



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Armenia



Armenia Country Report

Overview

Name of NHRI and mandate:

- Human Rights Defender (HRD) of the Republic of Armenia
- Multi-mandate NHRI, also: ombuds-institution, equality body, NMM and NPM

Sources:

- NHRI: [ENNHRI State of the Rule of Law in Europe in 2022, Armenia country report](#)
- Sub-Committee on Accreditation (SCA): [SCA report March \(2019\)](#)
- CoE Independent bodies: [CPT Report on Armenia \(2019\)](#), [Venice Commission opinion on Armenia \(2021\)](#)

Good practices and improvements:

- **CM Principle 2: Broad constitutionally based mandate, including a constitutionally protected budget:** the Human Rights Defender of Armenia functions on a strong constitutional basis and has a broad mandate. The SCA though recommends to strengthen the mandate to address private entities. A constitutional prohibition to reduce the NHRI budget is in place.
- **CM Principles 3&5 and 8: Awareness about the NHRI and right to access policy-makers and legislators:** the defender has the right to be present at the sitting of the Armenian government, state and local self-government bodies and to make interventions during such sittings where issues regarding human rights are being considered. It is also entitled to be present at the sittings of the National

Assembly, and it has permanent representatives at the Constitutional Court and the Parliament who are actively engaged and cooperate with the mentioned institutions.

- **CM Principle 13: functional immunity** for head of institution and staff, **as well as appropriate action** in each case of insult and dissemination of hatred or false information about the head of institution, including reporting the offences to law enforcement authorities.

Key areas where improvement is needed:

- **CM Principle 4: broad, transparent and pluralistic selection and appointment:** set forth by law/regulation, as found by the SCA (2019).
- **CM Principle 7: authority to determine staffing profile and recruitment:** as found by the Venice Commission in a 2021 report, 2020 constitutional amendments have made the NHRI's staff policy dependent on government which puts the effectiveness and independence of the NHRI at risk.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles.
Assessment of implementation by the NHRI	N/A
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<i>SCA report March 2019, p. 2</i> "3.1 Armenia: The Human Rights Defender of the Republic of Armenia (HRDA) Recommendation: The SCA recommends that the HRDA be re-accredited with A status."
Assessment of implementation by CoE independent bodies	N/A

<p>Principle 2</p>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>“Importantly, the Constitutional Law provides for some guarantees for the employees of the Human Rights Defender’s Office.</p> <p><i>Information provided by the NHRI in 2023</i></p> <p>The Human Rights Defender of Armenia functions on a constitutional basis. While the Human Rights Defender’s Office (HRDO) of Armenia was established by the Law On the Human Rights Defender of Armenia in 2005, in 2015, a new Constitution was adopted, according to which the institution of the HRD is considered a Constitutional institution. Based on the Constitution, a new Constitutional Law on the Human Rights Defender (hereinafter referred to as “the Constitutional Law” or “CL”), was adopted, regulating the functions of the institution.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report March 2019, p. 14</i></p> <p>The mandate provided to the HRDA in articles 191(1) of the Constitution, 2(1) of the law and chapter 5 of the law is (...) limited to public entities and does not extend to acts or omissions of the private sector.</p>

Assessment of implementation by CoE independent bodies	N/A
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II. Strengthening of NHRIs

Principle 3.1	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
Assessment of implementation by the NHRI	<p><i>Information provided by the NHRI in 2023</i></p> <p>Article 2(1) of the Constitutional Law provides the institution with the mandate to observe the maintenance of human rights and freedoms by public and local self-government bodies and officials, and in cases prescribed by this law also by organisations operating in public service sector.</p> <p>According to Article 31 of the Constitutional Law, each year the HRD presents an annual report on the state of protection of human rights and freedoms in the country to the National Assembly of the RA. The annual report is also being submitted to the competent state bodies and non-government organisations and is being published on the official website of the HRD. In relation to specific issues forming public resonance or gross violations of human rights, the HRD also publishes ad hoc reports.</p>

	<p>Moreover, the HRD functions as the National Preventive Mechanism, which aims at the prevention of torture and other cruel, inhuman or degrading treatment or punishment, as well as conducts the monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child adopted, as well as the UN Convention on the Rights of Persons with Disabilities. According to Article 31(5) of the Constitutional Law, each year, as the National Preventive Mechanism, the Defender presents a separate report on the activities undertaken during the previous year</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA report March 2019, p. 14</i></p> <p>The mandate provided to the HRDA in articles 191(1) of the Constitution, 2(1) of the law and chapter 5 of the law is (...) limited to public entities and does not extend to acts or omissions of the private sector.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>
<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 9</i></p> <p>During 2021, the Office of the HRD continued to carry out awareness-raising activities, and the preparation and dissemination of information materials, aiming at improving the knowledge of</p>

