



**Statement on Non-fulfillment by the RA Government of its Commitment
to Make Legislative Changes in Human Rights**

On July 26, 2017 RA National Assembly deputy Arpine Hovhannisyan submitted to the RA Government under the legislative initiative procedure the draft RA Law on Supplementing the Criminal Procedure Code of the Republic of Armenia /hereinafter referred to as draft Law/ on the procedure for initiating criminal cases on slur.

The draft Law put on the agenda of the RA Government's session of September 7, 2017 was left not discussed by the RA Government protocol decree with the reasoning below: "... considering examination by the RA courts of the subject matter regulated by the draft Law and the expected precedent decision by the RA Court of Cassation."

The legal analysis by Helsinki Citizens' Assembly-Vanadzor shows that the current Criminal Procedure Code of the Republic of Armenia has a legal gap for initiation and investigation of criminal cases based on slur. The proposed legislative change aims to fill this gap and solve the problems making an integral part of the law enforcement practice so far.

The reasoning of the RA Government's refusal to discuss the draft Law is legally unacceptable on the grounds that it is not the RA Court of Cassation, but rather the RA National Assembly deputies and factions and the RA Government that have the legal and constitutional commitment to fill in legislative gaps and change the legislation. They must define conditions for respect, ensuring and protection of human rights that can be enforced in due time.

It is not justified to wait for an allegedly precedent decision by the RA Court of Cassation when violations of human rights and fundamental freedoms continue. Moreover, it cannot be certain either that the allegedly precedent decision by the RA Court of Cassation will fill in the current legal gap.

The Helsinki Citizens' Assembly-Vanadzor views the RA Government's reasoning for not adopting the draft Law on the procedure for initiating criminal cases on slur as the RA Government's refusal to fulfill its legal and constitutional commitment, violating the principle of respect for human rights and fundamental freedoms and independence of the judiciary.

*September 8, 2017
Vanadzor*