



Strasbourg, 20 March 2020

Ref.: JJ9015C
Tr./005-227

NOTE VERBALE

The Secretariat General of the Council of Europe (Treaty Office) presents its compliments to the Ministry of Foreign Affairs and has the honour to enclose a copy of a Note verbale from the Permanent Representation of Armenia to the Council of Europe, dated 19 March 2020, transmitted to the Secretary General of the Council of Europe on 19 March 2020, concerning Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

This information is transmitted in pursuance of Resolution (56) 16 of the Committee of Ministers.

The Secretariat General of the Council of Europe (Treaty Office) avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

(seal)

Encl.

Note to all member States.
Copy Armenia.

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Annex to the letter JJ9015C
dated 20 March 2020
ETS No. 5 – Article 15

**Permanent Representation
of the Republic of Armenia
to the Council of Europe**

Ref.: 3201/C-084/2020

The Permanent Representation of the Republic of Armenia to the Council of Europe presents its compliments to the Secretary General of the Council of Europe and has the honour to inform that in response to the global outbreak and spread of COVID-19 virus the Government of the Republic of Armenia has declared a 30-day state of emergency throughout the country starting at 18:30 local time on 16 March 2020 by its Decision No. 298-N of 16 March 2020 (*English translation of the Decision is attached herewith*).

Measures taken during the state of emergency may include derogations from the obligations of the Republic of Armenia under the Convention for the Protection of Human Rights and Fundamental Freedoms. Therefore, the Permanent Representation kindly asks that this Note Verbale be considered as a notification in line with Article 15 of the Convention.

Subsequently, the Permanent Representation of the Republic of Armenia will notify the Secretary General when the state of emergency is lifted.

The Permanent Representation of the Republic of Armenia to the Council of Europe avails itself of this opportunity to renew to the Secretary General of the Council of Europe the assurances of its highest consideration.

Strasbourg, 19 March 2020

(seal)

SECRETARY GENERAL
OF THE COUNCIL OF EUROPE
STRASBOURG

(*) Declaration registered at the Secretariat General on 19 March 2020 – Or. Engl.

THE GOVERNMENT OF THE REPUBLIC OF ARMENIA
DECISION

16 March 2020, 298-N

ON DECLARING A STATE OF EMERGENCY IN THE REPUBLIC OF ARMENIA

Taking into account the cases of spread of the novel coronavirus disease (COVID-19, hereinafter referred to as "infection") in the world and in the Republic of Armenia, and the fact that the Director General of the World Health Organisation, in his announcement of 13 March 2020, has characterised this infection as pandemic;

based on the fact that the epidemic situation created as a result of spread of the infection in the Republic of Armenia, predominantly, in the city of Yeghghard of the Republic of Armenia, as an emergency situation resulting from the epidemic, poses a threat to the life and health of the population and may result in the disruption of the normal living conditions of persons;

based on the principle of priority of securing the life and health of people in such an emergency situation, as well as the necessity to take special sanitary and preventive and quarantine measures for the protection of the population, preservation of the health of the population and improvement of the state of health thereof in the conditions of prevention of the epidemic, epidemic situation, to introduce special conditions and regime for prevention of spread of the infection and elimination thereof, as well as the necessity to organise and implement preventive activities and measures for the protection of the population in a timely, due, efficient and effective manner;

taking into account that other circumstances essentially contribute or may contribute to the spread of the infection, and may hinder the prevention, including the entry of potentially infected persons from the countries with high rates of infected population into the Republic of Armenia, free movement of persons within the territory of the Republic of Armenia, participation in public events, failure to undergo relevant preventive measures, and in case of existence of symptoms - failure to undergo a medical examination;

based on the fact that Article 120 of the Constitution of the Republic of Armenia authorises the Government of the Republic of Armenia to declare a state of emergency in the country in the event of an imminent danger posed to the constitutional order, and the fact that the massive spread of the infection threatens the life and health of people, and such an emergency situation may be an imminent threat posed to the constitutional order, by jeopardising the component of the social state of the constitutional order, prescribed by Article 1 of the Constitution of the Republic of Armenia; and taking into account the constitutional status of the human being as the highest value, prescribed by Article 3 of the Constitution of the Republic of Armenia, which obliges the State to take measures for the protection of the life and health of individuals;

noting that, given the boundaries of the spread of the infection and increase in the number of infected persons, the implementation of appropriate preventive activities and measures and the protection of the life and health of persons as a result thereof will not be possible to ensure without restricting the fundamental rights and freedoms of the human being and the citizen guaranteed by the Constitution of the Republic of Armenia, in particular, personal liberty (Article 27), right to freedom of movement (Article 40), freedom of assembly (Article 44), right of ownership (Article 60), and without temporarily suspending and additionally restricting — as the situation requires and as prescribed by law — other rights and freedoms subject to restriction by the Constitution of the Republic of Armenia during the state of emergency;

and guided by Article 76, part 1 of Article 120 of the Constitution of the Republic of Armenia and Articles 1, 3, 4 and 8 of the Law "On legal regime of state of emergency", the Government of the Republic of Armenia decides:

1. To declare a state of emergency in the whole territory of the Republic of Armenia for a period from 16 March 2020, 18:30, to 14 April 2020, 17:00.
2. To establish a commandant's office (hereinafter referred to as "Commandant's Office") for the purpose of jointly managing the forces and means ensuring the legal regime of the state of emergency. For the management of the Commandant's Office, to appoint Deputy Prime Minister of the Republic of Armenia Tigran Avinyan as Commandant (hereinafter referred to as "the Commandant").
3. The Commandant's Office shall, *ex officio*, be composed of the Minister of Emergency Situation of the Republic of Armenia, the Minister of Healthcare of the Republic of Armenia, the Minister of Economics of the Republic of Armenia, the Minister of Territorial Administration and Infrastructures of the Republic of Armenia, the Head of the State Revenue Committee of the Republic of Armenia, the Head of the Police of the Republic of Armenia, the Director of the National Security Service of the Republic of Armenia, Deputy Chief of Staff of the Prime Minister of the Republic of Armenia, Head of the Bureau for Co-ordination of Inspectorates of the Staff of the Prime Minister of the Republic of Armenia, the Head of the Healthcare and Labour Inspectorate of the Republic of Armenia and the Head of the Food Safety Inspectorate of the Republic of Armenia.
4. The support to the activities of the Commandant's Office shall be ensured by the Staff of the Prime Minister of the Republic of Armenia and the Office of Deputy Prime Minister of the Republic of Armenia Tigran Avinyan.
5. Representatives of state bodies, organisations, the Staff of the Prime Minister of the Republic of Armenia, heads of bodies subordinate to the Ministry, marzpets of the Republic of Armenia, heads of communities may, upon the invitation of the Commandant, participate in the activities of the Commandant's Office.
6. The instructions of the Commandant shall be binding for the members of the Commandant's Office, heads and representatives of the bodies of the State administration system, as well as the Police and National Security forces that are used to ensure the legal regime of the state of emergency.
7. To establish, according to the Annex, the measures and temporary restrictions on rights and freedoms applied during the state of emergency, the means ensuring the legal regime of the state of emergency.
8. To prescribe that the measures and temporary restrictions on the rights and freedoms applied within the framework of the state of emergency shall, taking into consideration the principle of proportionately, be applied in the whole territory of the Republic of Armenia or within territories determined by the Commandant's Office. For the purpose of ensuring the implementation of measures and the application of the temporary restrictions on the rights and freedoms within the framework of the state of emergency, the forces and means of the State authorised bodies of the Police and the National Security ensuring the legal regime of the state of emergency shall be involved upon the instruction of the Commandant.
9. This Decision shall enter into force upon its promulgation.

PRIME MINISTER
OF THE REPUBLIC OF ARMENIA
16 March 2020
Yerevan

N. PASHINYAN

MEASURES APPLIED DURING THE STATE OF EMERGENCY DECLARED IN THE REPUBLIC OF
ARMENIA ON 16 MARCH 2020, TEMPORARY RESTRICTIONS ON RIGHTS AND FREEDOMS,
AND MEASURES ENSURING THE LEGAL REGIME OF STATE OF EMERGENCY

I. RESTRICTIONS ON THE RIGHT OF PERSONS TO FREE MOVEMENT AND MOVEMENT
OF VEHICLES (SPECIAL REGIME OF MOVEMENT), AND INSPECTIONS THEREOF

