**INFORMATION**

**WITHIN THE FRAMEWORK OF THE RESOLUTION ON “GLOBAL CALL FOR CONCRETE ACTION FOR THE ELIMINATION OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND' THE COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAM OF ACTION”**

**(THE REPUBLIC OF ARMENIA)**

Article 29 of the Constitution of the Republic of Armenia stipulates that everyone shall be equal before the law and discrimination based on any ground, such as sex, race, colour, ethnic, origin, language, religion or belief, belonging to a national minority, or other personal or social circumstances shall be prohibited. This provision may be directly invoked before the domestic courts.

The principle of equality before the law is an essential for the elimination of all kinds of discrimination, which implies that there can be no any difference, exception or preference based on gender, race, ethnicity or other characteristic in the law.

In 2021 the new Criminal Code was adopted by the National Assembly of the Republic of Armenia (entered into force on 1 July 2022), by which a number of criminal law norms underwent qualitative changes.

The new Code criminalises discrimination as a distinct offence, providing detailed and extensive definition of the offence, including the aggravating grounds. In particular, **Article 203 on Discrimination** states:

*1. Discrimination – a manifestation of a differential treatment, which violates the person’s honour and dignity or the rights and freedoms or by which the person is given advantages, absent of any objective grounds or legitimate purpose, on the basis of sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world vision, political or other opinions, being a national minority, property situation, birth, health, disability, age or other circumstances of personal or social nature — shall be punished by a fine in the maximum amount of ten-fold, or public works for the term of maximum hundred hours, or restriction of liberty for a term of maximum one year or short-term imprisonment for a term of maximum one month.*

 *(…)*

In comparison with the former Criminal Code, in the new Code the circumstances that can be the basis for discrimination have been added. For example, if previously only disability was mentioned, then in the new Criminal Code health status was added to it.

In addition, if previously it was about violating the rights or freedoms of a person, then in the new Code it is also about giving advantages to a person without an objective basis or legal purpose.

The regulations related to hate speech and public calls for violence have also been changed.

In particular, if the former Criminal Code provided for a responsibility for inciting national, racial or religious enmity, in the new Criminal Code this crime has been formulated in another, more inclusive and comprehensive way. Part 1 of Article 329 of the Code states: *"Public speech instigating or propagating hatred, discrimination, intolerance or hostility towards a person or a group of persons based on racial, national, ethnic or social origin, religion, political or other views, or other personal and social circumstances, as well as disseminating material or object for that purpose..."*.

The new legal regulation provides for criminal liability not only for enmity, but also for instigating or propagating hatred, intolerance and discrimination, which has expanded the range of acts considered as criminal, providing greater protection to victims of hate speech. From this point of view, it is important that the new legal regulation, in addition to previously defined national, racial or religious characteristics, also defines other protected characteristics, according to which instigating or propagating hatred, discrimination, intolerance or hostility on the grounds of ethnic or social origin, political or other views, other circumstances of a personal or social nature will lead to criminal liability.

Furthermore, former Criminal Code of the Republic of Armenia provided for responsibility for public calls to commit violence, publicly justifying or advocating violence. The new legislation in some ways differs from the previous one, stating that *"Public call for violence, publicly justifying or advocating such violence towards a person or a group of persons based on racial, national, ethnic or social origin, religion, political or other views, or other personal and social circumstances, as well as disseminating material or object for that purpose, (...)".*

In addition to the acts provided in the previous Criminal Code, the new Code also includes disseminating materials or objects for the purpose of promoting or justifying violence, which further clarifies the objective aspect of the act. It should also be noted that although the list of protected characteristics has been expanded, it is non-exhaustive, allowing for maximum consideration of the various societal factors.

It should be noted that Articles 329 and 330 of the new Criminal Code derive from the legal norms stipulated by Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination and Article 20 of the International Covenant on Political and Civil Rights.

The activities aimed at the fight against hate speech are implemented also by the Human Rights Defender (HRD) of the Republic of Armenia, which in 2022-2023 mainly included awareness-raising campaigns. In 2022, the HRD in cooperation with the “Institute of Liberal Politics” NGO implemented a project aimed at combating hate speech, in the framework of which several informative video-materials[[1]](#footnote-1) on hate speech and its negative effects were filmed and disseminated. Under the same project, a Guide for the Television and Radio Commission on the application of relevant provisions on hate speech, as well as a Code of Conduct for the Members of the National Assembly regarding hate speech will be developed. Also, a training program on hate speech was developed and delivered for politicians and journalists.

In 2023, in cooperation with the Council of Europe a Manual on online hate speech for educators was developed under the project ‘Strengthening access to justice for victims of discrimination, hate crime and hate speech’.[[2]](#footnote-2) The manual aims to provide educators with knowledge and skills in teaching children and young people about hate speech in the digital environment, its dangers and negative consequences, as well as how to deal with it both as a victim and a witness.

1. <https://www.facebook.com/OmbudspersonArmenia/videos/%D5%B4%D5%A1%D6%80%D5%A4%D5%B8%D6%82-%D5%AB%D6%80%D5%A1%D5%BE%D5%B8%D6%82%D5%B6%D6%84%D5%B6%D5%A5%D6%80%D5%AB-%D5%BA%D5%A1%D5%B7%D5%BF%D5%BA%D5%A1%D5%B6%D5%AB-%D5%A1%D5%B7%D5%AD%D5%A1%D5%BF%D5%A1%D5%AF%D5%A1%D5%A6%D5%B4%D5%AB-%D6%87-%D5%AC%D5%AB%D5%A2%D5%A5%D6%80%D5%A1%D5%AC-%D6%84%D5%A1%D5%B2%D5%A1%D6%84%D5%A1%D5%AF%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%AB%D5%B6%D5%BD%D5%BF%D5%AB%D5%BF%D5%B8%D6%82%D5%BF-%D5%B0%D5%A1%D5%BD/2350146661828487>, <https://www.facebook.com/OmbudspersonArmenia/videos/%D5%B4%D5%A1%D6%80%D5%A4%D5%B8%D6%82-%D5%AB%D6%80%D5%A1%D5%BE%D5%B8%D6%82%D5%B6%D6%84%D5%B6%D5%A5%D6%80%D5%AB-%D5%BA%D5%A1%D5%B7%D5%BF%D5%BA%D5%A1%D5%B6%D5%AB-%D5%A1%D5%B7%D5%AD%D5%A1%D5%BF%D5%A1%D5%AF%D5%A1%D5%A6%D5%B4%D5%AB-%D6%87-%D5%AC%D5%AB%D5%A2%D5%A5%D6%80%D5%A1%D5%AC-%D6%84%D5%A1%D5%B2%D5%A1%D6%84%D5%A1%D5%AF%D5%A1%D5%B6%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%AB%D5%B6%D5%BD%D5%BF%D5%AB%D5%BF%D5%B8%D6%82%D5%BF-%D5%B0%D5%A1%D5%BD/1250419412539736/> [↑](#footnote-ref-1)
2. Manual is available at the following link: <https://euneighbourseast.eu/news/publications/manual-on-hate-speech-online-for-educators/> [↑](#footnote-ref-2)