

# Legal Analysis of Ani Khachatryan's Statements (March 25, 2025)

## Context and Essence of the Issue

On March 25, 2025, a member of the Yerevan Council of Elders, Ani Khachatryan<sup>1</sup>, publicly spoke outside the city hall during a protest<sup>2</sup> and made xenophobic, derogatory statements directed at citizens of the Russian Federation, referring to the protest participants as “**rotten Russians**.” These remarks, made by a public official, sparked significant public backlash and condemnation as incitement to ethnic hatred. Such behavior potentially violates several provisions of Armenia’s national legislation, its international obligations, as well as the ethical standards of public service. Below is a comprehensive legal analysis of the situation, with references to specific laws, precedents, and possible responses.

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## 1. Violations of the Legislation of the Republic of Armenia

### 1.1 The Constitution of the RA and Anti-Discrimination Provisions

**Principle of Equality:** The Constitution of the Republic of Armenia guarantees equal rights and prohibits discrimination. Specifically, **Article 29 of the RA Constitution**<sup>3</sup> forbids discrimination based on race, skin color, ethnic or social origin, language, religion, political or other opinions, membership in a national minority, and other personal or social factors. Khachatryan’s statement, which included a national slur (“rotten Russians”), clearly contradicts this constitutional prohibition. It degrades the dignity of individuals based on their **nationality/citizenship** and violates the principle of **equality before the law**. As highlighted in statements by civil society, her words violate the constitutional principle of equality for all citizens regardless of citizenship or ethnic origin.

**Right to Dignity:** It is worth noting that the Constitution of the Republic of Armenia proclaims human dignity as **inviolable** (Article 23 of the Constitution of the RA<sup>4</sup>). Public

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<sup>1</sup> Ani Khachatryan listed among members of the Council of Elders: <https://www.yerevan.am/hy/alderman-staff/>

<sup>2</sup> Protest footage (YouTube): <https://www.youtube.com/live/3hmfBkqoC6A?t=460>

<sup>3</sup> Constitution of the Republic of Armenia (2015): <https://www.president.am/hy/constitution-2015/>

<sup>4</sup> Ibid.

insult of a group of people based on their national identity may be regarded as an affront to their dignity and equal rights.

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## 1.2 Criminal Code of Armenia (Incitement to Hatred, Discrimination, etc.)

Ani Khachatryan's actions may fall under provisions of the RA Criminal Code that establish liability for inciting national hatred and hostility:

**Incitement to Hatred or Hostility:** The new Criminal Code of Armenia (as amended in 2022) includes a provision similar to the former Article 226<sup>5</sup>, which establishes penalties for public actions aimed at inciting hatred, hostility, or degrading the dignity of an individual or group based on nationality, ethnicity, etc. Specifically, **Article 329 of the RA Criminal Code**<sup>6</sup> provides **criminal liability for public statements that incite hatred, discrimination, intolerance, or hostility** towards individuals or groups based on certain characteristics. Khachatryan's remarks show clear signs of such an offense – public incitement of hatred and hostility based on nationality. She effectively positioned herself against a group of “Russian” residents, used a derogatory slur, and expressed aggression based on an ethnic stereotype, which qualifies as **hate speech**.

**Constituent Elements of the Crime:** According to Article 329<sup>7</sup>, the crime is complete when there is a **public statement** aimed at **inciting hatred or hostility**. The phrase “rotten Russians” reveals a call for hostile attitudes and degradation of a group of people based on nationality. Aggravating factors may include:

1. The statement was made by a public official acting in a position of authority and in opposition to a peaceful civic protest (Clause 2.2);
  2. The statement was disseminated via mass media (live broadcast on Factor.AM) (Clause 2.3);
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<sup>5</sup> Previous version of the RA Criminal Code: <http://www.parliament.am/legislation.php?ID=1349&lang=arm&enc=utf8&sel=show>

<sup>6</sup> RA Criminal Code (2022, current version): <https://www.arlis.am/DocumentView.aspx?DocID=165138>

<sup>7</sup> Ibid.

### 1.3 The Law “On Public Service” and the Ethics of Officials

As an elected member of the Yerevan Council of Elders (municipal council), Ani Khachatryan is a public official of local self-government. Her conduct is governed not only by criminal law but also by rules setting ethical standards for officials and municipal deputies:

**Principles of Impartiality and Respect:** The RA Law “On Public Service”<sup>8</sup> (2011, as amended) sets out **behavioral principles** for persons holding public office. According to Article 22, core principles for public officials include service to the public, loyalty to the public interest, **morality and respectfulness**, integrity, and **objectivity**. Khachatryan’s remarks clearly violate the principle of **respectful treatment** – rather than demonstrating impartiality and equal respect for all residents, she expressed rudeness and prejudice on a national basis. This contradicts the law’s vision of a public servant’s ethical profile. Even if a Council of Elders member is not a “civil servant” in the narrow sense, ethical standards and moral imperatives of political rhetoric **apply to all elected officials**.

