards that must be met for NHRIs to be recognised as independent and effective. To clarify the meaning and scope of the UN Paris Principles, the Global Alliance of NHRIs ([GANHRI](#)) has adopted [General Observations](#), which reflect GANHRI's Sub-committee on Accreditation's ([SCA](#)) application of the UN Paris Principles in the international accreditation process of NHRIs, as supported by the UN Human Rights Office.

The Armenian Human Rights Defender is an A-status NHRI, lastly [accredited](#) in March 2019, as in full compliance with the UN Paris Principles. The SCA recommended the Human Rights Defender “to continue to advocate for the funding necessary to ensure that it can effectively carry out the full extent of its mandate”, including in relation to additional mandates, such as the National Preventive Mechanism (NPM).

The Council of Europe’s [Venice Principles](#) also contain strong safeguards with regards to the provision of sufficient and independent budgetary resources to Ombudsman institutions.

It follows from these international standards that:

- NHRIs must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities.
- Adequate funding should, to a reasonable degree, ensure the gradual and progressive realisation of the improvement of the NHRI’s operations and the fulfilment of its mandate. Where the NHRI has been designated with additional responsibilities by the State, additional financial resources should be provided.
- The allocation of funding to NHRIs must be based on objective criteria and must not be in detriment to the NHRIs’ ability to carry out their work effectively and independently. Relevant authorities must not use the reduction of funding to undermine the work of NHRIs.
- While the provision of adequate funding is determined in part by the national financial climate, States have the duty to protect the most vulnerable members of society, who are often the victims of human rights violations, even in times of severe resource constraints. For this reason, NHRIs must be able to continue to carry out their broad human rights mandate with adequate resources throughout the financial year. Relevant authorities must consult with the NHRI to understand what constitutes ‘adequate funding’, and decisions must be based on objective criteria.
- Changes to the legislative provisions that risk affecting the functioning and independence of a NHRI require a careful consideration of its compliance with the UN Paris Principles and prior effective consultation with all relevant parties concerned, including a strong role for the NHRI itself.

The guarantee against a regressive provision of funds to the Armenian Human Rights Defender has been considered a best practice in Europe, and consistent with the additional functions and extensive work carried out by the institution.

The proposal of the Armenian government to remove this safeguard must also be read in the [broader context](#) of reported actions impacting negatively on resources available and the

reputation of the Human Rights Defender, such as reductions of the technical capacity of the institution. State authorities must refrain from taking any action aiming at or resulting in undue hurdles to the effective functioning of NHRIs, and shall effectively protect them from any such threats. This has been recognised, among others, by the Council of Europe Committee of Ministers [Recommendation \(2018\)11](#).

An insufficient budget can render an NHRI ineffective or limit it from reaching its full effectiveness. The SCA may initiate a Special Review where it appears that the circumstances of an NHRI may have changed in a way that affects compliance with the UN Paris Principles, such as when the enabling law of the NHRI has been amended significantly.

It is paramount that a decision on this amendment is preceded by a meaningful consultation with all stakeholders, particularly with the Human Rights Defender, and that it does not lead to less favourable conditions to the functioning of the institution in full compliance with international standards.

In light of the above, ENNHRI calls upon you to consider the proposed amendment in full consideration of the applicable international standards, in order to guarantee the Human Rights Defender can continue its effective and independent work. It is our view that the best practice contained in Article 8(5) of the Constitutional Law of Armenia should be maintained.

We remain available to further clarify the applicable standards and to cooperate on this matter.

Yours faithfully,



Caroline Fennell
ENNHRI Chair, on behalf of ENNHRI's Board

This is an open letter and has been made public on ENNHRI's website.

About ENNHRI

ENNHRI, the European Network of National Human Rights Institutions, brings together 46 members across Europe to enhance the promotion and protection of human rights in the region. The Human Rights Defender of the Republic of Armenia is a member of ENNHRI.

ENNHRI works alongside partners to support European NHRIs in their work to promote and protect human rights in the region, including the Office of the UN High Commissioner for Human Rights (OHCHR), the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe (CoE), including the CoE Commissioner for Human Rights and Venice Commission, the European Union, including its Agency for Fundamental Rights (FRA), the Global Alliance of NHRIs (GANHRI), the International Ombudsman Institute (IOI), and the European Network of Equality Bodies (Equinet).

European Network of National Human Rights Institutions

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