

RA Human Rights Defender's interim review on the kiosk dismantling process

Wichtigkeit: Hoch

Zwischenbericht des armenischen OM über die Abtragung von Kiosks.

Anfang der weitergeleiteten E-Mail:

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Betreff: *** SPAM *** RA Human Rights Defender's interim review on the kiosk dismantling process

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From March 14, 2011 to October 1, 2011 Karen Andreevyan, the Human Rights Defender of the Republic of Armenia received fifty-six individual complaints and one collective complaint from seventy-five kiosk owners. The results of the investigation of the individual complaints are as follows:

- Seven kiosk owners do have explicit documents verifying the right on land lease still within the lease term. The dismantling of the kiosks mentioned is illegal.
- Fifteen kiosk owners do have documents verifying the right on land lease for an indefinite period. The dismantling of these kiosks could be legal only in the case when the kiosk owners had been notified about the process three months before.
- Twenty-five kiosk owners do not have any legal documents verifying their right to land lease. The dismantling of these kiosks is legitimate.
- Nine applications are still under investigation.

In the result of these findings and activity of the RA Human Rights Defender, the process of dismantling twenty-two out of fifty-six kiosks was suspended. Within the meaning, the current results of the cooperation of the Defender's staff with Yerevan Municipality, as well as the willingness of the latter to consider the legal grounds of dismantling every single kiosk and maintain all the procedures defined by Law during the dismantling process are positive.

However, being concerned about the social status of the owners of kiosks without legal grounds, the Defender is suggesting the Government to take some measures to solve the problems of social welfare for needy families. At the same time, Ombudsman calls on all social and benevolent organizations, as well as the other interested persons and groups to support the issue on the social problems of the owners of the kiosks which are subject to dismantle.

We would also like to report, that nineteen kiosk owners submitted a collective appeal asking to dispute the legitimacy of the dismantling process in the RA Constitutional Court. In the result of the investigation it was figured out that there were no grounds to appeal to the RA Constitutional Court, since according to the Articles 100 and 101 of the RA Constitution, the Human Rights Defender of the Republic of Armenia may challenge only the constitutionality of normative acts; while kiosk dismantling is a process, in the legal basis of which the issues of the RA Civil Code relevant to land lease itself are not unconstitutional.

Kind regards,
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