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### 1.4 Freedom of Assembly and Expression (Guarantees and Abuse)

Khachatryan’s comments were made in the context of a public protest against tree-cutting. This touches on the rights of protesters and the role of a public official:

**Right to Peaceful Assembly:** The RA Constitution<sup>9</sup> (Article 44) and the RA Law “On Freedom of Assembly”<sup>10</sup> guarantee everyone (including foreign citizens legally residing in the country) the right to peaceful assembly and expression of opinion. The participants of the protest at city hall – regardless of their citizenship – had full legal grounds to protest. Khachatryan’s claim that Russian citizens (“Russians”) have no right to participate in public actions effectively denies **these individuals’ right to participate in city life**. This not only contradicts the spirit of the law on assemblies but also, for example, the RA Electoral Code<sup>11</sup>

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<sup>8</sup> Law “On Public Service”: <http://www.parliament.am/legislation.php?sel=show&ID=6272&lang=arm&enc=utf8>

<sup>9</sup> Constitution of the Republic of Armenia (2015): <https://www.president.am/hy/constitution-2015/>

<sup>10</sup> Law “On Freedom of Assembly”: <http://www.parliament.am/legislation.php?sel=show&ID=4123&lang=arm&enc=utf8>

<sup>11</sup> Electoral Code of the Republic of Armenia: <https://www.arlis.am/documentview.aspx?docid=105967>

(Article 2, Clause 2.2), which recognizes that city residents (including registered foreigners residing for over a year) are participants in local self-government with voting rights<sup>12</sup>. Thus, Khachatryan's statements can be interpreted as **abuse of freedom of expression** by a public official aimed at violating the legal rights of others.

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## 2. Violations of Armenia's International Obligations

As a member of international organizations and a party to key human rights treaties, Armenia has committed to combating xenophobia and preventing hate speech, especially from public officials.

### 2.1 European Convention on Human Rights (ECHR)

**Article 14 ECHR<sup>13</sup> (Prohibition of Discrimination):** Although auxiliary in nature (prohibiting discrimination in the enjoyment of other rights in the Convention), a public official's conduct may violate individuals' rights based on their nationality. If the protest participants were insulted and effectively denied their right to freedom of assembly due to their national origin, this may constitute a violation of Article 14 in conjunction with Article 11 (freedom of assembly) or Article 10 (freedom of expression). The state (represented by a local government official) must not allow **unequal treatment** based on nationality when individuals exercise their rights and freedoms.

**Article 10 ECHR (Freedom of Expression) and Hate Speech:** The ECHR protects freedom of speech but does not consider **incitement to hatred** to be a permissible form of expression. The European Court of Human Rights (ECtHR) has ruled in multiple cases that **hate speech can be lawfully restricted and punished** in a democratic society. For example, in *Erbakan v. Turkey*<sup>14</sup> (2006), the ECtHR stated that **tolerance and respect for the equal dignity of all human beings form the foundations of a democratic society, and that it may be necessary to sanction or prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance**. In other words, hate speech does not fall under Article 10 protection, or is excluded from it by **Article 17 ECHR** (prohibition of abuse of rights). ECtHR jurisprudence frequently holds that overtly insulting

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<sup>12</sup> Example of civic inclusion of Russian residents: <https://abcmedia.am/norutyunner/13046/>

<sup>13</sup> Ibid.

<sup>14</sup> *Erbakan v. Turkey*, ECtHR Case (2006): <https://globalfreedomofexpression.columbia.edu/cases/erbakan-v-turkey/>

or hostile remarks targeting national groups may fall outside Convention protection. In the Yerevan case, the state would be expected to respond adequately (e.g., condemn or sanction the official) to balance freedom of speech and the rights of the affected group.

**Precedents:** The ECtHR has upheld states' measures against public expressions of racial hatred. For example, the former European Commission of Human Rights in *Glimmerveen and Hagenbeek v. Netherlands*<sup>15</sup> (1979) rejected applicants' claims after they distributed flyers calling for "cleansing" the country of non-natives, stating that **Article 17 ECHR** strips such propagandists of the right to hide behind freedom of expression. In the Yerevan case, Khachatryan's xenophobic remarks directly contradict European standards. Armenia is obligated to **prevent and condemn hate by officials**; failure to do so may be interpreted as a breach of the Convention's spirit and Council of Europe recommendations.

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## 2.2 Council of Europe Documents (ECtHR, ECRI, PACE)

**European Commission against Racism and Intolerance (ECRI)**<sup>16</sup>: ECRI has repeatedly emphasized the responsibility of public figures to avoid intolerant speech. In 2012, responding to violence-justifying rhetoric in Armenia, ECRI warned<sup>17</sup> that such speech by leading politicians creates a **dangerous climate of impunity** and undermines respect for human rights. It urged **all Armenian political actors to firmly distance themselves from extremist expressions** incompatible with Council of Europe values. The analogy is clear: Ani Khachatryan's statement is an extreme expression of intolerance (xenophobia), which should be condemned both by her political party and the authorities. Failing to do so sends a signal that such rhetoric is tolerated or encouraged, violating ECRI recommendations and Armenia's obligations.