	<p>individuals about rights and freedoms, their protection mechanisms, as well as the activities and mandate of the Human Rights Defender.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2019, p.14</i></p> <p>Further, the mandate of the HRDA is limited to public entities and does not extend to acts or omissions of the private sector. The HRDA reports that its jurisdiction extends to private sector entities operating in the field of public service where there is information about mass violations of human rights or freedoms, or if it is of public importance or is related to the protection of interests of persons who cannot benefit from legal remedies for protection of their rights and freedoms on their own. However, the SCA emphasizes that the mandate of an NHRI should extend to the acts and omissions of both the public and private sectors’.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 28</i></p> <p>It should be noted that the ban on visits concerned regular visitors, and did not apply to persons or bodies implementing their mandate and functions as provided for by law such as the HRD and their</p>

	<p>authorised representative, Members of the Parliament, monitoring groups, and the lawyers of the accused.</p> <p>According to Article 24 of the Constitutional Law, in the course of examination or consideration of a complaint, the Defender is authorized to visit, in an unimpeded manner, any state or local self government body or organization, including military units, places of deprivation of liberty, as well as organizations operating in the field of public service.</p> <p>Furthermore, according to Article 28 of the CL, as the National Preventive Mechanism, the Defender is entitled to make regular, as well as ad hoc visits to places of deprivation of liberty, and as a monitoring body under the UN CRC and CRPD, as stipulated by Articles 29-30 of the CL, the Defender is authorized to carry out both regular, as well as ad hoc visits to childcare and child protection institutions, general educational institutions, as well as institutions, where persons with disabilities stay.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2019, p.14</i></p> <p>Further, the mandate of the HRDA is limited to public entities and does not extend to acts or omissions of the private sector. The HRDA reports that its jurisdiction extends to private sector entities operating in the field of public service where there is information about mass violations of human rights or freedoms, or if it is of public importance or is related to the protection of interests of persons who cannot benefit from legal remedies for protection of their rights and freedoms on their own. However, the SCA emphasizes that the mandate of an NHRI should extend to the acts and omissions of both the public and private sectors’.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>

<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 28</i></p> <p>It should be noted that the ban on visits concerned regular visitors, and did not apply to persons or bodies implementing their mandate and functions as provided for by law such as the HRD and their authorised representative, Members of the Parliament, monitoring groups, and the lawyers of the accused.</p> <p>According to Article 24 of the Constitutional Law, in the course of examination or consideration of a complaint, the Defender is authorized to visit, in an unimpeded manner, any state or local self-government body or organization, including military units, places of deprivation of liberty, as well as organizations operating in the field of public service.</p> <p>Furthermore, according to Article 28 of the CL, as the National Preventive Mechanism, the Defender is entitled to make regular, as well as ad hoc visits to places of deprivation of liberty, and as a monitoring body under the UN CRC and CRPD, as stipulated by Articles 29-30 of the CL, the Defender is authorized to carry out both regular, as well as ad hoc visits to childcare and child</p>

	protection institutions, general educational institutions, as well as institutions, where persons with disabilities stay.
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	N/A
Assessment of implementation by CoE independent bodies	<p><i>CPT Report on Armenia 2021, p.9 (Para.8)</i></p> <p>The delegation was informed that the NPM's mandate and powers had been defined more clearly and reinforced after the 2015 Constitutional amendments and the adoption (in December 2016) of the new Constitutional Law on the Human Rights Defender. Among other things, the law enumerated in an exhaustive manner all types of places of deprivation of liberty that the NPM could visit and confirmed the right for the NPM staff to have immediate and unlimited access to these places, to speak in private with any detained persons and to consult the relevant documentation.</p>
Principle 3.5	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</i></p> <p>The HRD and staff members actively participate in the activities of state and local self-government bodies. In particular, the HRD has the right to be present at the sittings of the Government of Armenia as well as sittings of the state and local self-governing bodies and to make interventions during such sittings where issues regarding human rights are being considered. The HRD largely makes use of the possibility to be present at the Government and Ministerial level meetings to deliver relevant recommendations to the Government. The HRD is also entitled to be present at the sittings of the National Assembly, and to intervene where issues regarding human rights and freedoms are being considered. The HRD has permanent representatives in the Constitutional Court and the Parliament who are actively engaged and cooperate with the mentioned institutions. A good example of this cooperation is the active participation of the HRD's representatives in preparing amicus briefs to the Constitutional Court and Participation in Parliamentary Committee discussions. Generally, it can be concluded that the legislative suggestions of the HRD are more often implemented than not.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>