1. A special procedure for entry (exit) of persons, vehicles, transportation of cargo, other property and animals, location and movement of persons and vehicles shall be prescribed for all check points of the State border of the Republic of Armenia (hereinafter referred to as “check point”), according to this Annex.
2. Entry — through check points — into the territory of the Republic of Armenia of citizens of the Republic of Armenia and their family members who are not a citizen of the Republic of Armenia, persons that are not a citizen of the Republic of Armenia but have the right to reside in the Republic of Armenia upon lawful grounds shall be permitted. Entry — through check points — into the territory of the Republic of Armenia of persons not having citizenship of the Republic of Armenia, who enter into the territory of the Republic of Armenia from countries (territories) included in the list of countries (territories) having a tense epidemiological situation, prescribed upon the decision of the Commandant, or have been in those countries (territories) within 14 days prior to the entry, shall be prohibited, except for:
 - (1) representatives of diplomatic representations, consular offices and international organisations, and their family members;
 - (2) cases when, upon the decision of the Commandant, taking into account the epidemiological situation in those countries (territories), entry of persons from countries (territories) included in the list of countries (territories) provided for by this point is permitted;
 - (3) in other special cases, upon the decision of the Commandant.
3. Exit of citizens of the Republic of Armenia through check points of the land border shall be prohibited, except for persons carrying out the transportation of goods, and where exports have not been prohibited as prescribed by point 18 of this Annex.
4. The restrictions provided for by points 2 and 3 of this Chapter shall not extend to persons arriving in the Republic of Armenia at the moment of declaring state of emergency, on the condition that they enter into the territory of the Republic of Armenia before 17 March 2020.
5. After the entry of persons into the territory of the Republic of Armenia through the check point, a special examination for revealing symptoms of the infection shall be immediately conducted; hospitalisation, isolation (self-isolation) and/or other restricting measures shall be implemented in case of existence of symptoms. In case of refusal to undergo medical examination, hospitalisation, isolation (self-isolation) and/or other restricting measures after the entry of persons — through the check point — into the territory of the Republic of Armenia, persons may be temporarily isolated in specific places prescribed by the Commandant, for the purpose of check-up, treatment, and prevention of the spread of the infection.
6. Persons having arrived from the countries listed, upon the directive of the Minister of Healthcare of the Republic of Armenia, as having a tense epidemiological situation, must be transferred to specially designated quarantine places, or they may be ordered to go into self-isolation. Self-isolation is the separation of the patient or persons having contacted with the patient (contactees) in the places of the permanent residence thereof or in another places upon their preference, for the purpose of limiting the immediate contact with other persons and preventing the spread of the infection.

7. Upon the instruction of the Commandant, the following restrictions may be applied within the administrative borders of a particular community (communities) of the Republic of Armenia:
 - (1) a special regime for entering into the administrative border and exiting the administrative borders of the community, except for cases of supply of essential goods, items, food, medications, fuel, as well as entries and exits made based on the need to eliminate the circumstances having served as a ground for declaring state of emergency and resolving other urgent issues, upon the instruction of the Commandant;
 - (2) isolation (self-isolation) of persons in the places of permanent residence thereof or in other places upon their preference, regulation of free movement, and exercise of necessary control over them;
 - (3) implementation of sanitary hygienic and anti-epidemiological measures in places of permanent residence or places of location of persons;
 - (4) in case of a suspicion on existence of the infection with persons, or detection thereof, transfer of persons to specially designated quarantine places or institutions providing medical assistance and service;
 - (5) inspection of vehicles, prohibition on their entry and exit.
8. Implementation of measures deriving from the special regime for entering into the administrative border and leaving the territory of the relevant community shall be ensured by relevant subdivisions of the Police of the Republic of Armenia (hereinafter referred to as “the Police”), representatives of the Ministry of Healthcare of the Republic of Armenia, the Ministry of Emergency Situation of the Republic of Armenia, the Healthcare and Labour Inspectorate of the Republic of Armenia, the Food Safety Inspection Inspectorate of the Republic of Armenia, the marzpetarans and the municipalities, and, upon the instruction of the Commandant, other bodies of the state administration system as well.
9. Special check points and inspection points may be placed for ensuring the implementation of the special regime. Medical control and examination in check points and inspection points may be conducted by persons providing medical assistance and services (medical staff), representatives of the Ministry of Healthcare of the Republic of Armenia, the Healthcare and Labour Inspectorate of the Republic of Armenia, the Food Safety Inspectorate of the Republic of Armenia, and other bodies of the state administration system. Maintenance of safety and the regime in check points and inspection points shall be ensured by the Police of the Republic of Armenia.

II. RESCTRICTIONS ON THE RIGHTS TO PROPERTY OF PERSONS

10. The property of natural and legal persons, including medicine, medical items and other materials, may be used — in cases and as prescribed by the Commandant — for the purpose of ensuring the regime of state of emergency, and they shall have the right to receive equivalent compensation.

