



European Network of Ombudspersons for Children

To the attention of
Mr. Ararat Mirzoyan
President of the National Assembly of Armenia

Monday, 12 April 2021

Subject: Open Letter of support to the Human Rights Defender Armenia in the context of a proposed amendment to the constitutional law on the Human Rights Defender (HRD)

Dear Mr. Mirzoyan,

The Human Rights Defender (HRD) of Armenia is a full member of ENOC – the European Network of Ombudspersons for Children. The full membership status of the HRD has been granted on the basis of a set of criteria and relevant international standards to which laws establishing Independent National Human Rights Institutions (NHRIs) including those with an explicit mandate of protecting and promoting children’s rights should abide by.

Among those standards, the financial independence, adequate and consistent funding and resourcing of the institution are among the most critical elements guaranteeing the operational independence and effectiveness of the institution.

In this context, the ENOC Bureau is particularly concerned by the Armenian Government’s recent proposal for amendment of Article 8 (5) of the Constitutional Law on the HRD, which provides that the amount of allocation for funding from the state budget to the HRD cannot be below the amount provided the precedent year.

We would like to remind you that the UN Paris Principles, the ENOC Standards taking aspiration from the Paris Principles and the UN Committee on the Rights of the Child’s General Comment n°2 (2002) on ‘The role of independent national human rights institutions in the promotion and protection of the rights of the child’, especially Article 10 & 11, all **require an adequate funding, including specifically for children’s rights, within broad-based institutions, to enable the NHRI to have its own staff, premises and operational capacity in order to be independent of the Government and not to be subject to financial control which might affect its independence.** The mandate and powers of national institutions may be meaningless, or the exercise of their powers limited, if the national institutions does not have the necessary means to operate effectively to discharge its powers.

Lifting the guarantee against a regressive provision of funds to the Armenian Human Rights Defender risks to compromise the extensive work carried out by the institution in all of its competence areas and especially in the child rights field (i.e. monitoring, implementation of the UNCRC, responding to child rights related complaints, conducting regular unrestricted visits to child care centres, issuing specific public reports on child



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rights issues addressing recommendations to relevant authorities, organizing training courses on children's rights, and participating in relevant activities of international organisations).

We are particularly concerned about the foreseeable impact of a potential reduction of the financial and operational capacity of the institution on the child rights promotion and protection aspect of the work of the Human Rights Defender's Office as the UN Convention on the Rights of the Child (CRC) implementation monitoring body in Armenia. There is a serious risk that a reduction or some degree of unpredictability in the financial capacity of the HRD may render the institution ineffective or limit it from reaching its full potential.

In addition, in case of a substantive change in the legislation establishing the institution, like the one in question, or other developments that may affect the independence or efficiency of the institution, the full membership status to ENOC of the HRD may be compromised or downgraded, as provided for by the ENOC Statutes. While we recognize that there are varying levels of economic resources in the different countries, it is absolutely crucial that the HRD and all relevant stakeholders are consulted prior to a decision on this amendment and that the process is conducted in a transparent and inclusive way. In all circumstances, State authorities bear the full responsibility for providing all the necessary means and guarantees that would allow the HRD to fulfill its mandate according to international standards.

Following the above, we call upon you to review any decision on amendment of Article 8 (5) of the Constitutional Law of the HRD that may potentially affect the independence, effectiveness and operational capacity of the institution of the Human Rights Defender in Armenia.

Yours faithfully,

Bruce Adamson
ENOC Chair, on behalf of the ENOC Bureau