

OSCE HUMAN DIMENSION SESSION OF THE 2010 REVIEW CONFERENCE**Warsaw, 30 September – 8 October 2010**

STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA**Monday, 4 October****Working session 3****Fundamental freedoms II including**

- **Freedom of assembly and association**
- **National human rights institutions and the role of civil society in the protection of human rights**
- **Freedom of movement**

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Mr./Mme. Moderator,
Ladies and Gentlemen,

The freedom of assembly and association is a fundamental human right and its exercise is an indispensable element of a democratic society. The OSCE Copenhagen document declares that “everyone will have the right of peaceful assembly and demonstrations. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards”.

The right to peaceful, unarmed meetings, assemblies, rallies and demonstrations is guaranteed in Armenia. The Constitution of the Republic of Armenia adopted in 1995 reserved this right only to the citizens of the Republic of Armenia, whereas, as a result of constitutional amendments of 2005, that right was reserved to every person, and was extended to foreign citizens and stateless persons.

Constitution of the Republic of Armenia provides for two mechanisms for limiting the rights of a person and citizen (including the right to peaceful assemblies). One of the mechanisms is applied in ordinary conditions, in case where it is necessary in a democratic society for the protection of the national security, public order, prevention of crimes, protection of public health and morals, constitutional rights and freedoms, honor and good reputation of others (Article 43). The other one is applied during martial law or state of emergency.

The law “On conducting meetings, assemblies, rallies and demonstrations” adopted in 2004 is the main legal act regulating the field. It details the rights and duties of organizers of public events, the powers of the authorized bodies and the police, limitations on organizing and holding public events, procedure for notification on public events, etc. Due to the recent amendments introduced into the law, gaps relating to the lack of definition of “spontaneous public event” were resolved.

Despite the sufficient legal basis, certain advancements are required in the area of implementation. This issue is under constant attention of the authorities which work together with the civil society representatives and NGOs to improve the situation. The monitoring

carried out by the Helsinki Committee of Armenia with the support of the OSCE on the freedom of peaceful assembly covering the period from September 2008 to June 2009 showed the improvements that had taken place in the field and revealed the shortcomings requiring further activities. One of the main issues identified is the lack of proper knowledge on the legal provisions in place and the subsequent inadequate implementation of those provisions.

Further improvements are envisaged based on the recommendations contained in the Ad-Hoc Public Report of Ombudsman published this year and devoted to “The Right to Peaceful Assembly in the Republic of Armenia”. The recommendations are being thoroughly considered by the respective authorities.

Guaranteeing full enjoyment of all human rights in the society is virtually impossible without engagement of all stakeholders into the process, and the civil society representatives, first and foremost. The development of effective and active National Human Rights Institutions is a time-extensive process requiring indispensable support from the international community. Establishment of a Human Rights Defender’s office is a major step in this direction.

Human Rights Defender’s office was established in Armenia according to the Law “On Human Rights Defender” adopted on October 21, 2003. Since its creation the Armenian Human Rights Defender institution has been increasing its range of activities and its independence. As a result, the Armenian Ombudsman is graded “A” under the Paris Principles.

After the ratification by Armenia of the Optional Protocol to the Convention against torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Human Rights Defender was designated as the National Preventive Mechanism in 2008. To enable for a more efficient operation of the Ombudsman as a National Preventive Mechanism, a Council against Torture was established recently comprised of 3 representatives from the Ombudsman’s office and 4 NGO representatives. Given its mandate, the Defender’s Staff makes regular visits to penitentiary institutions under the Ministry of Justice with a view to identifying and preventing possible cases of torture and other cruel, inhuman or degrading treatment or punishment. The conditions of both pre-trial detainees and convicted persons are examined. Recently the Ombudsman’s office also carried out an analysis identifying the gaps in the domestic legislation on penitentiaries that could further undermine the protection of the rights and lawful interests of persons deprived of liberty. This analysis will form the basis for further legislative changes in the area currently being contemplated by the Armenian authorities.

Thank you for your attention.