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## **Trends of shrinking civic space in RA**

Joining by Republic of Armenia the Eurasian Economic Union by RA President Serzh Sargsyan's unilateral decision made in a night in 2013 after his meeting with Russian President Vladimir Putin and the Constitutional Amendments 2015 following it led to considerable shrinking of the civic space and limited opportunities for civil society in RA at both legislative and practice level, with significant threats against and pressure on the civil society.

The Constitutional Amendments adopted by the referendum of December 6, 2015 signaled a regress in the protection mechanisms for social, economic and cultural rights; particularly, Armenian citizens were deprived of the right to apply to the RA Constitutional Court if their rights above were violated. Moreover, the RA Human Rights Defender was also deprived of such an opportunity in case of violation of those rights.

Such restriction contradicts the provisions and spirit of the Council of Europe revised European Social Charter.

The Law on Non-Governmental Organizations passed on December 16, 2016 reserves NGOs the right to represent in court the public interest only in environmental protection. It should be noted that by its ruling of September 7, 2010, the RA Constitutional Court recognized NGOs' right to represent the public interest in RA courts but the National Assembly has not taken it into account so far.

Another risk related to the Law on Non-Governmental Organizations was the original suggestion in the draft Law of state control over the financial activity of all NGOs, but as a result of discussions it applied only to the state-financed NGOs.

In May, 2016, a new Electoral Code was adopted and it set significant restrictions for observers and mass media representatives.

Particularly, the Code set at 15 the maximum number of observers and mass media representatives entitled to be present at the precinct electoral commission's polling station, set a requirement for observer organizations to have a provision on human rights among their statutory objectives for at least the past year and set at 50 the maximum number of accredited mass media representatives throughout the country. The new Electoral Code also stipulates that the electoral commission members may vote to remove observers, mass media representatives and proxies from the polling station.

The Electoral Code also provided for publication of signed voters' lists as demanded by the opposition and civil society for years. Voters were granted the right to apply for voting instead of another person and at the same time the RA Criminal Code set forth a provision on criminal prosecution for false statement in case of such applications. According to the RA CEC's (Central Electoral Commission) statement on the National Assembly elections of April 2, 2017, only 1 voter applied to vote instead of another person and this number might be caused, among others, by the said article as well. Though, there is a widely-held opinion that during these elections the cases of voting instead of another person or multiple voting did not make a significant number and the authorities mostly used the methods of abusing administrative resources and vote buying.

It is noteworthy that according to the Electoral Code, non-governmental organizations are the main entities of civil oversight and particularly observation but are still not entitled to appeal the actions/inaction of the commissions and election results or file other complaints. The Venice Commission expressed its concern over that point.

The National Assembly elections of April 2, 2017 and Yerevan City Council elections of May 14, 2017 showed some attempts to discredit the institute of observation through a widespread false observation. To ensure observation of the National Assembly elections, the CEC accredited around 28.000 observers from 49 organizations and the overwhelming majority of them acted as proxies at the polling stations mostly representing the interests of the ruling Republican Party of Armenia or 'Tsarukyan' bloc.

During the said elections, cases of violence against observers and mass media representatives and interference with their professional activities were also identified. According to the report of the Committee to Protect Freedom of Expression, on April 2, 2017 parliamentary elections day, they identified 2 cases of physical violence and 9 cases of pressure on media representatives. During the Yerevan City Council election campaign, 1 case of violence against journalists and 2 cases of interference with their professional activities were recorded. And on the very election day, May 14, 2 cases of physical violence and 5 cases of interference with their professional activities were identified.

In summer 2016 'Sasna Tsrer' group seized the Police Patrol and Guard Service regiment demanding Serzh Sargsyan's resignation and release of political prisoners. The group kept control of the regiment for days but finally surrendered to the law enforcement officers. During the trial of the group members, significant restrictions were imposed on various links of the human rights institute and particularly on attorneys and public observers' group monitoring the penitentiary facilities.

The members of the public observers' group monitoring the penitentiary facilities and institutions of the RA Ministry of Justice were illegally banned to meet the 'Sasna Tsrer' group members detained at 'Nubarashen' penitentiary facilities as some information was published that on June 28, 2017 the group members suffered violence at the General Jurisdiction Court of Avan and Nor Nork administrative districts. Also, it should be noted that under the former Minister of Justice, a draft law was proposed so that new members of the said public monitoring group were admitted by the Ministry of Justice, whereas the group's statute provides that new members must be adopted by the group. The proposal was rejected

but it carried a risk of limiting the activity and independence of the group. As for the attorneys of 'Sasna Tsrer' group members, there were attempts to illegally search them before they can enter the courtroom. The attorneys opposed to such practices and as a result, the court adopted the tactic for replacing the group members' attorneys with public defenders, which risks to considerably weaken their effective defense.

In recent years, there have also been wide-spread restrictions on the freedom of assembly. In this regard, the most well-known and large-scale events were the electricity price hike protests of June 2015 and the protests of the 'Sasna Tsrer' group supporters in July 2016 when the police used violence against the protesters and violated a number of their rights. On June 23, 2015 the police apprehended 237 peaceful protesters, with 16 journalists among them. 25 people received first medical aid and 15 others with various bodily injuries were taken to medical facilities. The technical equipment of 13 journalists was damaged. According to official data, in July 17-August 4, 2016 the police apprehended 775 citizens. On July 20 and 29, 2016 the police used special means and unprecedented violence against protesters causing serious bodily injuries among numerous protesters and journalists.

As a rule, the police officers who used violence against the protesters or violated their rights in any other way are not held liable. Here, it should be noted that in 2012 a Police Disciplinary Commission was set up; it might also include representatives of 5 non-governmental organizations. The members and work procedure of the Disciplinary Commission were set by the RA Government, but by its decree of March 31, 2016, the Government gave this power to the Chief of RA Police. This change may lead to a conflict of interest thus reducing even further the Commission's independence.

Also, anti-propaganda against civil society representatives has grown lately, especially by organizations financed from Russian sources and on the threshold of possible signing of the EU-Armenia agreement. It should be noted that an official position on this was voiced by the Russian ambassador to Armenia I. Volynkin who stated in 2014 that "it's time to start neutralizing the NGOs operating in Armenia that want to drive a wedge in Russian-Armenian relations."

Thus, the civic space and particularly the space for civil society organizations in RA is limited not so much by the basic document regulating such space, but rather by the legal acts regulating some particular fields of their activity and by practical abuse.