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RA Human Rights Defender Armen Harutyunyan's Speech

Dear Colleagues,

On February 1, 2011 according to the Article 17 of the RA Law “On the Human Rights Defender” I presented for the attention of the President of the Republic of Armenia and the representatives of legislative, executive and judicial authorities the Annual Report on the activities of the Republic of Armenia’s Human Rights Defender and violations of human rights and fundamental freedoms in the country during 2010.

From the structural point of view the Report has an analogy with the previous Annual Reports consequently making them easier to compare. Part 1 of the Report reflects the statistical analysis of complaints received by the Human Rights Defender of the Republic of Armenia during 2010 as well as comparison of the 2009 and 2010 average monthly numbers of complaints made to the Defender. According to the statistics during the period 1 January to 31 December 2010, Human Rights Defender of the Republic of Armenia received 4089 complaints from 5221 persons, of which 1253 were written (including 64 petitions (collective complaints) lodged by 1196 complainants) and 2836 oral. During this period, favorable settlement was achieved for 123 complaints, resulting in the violated rights of 562 persons being restored.

The Report also touches upon the main fields of the Defender’s activities and what was carried out in each corresponding field as well as human rights violation arising from legislation and analyses of human rights violation by public bodies. Particular attention is given to the rights of special and vulnerable groups, namely rights of conscripts and military servicemen, children, rights of refugees and of national minorities. Electronic version of the Report (so far in Armenian) is available on the official website of the RA Human Rights Defender (<http://www.ombuds.am/main/am/10/31/>).

Let me herewith inform you that yesterday, according to Part 6 of the Article 97 of the RA Law “On rules of procedure of the National Assembly” I sent a letter of resignation to the National Assembly of the Republic of Armenia informing that I was accepted the post of the Regional Representative, in the Regional Office for Central Asia of the High Commissioner for Human Rights (OHCHR), based in Bishkek, Kyrgyzstan.

As this is most probably my last press conference in the capacity of the Human Rights Defender of the Republic of Armenia I would like to summarize and present for your kind attention the main results of the activities of the Human Rights Defender’s Office during the 5 years of my holding the office.

If we summarize the statistical data of the complaints received by the Human Rights Defender during the last 5 years we can see that during period 20 February, 2006 to 31 December 2010 RA Human Rights Defender received more than 18346 from 28041 persons. During this period, favorable settlement was achieved for 530 complaints, resulting in the violated rights of 8703 persons being restored. It is not only the restoration of rights of persons based on consideration of individual complaints, but the restoration of rights of more than 6000 persons due to the Defender’s application lodged before the RA Constitutional Court challenging the conformity of certain norms and provisions of the RA legislation with the Constitution of the Republic of Armenia.

During the last 5 years I presented for the attention of state bodies and civil society 5 annual reports on the activities of the Republic of Armenia’s Human Rights Defender and violations of human rights and fundamental freedoms in the country and more than 10 ad-hoc reports, in which I raised issues of public significance and of my special concern. Particularly, were published Ad-hoc Public report on the Right to Peaceful Assembly in the Republic of Armenia, Ad-hoc Public Report on Freedom of Speech in the Republic of Armenia, on the 2008 February 19 Presidential Elections and the Post-Electoral Developments, Ad-Hoc Public Report on Ensuring Right to a Fair Trial in the Republic of Armenia, etc. In the capacity of the Independent National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment I have recently presented for the attention of the Government of the Republic of Armenia the Report about the activities of the RA Human Rights Defender as Independent National Preventive Mechanism during 2010. The Report reflects the Defender’s representatives' periodic visits to penitentiary institutions of the RA Ministry of Justice, psychiatric facilities, orphanages and boarding houses during 2010, aiming to detect and prevent cases of torture and other cruel, inhuman or degrading treatment or punishment.

In addition I presented for the attention of the Government of the Republic of Armenia the Report on the compliance of the RA Penitentiary Code with the universally recognized principles and norms related to the protection of human rights, which was produced with the support of the UNDP Office in Armenia. The Report reflects the issues connected with the protection of civil rights of detainees and convicts. Particular attention is given to the application of legal acts implying penitentiary norms, to revealing and solving the issues connected with the ensuring human rights and lawful interests of the persons during their application.

Using the privileges granted to me by the Point 1 of the Article 100 and Point 8 of the Article 101 of the RA Constitution I lodged appeals with the Constitutional Court of the Republic of Armenia for 12 times, challenging the conformity of certain norms and provisions of the RA legislation with the Constitution of the Republic of Armenia and 7 applications out of 12 were satisfied by the Constitutional Court.

Considering the importance of being in constant exchange of experience with Ombudsman Associations and other human rights organizations abroad, during the last 5 years RA Human Rights Defender's Office established several memberships. Namely, RA Human Rights Defender's Office was awarded status "A" by the International Coordinating Committee of national human rights institutions (ICC) as well as it became a member of Association of French-Speaking Ombudsmen and Mediators (AOMF), member of the Association of Mediterranean Ombudsmen and associate member of Asian Ombudsmen Association. Another important achievement was that I became the board member of European Ombudsman Institute.

In November 2009, according to Article 16 of the RA Law «On the Human rights Defender» the Defender's Office presented for public attention the RA Draft Law "On Assemblies".

Since May 2010 the Draft Law amending the RA Law "On Television and radio", which has received contradictory comments, has been under my attention, in connection with which in September 2010 upon the RA President's proposal a working group has been formed headed by me for supplementation of the RA Law "On Television and Radio". The public has been informed about the sessions of the working group, as well as there has been a reference to the working meeting with the PACE and OSCE international experts.

The RA Draft Law "Amending and supplementing the RA Law on "Human Rights Defender" contributed significantly to the strengthening of the Human Rights Defender's Office. The amendments and supplements to the RA Law "On Human Rights Defender" are aimed at the strengthening of this institution according to the Paris Principle relating to the Status of National Institutions. The summary

and the analysis of the past years' work experience allow us to assert that the guarantees foreseen in the legislation for the Defender and the Defender's Staff activities are not sufficient to ensure the sufficient functioning of the National Institution.

Based on the abovementioned and taking into account the role that the Human Rights Defender's Institution plays for the steady realization of the democratic principles by the society new approaches related to the further development of this Institution were proposed by this Draft.

In particular, by the adoption of the Draft the principles of the Defender's activities, interaction mechanisms between the Defender and Judicial system were clarified, as well as the social guarantees of the Defender and the Defender's Staff and the legal status of the Defender's Staff and the service within the Defender's Staff were clarified taking into account the international legal experience.

Hereon let me finish my speech and extend my gratitude to all the members of the Defender's Staff, all State Bodies, Non-Governmental Organizations and International Organizations whose effective co-operation greatly contributed to the Human Rights Defender's Institution's establishment in the Republic of Armenia in the interests of the strengthening and development of legitimacy and democracy in the country. Leaving an established Institution I wish the RA Human Rights Defender's Institution further fruitful activity and success in the realization of the human rights, the rule of law and the democratic principles. And I ask for forgiveness those citizens, who were expecting more from me and assure that I did the best I could, and hope that the next Human Rights Defender of the Republic of Armenia will do much more.

Thank you for your attention,



Armen Harutyunyan