<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>The HRD continues to function on a constitutional basis and has the mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, providing legal assistance to individuals and awareness-raising.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 16</i></p> <p>The HRD has the right to apply to the Constitutional Court. In 2021, 11 applications were addressed to the Constitutional Court, to raise issues of compliance of state laws and practices with a number of provisions of the Constitution.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>

<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The HRD does not have an explicit mandate to encourage the Armenian Government to sign and ratify international human rights treaties. However, the HRD provided recommendations, including through its annual reports and capacity building trainings, on the signature of human rights treaties.</p> <p>For example, the HRD has been actively recommending the Armenian Government to sign and ratify the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention), and the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).</p> <p>Furthermore, while analyzing the state of protection of human rights in Armenia, the HRD regularly relies on international human rights treaties and relevant case law, providing recommendations to the Government reading the inconsistencies of the national legislation and practice with applicable international human rights law. Such recommendations are included both in annual reports, as well as ad hoc reports, and various decisions of the HRD.</p>

Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	N/A
Assessment of implementation by CoE independent bodies	N/A
Principle 4	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
Assessment of implementation by the NHRI	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Constitution of the Republic of Armenia, the Constitutional Law, and the Rules of Procedure of the National Assembly of Armenia prescribe the process of the election of the HRD.</p> <p>Namely, according to the RA Constitution, the HRD shall be elected by the National Assembly, upon recommendation of the competent standing committee of the National Assembly, by at least three-fifths of votes of the total number of Deputies, for a term of six years. Everyone with higher education, complying with the requirements set forth for a Deputy and enjoying a high reputation among the public, may be elected as HRD. (Article 192)</p>

	<p>In particular, the Rules of Procedure of the National Assembly provide that the different fractions of the National Assembly should nominate a candidate for the position of the HRD to the Standing Committee on Protection of Human Rights and Public Affairs.</p> <p>After the resignation of the former HRD, Ms. Kristinne Grigoryan, on January 23, 2023, the National Assembly elected the new HRD, Ms. Anahit Manasyan, on April 12, 2023. During the absence of the HRD, in accordance to the Constitutional Law, the HRD was temporarily substituted by the eldest head of a department within the HRD’s staff. With the absence of the HRD, restrictions on the capacities of the institution had been imposed, as envisaged by the law.</p> <p>An issue at hand was the contradiction that exists between the timeframe for the election of a new HRD provided by the Constitutional Law on the HRD (within a month), and the Constitutional Law on the Rules of Procedure of the National Assembly (within 3 months)</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2019, p.14</i></p> <p>While acknowledging that the HRDA reports that, in practice, vacancies are advertised, the process is broad and transparent, and civil society is able to participate in the screening and selection process, this practice is not explicitly enshrined in law, regulation or in another binding administrative guideline. It is critically important to ensure the formalization of a clear, transparent and participatory selection and appointment process for an NHRI’s decision-making body in relevant legislation, regulations or another binding administrative guideline, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>

<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to the Constitutional Law, the powers of the HRD are terminated only upon expiry of the term of his or her office, in cases of loss of citizenship of the Republic of Armenia or acquisition of a citizenship of another state, when a criminal judgement of conviction rendered against him or her becomes final, a judgement on declaring him or her as having no active legal capacity, as missing or dead becomes final, in case of his or her death or resignation.</p> <p>The Constitution and the Constitutional Law provide for a six-year term, and there are no limitations regarding the re-election of the HRD, as neither the Constitution, nor the Constitutional Law provide for special provisions on the re-election of the HRD for a second term.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>

