

Ref: CommHR/MOF/sf 066-2026

**H.E. Nikol PASHINYAN**  
Prime Minister of Armenia

Strasbourg, 30 March 2026

Dear Prime Minister,

I write to follow up on my recent visit to Armenia (3-5 February 2026). One of the topics addressed was the legal and institutional framework against discrimination. I welcome the progress achieved by Armenia in recent years, including the introduction of sectoral legislation, new guarantees in the Criminal Code, and proactive engagement by the Human Rights Defender (hereinafter “the HRD”).

Armenia is in the process of aligning its framework against discrimination with relevant Council of Europe and other international standards. A crucial step forward would be the adoption of comprehensive anti-discrimination legislation, as also highlighted in repeated recommendations from international human rights bodies. I note that a Draft Law on the Prevention of and Protection against Discrimination (hereinafter “the Draft Law”) is being prepared by the Ministry of Justice of Armenia.

I understand from my discussions with the Minister of Justice that the Draft Law would designate the HRD as an equality body, introduce comprehensive definitions related to discrimination, and provide effective remedies for victims. These plans are welcome.

At the same time, I would wish to highlight several issues to ensure that the future Law will fully align with Council of Europe standards.

It is important that the HRD is given a clearly defined mandate as an equality body, with the necessary competencies, powers and resources to have a real impact. According to Council of Europe standards, such as [ECRI General Policy Recommendation No. 2](#), the mandate should include the promotion and achievement of equality, prevention and elimination of discrimination and intolerance, including structural discrimination and hate speech, and the promotion of diversity and good relations between persons belonging to the different groups in society. The HRD should be empowered to provide personal support, legal advice, and assistance to victims, use conciliation procedures, and bring cases, intervene and represent victims before institutions, adjudicatory bodies, and courts. The HRD should also be entitled to bring or join proceedings *ex officio*, including in the public interest and on its own behalf (i.e. without reference to specific affected persons). The HRD’s mandate should cover not only the public sector but also the private sector, including initiating proceedings in the area of private law and in relation to discrimination committed by natural persons.

Vesting the HRD with the mandate of an equality body will require the allocation of appropriate resources, including those needed to ensure accessible premises and procedures. For example, during my visit, I observed that the HRD’s premises in Yerevan do not provide adequate access for persons with disabilities and older persons.

Another important issue would be to ensure legal certainty in practice regarding the protection of the human rights of LGBTI people. In this respect, I recommend explicitly including sexual orientation, gender identity and sex characteristics in the list of protected grounds. This would make clear that these grounds are encompassed by anti-discrimination protections.

Given the crucial role of civil society, the Draft Law should permit organisations such as associations, trade unions and other legal entities that have a legitimate interest in combating discrimination to bring or intervene in civil or administrative proceedings or make criminal complaints, even if a specific victim is not referred to (see ECRI [General Policy Recommendation No. 7](#)).

To conclude, I would like to refer to the issue of hate speech. The 2022 Criminal Code of Armenia criminalises hate speech. However, criminal law is neither a sufficient nor an exclusive instrument to address this issue and other measures should be available for appropriate cases. Council of Europe standards recommend that effective legal protection against hate speech also be provided under civil and administrative law, in particular general tort law, anti-discrimination law and administrative offences law (Committee of Ministers' Recommendation on combating hate speech ([CM/Rec\(2022\)16](#))). Furthermore, legislation on hate speech should cover both offline and online areas and contain clear and foreseeable provisions for the swift and effective removal of such content. It would also be important to introduce a general (umbrella) norm for hate speech to guide normative development in this area.

I reaffirm my support for Armenia's efforts to adopt a comprehensive law on preventing and combating discrimination and invite you to seize the opportunity to establish, in consultation with civil society and international partners, including the Council of Europe, a robust anti-discrimination framework that meets the needs of a diverse society and is in line with international standards.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael O'Flaherty', with a stylized flourish at the end.

Michael O'Flaherty