III. RESTRICTIONS IN SEPERATE INSTITUTIONS

11. In penitentiary institutions and arrest facilities, the following shall be prohibited:
 - (1) receiving and sending deliveries, parcels and packages;
 - (2) having visits (except for video calls);
 - (3) organising religious rites and participating therein.
12. In penitentiary institutions, upon recommendation of the penitentiary institution and upon the instruction of the Commandant, the following may be respectively restricted or prohibited:
 - (1) walks;
 - (2) being within and outside the territory of the penitentiary institution (including short-term leave), moving within the territory;
 - (3) upon the instruction of the Commandant — other activities.
13. In institutions providing social services to elders, carrying out childcare and protection, as well as in psychiatric institutions, the following shall be prohibited:
 - (1) receiving and sending deliveries, parcels and packages;
 - (2) having visits (except for video calls);

14. In the military units of the Ministry of Defence of the Republic of Armenia, the following shall be prohibited:
 - (1) receiving and sending deliveries, parcels and packages;
 - (2) having visits (except for video calls);
 - (3) leave of the compulsory military servants of the staff of rank and file and junior non-commissioned officers;
 - (4) upon the instruction of the Commandant — other activities.
15. The restrictions prescribed by points 11-13 of this Chapter shall not apply to the visits made to the relevant places by the competent persons and bodies, including, but not limited to the Human Rights Defender and his authorised representative, deputies of the National Assembly of the Republic of Armenia, observation groups and advocates, with regard to the exercise of their powers and functions prescribed by law.

IV. RESTRICTIONS AND PROHIBITIONS ON ASSEMBLIES AND PUBLIC EVENTS

16. Organising and holding assemblies and strikes as well as participating therein shall be prohibited in the whole territory of the Republic of Armenia.
17. Organising, holding and participating in public events in the territories prescribed by the decision of the Commandant shall be prohibited. Within the meaning of this point, public events shall be the following events with the participation of 20 and more persons:
 - (1) concerts, exhibits, shows, theatrical performances and other sports, cultural, educational events;
 - (2) recreational events;
 - (3) festive and commemorative events, including, but not limited to birthday (anniversary), wedding (engagement), burial events;
 - (4) other events qualified as public events upon the instruction of the Commandant.

V. RESTRICTIONS ON TRANSPORTING GOODS FROM THE REPUBLIC OF ARMENIA

18. The State Revenue Committee may, upon the decision of the Commandant, restrict the export of certain goods or their separate consignments from the Republic of Armenia, including to the EAEU countries, or the import thereof into the Republic of Armenia.
19. Other restrictions on land and air communication across the border of the Republic of Armenia may be applied upon the decision of the Commandant.

VI. RESTRICTIONS ON SEPERATE TYPES OF ECONOMIC ACTIVITIES AND PROVISION OF SERVICES, ACTIVITIES OF EDUCATIONAL INSTITUTIONS

20. The activities of public catering facilities, multifunctional trade and entertainment centres shall be prohibited in particular communities upon the instruction of the Commandant.
21. In the whole course of the state of emergency, the educational process in state, community and non-state institutions of general education (including pre-school), primary vocational (handicraft) education, secondary vocational and higher educational institutions, organisations carrying out extracurricular upbringing (child and youth creative and aesthetic centres, musical, drawing and art schools, clubs, sports schools, recreation camps and other organisations carrying out extracurricular upbringing), as well as in international educational institutions operating in the Republic of Armenia, except for distance learning, shall be terminated. The restriction prescribed by this point shall not apply to the military educational institutions.
22. The organisations holding a licence for medical assistance and service (irrespective of the form of ownership) shall provide the medical assistance and service based on the instructions of the Ministry of Healthcare of the Republic of Armenia.

VII. PROHIBITIONS OF SEPERATE PUBLICATIONS,
REPORTS THROUGH THE MASS MEDIA

23. Public dissemination, transfer of publications, information materials, interviews, reports (hereinafter referred to as “report”) on the current and new cases of infection having had in the Republic of Armenia, as well as outside the Republic of Armenia, state of health of persons, sources of infection, scope of other persons having contacted with already infected or potentially infected persons, number of persons undergoing examination (infection testing) and those having been isolated, as well as on the information causing panic or containing risk of creating a panic situation, including in the form of their publication on the internet websites and social networks, shall be carried out by natural and legal persons, including the mass media, exclusively by making reference to the information provided by the Commandant's Office (hereinafter referred to as “official information”).
24. The reports envisaged by point 23 of this Procedure must not contradict the official information and shall reproduce it as far as possible.
25. The restrictions prescribed by this Chapter shall not be applied to the reports made by state officials or the references made to their reports.
26. Reports made in violation of the provisions prescribed by this Chapter shall be subject to immediate removal by persons having made them.

CHIEF OF STAFF TO THE PRIME MINISTER
OF THE REPUBLIC OF ARMENIA

E. AGHAJANYAN