<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>[...] certain problematic issues have been identified. In 2021, the HRD raised concerns over legislative amendments that were aimed at abolishing the budgetary guarantee for the institutional independence of the Armenian NHRI. The Defender stated that the amendments were unconstitutional in their substance, as Constitutional Law states that it is prohibited to reduce the budget of the Ombudsman’s Office. In April 2021, the Government withdrew the legislative amendments abolishing the HRD’s financial independence from the National Assembly of Armenia.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2019, p.15</i></p> <p>While acknowledging that the budget of the HRDA has increased significantly since the previous review, the SCA encourages the HRDA to continue to advocate for the funding necessary to ensure that it can effectively carry out the full extent of its mandate, including all additional responsibilities with which it has been mandated such as the NPM under OPCAT.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission Opinion on Armenia 2021, p.12 (Para.66)</i></p> <p>The Venice Commission recommends that care be taken to ensure that applicable legislative provisions subsequent to the Constitutional Law do not contradict it and effectively nullify its applicability, and recommends that specific guarantees should be included in the legislation that the Ombudsman be equipped with sufficient staff commensurate to the needs of the Institution.</p>

	<p><i>Venice Opinion on Armenia 2021, p.14 (Para. 80)</i></p> <p>Therefore, the role of the Parliament in supporting the budget of the Ombudsman institution, and thus in supporting the independence of the institution, is crucial. In this respect, the budgetary demands made by the Ombudsman should be supported by the Parliament, which guarantees the independence of the institution. The financial elements related to the staff of the institution should therefore be included in the budget law (discussed and approved by the Parliament) rather than in regulatory acts, such as decrees of the Prime Minister, as is the case today.</p>
<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The amendments to the Constitutional Law of 21 January 2020 in accordance with which the Defender’s staff has been included under civil service, entered into force on February 22, 2020; in this regard, no changes were made to the Constitutional Law after the adoption of 2021 Opinion of the Venice Commission on the Legislation related to the Defender’ Staff.</p> <p>The HRD is the only official authorised to:</p> <ol style="list-style-type: none"> 1) form the Office of the HRD by establishing the structure of the Staff, 2) approve the statute of the staff, prescribe the functions of each division, adopt the job descriptions and requirement for the positions in her staff, create regional offices,

- 2) appoint and dismiss civil servants and persons holding discretionary positions (advisers, aides etc.) within the Staff of the Defender,
- 3) manage, co-ordinate and supervise the activities of the subdivisions and the Secretariat of the Staff of the Defender,
- 4) approve and make changes to the number of employees and staff structure,
- 5) approve and make changes to the job description,
- 6) define the procedure for training and performance evaluation of civil servants, as well as establish its criteria and reference form,
- 7) approve the code of conduct, internal regulations of the Staff, and the procedure for case management (document circulation),
- 8) decide on the size of bonuses for the staff within the financial limits approved in the annual budget, etc.

In accordance with the Law on Civil Service, as well as under the Constitutional Law, the Defender is authorised to establish the procedure for organising a competition for filling vacant positions of civil service within the Staff of the Defender.

Despite the fact that when exercising some powers, the Defender should be governed, inter alia, by the decisions of the Government or Coordinating Deputy Minister, however, these decisions establish the general procedure or guidelines for certain activities and do not exclude the discretion of the Defender. Importantly, the legislation strikes a balance between making the general standards of civil service applicable to the Staff of the Defender and at the same time ensuring the independence of the HRD and appropriate structural flexibility of the Staff.

	<p>The HRD considers having maintained in practice sufficient guarantees of autonomy and independence in regards to organising recruitment processes, ensuring the training and education, career advancement of the staff and other powers related to staff management.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report March 2019, p.15</i></p> <p>While acknowledging that the budget of the HRDA has increased significantly since the previous review, the SCA encourages the HRDA to continue to advocate for the funding necessary to ensure that it can effectively carry out the full extent of its mandate, including all additional responsibilities with which it has been mandated such as the NPM under OPCAT.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission Opinion on Armenia 2021, p.12 (Para.66)</i></p> <p>The Venice Commission recommends that care be taken to ensure that applicable legislative provisions subsequent to the Constitutional Law do not contradict it and effectively nullify its applicability, and recommends that specific guarantees should be included in the legislation that the Ombudsman be equipped with sufficient staff commensurate to the needs of the Institution</p> <p><i>Venice Opinion on Armenia 2021, p.14 (Para. 80)</i></p> <p>Therefore, the role of the Parliament in supporting the budget of the Ombudsman institution, and thus in supporting the independence of the institution, is crucial. In this respect, the budgetary demands made by the Ombudsman should be supported by the Parliament, which guarantees the independence of the institution. The financial elements related to the staff of the institution should therefore be included in the budget law (discussed and approved by the Parliament) rather than in regulatory acts, such as decrees of the Prime Minister, as is the case today.</p>

