



## **Hyestart urges the Armenian government to protect the Ombudman's office**

On 26 February 2021, the Armenian authorities moved to deprive the Ombudman's office of government vehicles, and at a session of the government on 11 March, the Ministry of Finance introduced a bill to remove Article 8.5 of the Constitutional Law of the Republic of Armenia on the Human Rights Defender, which stipulates that: "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". We also understand that these changes have been initiated without consulting the Human Rights Defender. On 19 March 2021, Sargis Aleksanyan, a founding member of the "Civil Contract" political party, used swearwords addressed to the Armenian Human Rights Defender Arman Tatoyan on his Facebook page. The Defender had condemned the use of violence against the journalist Paylak Fahradyan by the Armenian Minister of High-Tech Industry. Some members of the ruling party defended the use of swearwords, further insulting the human rights defender.

We join the following Armenian civil society organizations (: Committee to Protect Freedom of Expression, Yerevan Press Club, Media Initiatives Center, "Asparez" Journalists' Club, Freedom of Information Center, Multilateral information institute – Armenia, Public Journalism Club, "Journalists for the future" NGO, "Journalists for human rights" NGO, Goris Press Club, "Femida" NGO) in condemning these verbal attack, and reminding the authorities that according to Article 332.2 of the Armenian Criminal Code, "threatening or insulting or openly showing disrespectful attitude towards the Human Rights Defender in connection with the exercise of his/her powers is punishable by a fine of two hundred to five hundred times the minimum wage, or by a detention for a period of two to three months".

Criticism of a public figure should be allowed and not be perceived as a "hostile act" leading to an aggressive reaction. As the European Court of Human Rights stated in *Lingens v. Austria* (1986):

*"The limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance".*

Generally-speaking, we condemn the recent atmosphere of hatred and intolerance – coming from all sides - in post-war Armenia. In addition to attacking government and parliament buildings and severely beating the Speaker of the National Assembly, Radical groups looted the offices of Radio Free Europe/Radio Liberty and Open Society



Foundations, and numerous civil society and media organizations continue to receive threats. The group *Veto* called civil society groups “enemies of the people,” and has attempted to launch criminal investigations against them. Complaints filed by the civil society groups about the threats and incidents of harassment have sadly been largely ignored by the prosecutor general’s office and state investigative bodies.

Alain Navarra, President of Hiestart, declared: “The bill introduced by the Armenian cabinet on 11 March, if passed, would further constrain the independence of the Ombudsman’s office and impede its fundamental mandate to protect human rights in Armenia. The importance of his mandate has risen further in the context ushered in by the Tripartite cease-fire declaration of 10 November 2020. We are therefore calling on the Armenian government to drop this bill, whose constitutionality is not certain”. He added: “We also call on the Armenian authorities to properly consult the Human Rights Defender in relation to any further discussions relating to amendments to its founding legislation, to lift the restrictions on the use of government vehicles by the Human Rights Defender, and to condemn the perpetrators of hate speech”.

In the current context, it is more important than ever to preserve the ability of the Ombudsman and other human rights organizations to raise awareness of the human rights violations committed during and above all as a result of the war initiated by Azerbaijan everywhere in Armenia, including by Azerbaijan, whose aggressive actions notably challenge the basic rights of the border residents. The Armenian authorities should support the Ombudsman and human rights and freedom of expression groups by maintaining active dialogue with them, upholding the rule of law, and holding the perpetrators of violence and hate speech to account.

### **More about Hiestart :**

*HYESTART*

*Hiestart Association CH - 1200 Geneva . [contact@hiestart.org](mailto:contact@hiestart.org) . [www.hiestart.org](http://www.hiestart.org) . CCP - 14-809507-5*



Hiestart is an organization supporting the development of democracy and human rights in Armenia (including its Diaspora) and the region, notably in Turkey. Hiestart promotes minority rights and artistic freedoms, while supporting contemporary artistic creation that questions society. With its bilingual blog, Hiestart also positions itself as a think tank in the areas above.

**Contact :**

[contact@hiestart.org](mailto:contact@hiestart.org)

[www.facebook.com/hiestart/](http://www.facebook.com/hiestart/)

[www.linkedin.com/company/hiestart/](http://www.linkedin.com/company/hiestart/)

Association Hiestart CH - 1200 Genève