	<p><i>CPT Report on Armenia 2021, p.9 (Para. 8)</i></p> <p>[...] In addition, the Constitutional Law stated that it was prohibited to reduce the budget of the Ombudsman's Office.</p>
<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>See also Recommendation 3</i></p> <p>The NHRI has a right to sit in governmental and parliamentary hearings and intervene on human rights matters (including draft legislation) under discussion.</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 5</i></p> <p>The Armenian NHRI considers having adequate access to information and to policy makers and is it involved in all stages of legislation and policy making with human rights implication. [...], according to Article 29 of the Constitutional Law on the Human Rights Defender, the Defender has a mandate to submit a written opinion on draft regulatory legal acts regarding human rights prior to their adoption. Moreover, in all the cases where the Defender finds that human rights issues are not regulated or fully regulated by a legal act, the Armenian NHRI may submit to the body adopting the legal act a relevant recommendation.</p> <p><i>Information provided by the NHRI in 2023</i></p>

	<p>According to Article 24 of the CL, in the course of examination or consideration of a complaint, the Defender is authorized to request and receive from any state or local self-government body or an official thereof, as well as organizations operating in the field of public service, necessary materials, documents, information or clarifications relating to the complaint or to the issue being considered upon own initiative. Under Article 10(3) of the Constitutional Law, failure to provide the materials, documents, information or clarifications requested by the Defender within the deadlines prescribed by this Law shall entail administrative liability.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>

<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 6</i></p> <p>Generally, it can be concluded that the legislative suggestions of the HRD are more often implemented than not. There is a good level of cooperation established between the HRD and the executive and legislative powers, which allows for periodic discussions on HRD’s proposals and the possible ways of their implementation.</p> <p>According to the Constitutional Law on the HRD, the HRD makes the decision, based on the consideration of a complaint or on its own initiative, that a state body has violated human rights and makes recommendations for the elimination of the violation, the state body is obliged to inform the HRD in writing about the measures undertaken to eliminate the violation no later than 30 days after receiving the decision of the HRD.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>

Assessment of implementation by CoE independent bodies	N/A
Principle 10	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
Assessment of implementation by the NHRI	<p><i>Information provided by the NHRI in 2023</i></p> <p>Under Article 8 of the Constitutional Law, the budget of the Defender and the Staff constitutes a part of the State Budget, and is funded in a separate line. According to the same Article, the activities of the Defender as the National Preventive Mechanism shall also be specifically funded from the same budget line.</p> <p>An important element of ensuring that sufficient funds are provided to the HRDO, including for the operation of its mandate under UN OPCAT, UN CRPD, and UN CRC, is Article 8(5), according to which the amount of allocation for funding provided from the state budget to the Defender and the Staff thereto as well as to the Defender as the National Preventative Mechanism cannot be less than the amount provided the year before.</p> <p>Furthermore, the HRDO is engaged as a partner in EU-funded projects implemented by UN Agencies, as well as Council of Europe projects in different fields within the framework of the Council of Europe Action Plan for Armenia 2023-2026.</p>

	In 2018 and 2019, the HRD as an NPM received OPCAT special funds for the implementation of two Projects in 2018 and 2019, respectively.
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	N/A
Assessment of implementation by CoE independent bodies	N/A

III. Safe and Enabling Environment

Principle 11	Member States should ensure that NHRIs can operate independently , in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness .
Assessment of implementation by the NHRI	<p><i>Information provided by the NHRI in 2023</i></p> <p>One of the core aspects of the independence of the NHRI is the proper funding.</p> <p>The budget of the Armenian HRDO, including the regional subdivisions, constitutes to be a part of the State Budget, which is funded in a separate line. The activities of the HRD as the National Preventive Mechanism are also specifically funded from the same budget line. Moreover, the amount of allocation for funding provided from the state budget to the HRD and the Staff thereto as well as</p>

	<p>to the HRD as the National Preventive Mechanism, cannot be less than the amount provided the year before. It should be mentioned that on 11 March 2021, the RA Government proposed an amendment to the Constitutional Law, which would remove Article 8 (5) of the Constitutional Law. These proposed amendments have been heavily criticized by the HRD and international organizations. According to NNHRI, the guarantee against a regressive provision of funds to the Armenian HRD has been considered a best practice in Europe and is consistent with the additional functions and extensive work carried out by the institution. Accordingly, this provision has been maintained.</p> <p>For the purpose of the full operation of the mandate of the HRD, the financial resources provided to the HRD's office, a separate line from the state budget, tend to increase every year. In 2019, the HRD received 454,915,700 AMDs, in 2020: 515,412,300 AMDs, in 2021: 532,166,900 AMDs, and in 2022: 532,166,900 AMDs, , and in 2023: 612.122.400 AMDs. For the 2023 Budget cycle, the HRD has requested an increase to, inter alia, open the 5th regional office. Currently, HRD has regional offices in 4 out of 11 regions of Armenia. Nevertheless, there is a growing need for an increase in funding of HRD in view of an inter alia new mandate that is recently vested to the institution by amendment of the law on "Whistle-blowers' protection".</p> <p>The Constitutional Law on the Human Rights Defender provides for the independence of the HRD (Article 5), while Article 10 of the Constitutional Law provides for criminal and administrative liability for obstructing and interfering with the activities of the HRD.</p>
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	N/A
Assessment of implementation by CoE independent bodies	N/A

<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 11</i></p> <p>The HRD takes the view that the relevant state authorities have good awareness of the Armenian NHRI’s mandate, independence and role. The established cooperation with the public authorities, including the National Assembly, public administration bodies, law enforcement agencies, the Constitutional Court, etc., indicates that the public administration bodies are aware of the importance of the mandate of the HRD and their activities, and the need to maintain the guarantees of the independence of the institution.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>
<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 7</i></p> <p>Measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation are in place. Articles 332.1 and 332.2 of the Criminal Code of Armenia establish liability for obstructing the exercise of the mandate of the HRD, interfering in any way in their activities, preventing the entry of the HRD or their authorised representative, within the exercise of their mandate, into any area as well as threatening, insulting, or blatantly disrespecting the HRD.”</p> <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 10</i></p> <p>Moreover, appropriate action was taken in each case of insult and dissemination of hatred or false information about the HRD, including reporting the offences to law enforcement authorities.”</p> <p>According to Article 11 of the Constitutional Law on the HRD, where criminal prosecution is instituted on any ground against a person holding office within the Staff of the HRD, or where they are in any way deprived of liberty, the body conducting the proceedings shall be obliged to promptly inform the HRD thereon, immediately after obtaining data about the person in question. Besides, persons holding office within the Staff of the HRD may not be demanded to provide explanation or be questioned as witnesses with regard to the essence of applications or complaints addressed to the HRD or the decisions rendered by the HRD.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>

<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission Opinion Armenia 2021, p. 9 (Para.39)</i></p> <p>An analysis of these legal provisions suggests that the constitutional law has provided sufficient guarantees for the independence of the staff of the Ombudsman institution. Indeed, it seems that the staff of the institution has enjoyed a high status in terms of the category of civil service, which must have had a positive impact on the financial and social status of the institution's staff.</p> <p><i>CPT Report on Armenia 2021, p.3 (para.8)</i></p> <p>The law also made clear that hindering the work of the NPM is a criminal offence; furthermore, no member of the NPM could be interviewed (and subjected to other investigative measures) without a prior formal authorisation by the Ombudsman.</p>
<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to the Constitutional Law, state and local self-government bodies, organisations, officials or representatives thereof shall be obliged to guarantee the possibility of unimpeded and confidential communication of the HRD or the representative thereof with a person held in a place of restriction or deprivation of liberty. Conversations in private of the HRD or the representatives thereof with such persons shall not be subject to intervention or wiretapping. (Article 9(4))</p> <p>Moreover, the Constitutional law states that information obtained in the capacity of the National Preventive Mechanism shall be protected. Personal data shall not be published without a written permission of the person. (Article 24, part 3)</p>

Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	N/A
Assessment of implementation by CoE independent bodies	N/A

IV. Co-operation and support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 13</i></p> <p>In 2021, the close collaboration between the HRD and civil society actors continued, especially in the fields of the protection of the rights of women, children and persons with disabilities. Such collaboration with civil society is carried out in a variety of ways, including through the advisory councils to the HRD- which the HRD has the power to establish in accordance with the Constitutional Law on the HRD. Extended council meetings with the participation of the competent state bodies in</p>

	<p>the field were also held, constituting an important example of the HRD’s efforts to provide a platform for exchange between state bodies and civil society.</p> <p>It is important to note that in 2022, the HRD continued the efforts aimed at maintaining, strengthening and expanding the scope of cooperation with civil society organizations. In particular, two new councils adjunct to the Defender were created – the Public Council on Women’s Rights (consists of CSOs, especially from regions of Armenia, as well as of human rights activists, experts), as well as the Public Council on the Rights of Children and Youth (the members are children and young people).</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p>N/A</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p>N/A</p>