**Parliamentary Assembly of the Council of Europe (PACE)**<sup>18</sup> and **Commissioner for Human Rights**: These institutions strongly denounce **xenophobia and racism**. PACE

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<sup>15</sup> *Glimmerveen and Hagenbeek v. Netherlands*, EComHR (1979): <https://globalfreedomofexpression.columbia.edu/cases/glimmerveen-and-hagenbeek-v-the-netherlands/>

<sup>16</sup> European Commission against Racism and Intolerance (ECRI): <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance>

<sup>17</sup> ECRI statement on hate speech in Armenia (2012): <https://rm.coe.int/statement-by-the-european-commission-against-racism-and-intolerance-ab/16808c1eef>

<sup>18</sup> Parliamentary Assembly of the Council of Europe (PACE): <https://pace.coe.int/en/>

resolutions urge states to curb xenophobic speech, especially by officials, as it undermines democratic values. The CoE Commissioner for Human Rights has also emphasized the dangers of hate speech: in Armenia, issues with intolerance (mostly toward religious or sexual minorities) have been noted, and the Commissioner has advocated for a culture of tolerance. In this case, the official made a **xenophobic remark**, clearly contradicting CoE principles.

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## 2.3 OSCE (Organization for Security and Co-operation in Europe)

As an OSCE participating state, Armenia has committed to opposing intolerance.

- **2021 Joint Declaration**<sup>19</sup> (by UN, OSCE, OAS, ACHPR) on freedom of expression and politics directly states that international standards require **all persons, including politicians and public officials, to refrain from hate speech that incites discrimination, hostility, or violence**. Public officials bear a **special responsibility** not to use hate speech. The declaration stresses a **moral imperative**: public figures must actively oppose intolerance, not reinforce it.

- **OSCE Tolerance Committee**: The OSCE monitors hate incidents and urges state responses. While Khachatryan's statement was not a violent hate crime, it qualifies as a **hate incident**, which should also be addressed. The OSCE expects states to condemn xenophobic speech by public figures, as it can escalate into more serious incidents. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR)<sup>20</sup> and its Representative on Freedom of the Media have stressed that **official xenophobic rhetoric is unacceptable**, as it undermines public safety and incites division.

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## 2.4 United Nations Obligations

**International Covenant on Civil and Political Rights (ICCPR)**<sup>21</sup>: Armenia is party to the ICCPR. Article 20(2) states: *"Any advocacy of national, racial or religious hatred that*

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<sup>19</sup> 2021 Joint Declaration on Freedom of Expression and Political Speech: <https://www.osce.org/representative-on-freedom-of-media/501697>

<sup>20</sup> Office for Democratic Institutions and Human Rights (ODIHR), OSCE: <https://www.osce.org/odihr>

<sup>21</sup> International Covenant on Civil and Political Rights (ICCPR): <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

*constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*" This is a clear obligation for states to legally prohibit **incitement to national hatred**. Statements like Khachatryan's meet this definition and **must be sanctioned by law**. A failure to respond would violate the state's obligations under the ICCPR.

### **International Convention on the Elimination of All Forms of Racial Discrimination**

(ICERD)<sup>22</sup>: Armenia has ratified this convention as well. **Article 4 of ICERD** requires states to criminalize all dissemination of ideas based on racial superiority or hatred and to **prohibit public authorities or institutions from promoting racial discrimination**. Thus, the state must **condemn and punish** public expressions of racial/ethnic hatred. The UN Committee on the Elimination of Racial Discrimination (ICERD monitoring body) emphasizes that *xenophobic speech by officials is especially dangerous* and must be addressed promptly (including removal or prosecution of the individual).

**Other UN Instruments:** The UN Human Rights Council and General Assembly have frequently called on states to combat **hate speech**. The UN Special Rapporteur on Minority Issues<sup>23</sup> has urged countries to adopt hate speech laws balanced with free speech protections. Armenia, presenting itself as a defender of minority rights, must now demonstrate its **commitment to these principles**.

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## **3. Violation of Ethical Standards of Public Conduct by Officials**

Even setting aside strict legal norms, Ani Khachatryan's behavior violated fundamental **ethical standards** expected of individuals vested with public authority:

- **Principle of Impartiality and Equal Treatment:** Public officials (municipal deputies, civil servants) are obliged to treat all residents impartially, regardless of their origin. The ethics of public service require **avoiding prejudice**. Khachatryan clearly demonstrated **ethnic bias** by labeling a specific group ("Russians") as inferior. This contradicts her oath to serve the entire population and **undermines public trust** in the authorities. Such conduct reveals a **xenophobic attitude**, which is unacceptable for a public figure.

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<sup>22</sup> International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

<sup>23</sup> UN Special Rapporteur on Minority Issues: <https://www.ohchr.org/en/special-procedures/sr-minority-issues>



• **Principle of Respect and Proper Conduct:** As mentioned earlier, Armenia’s Law on Public Service obliges officials to act with restraint and respect. International standards also emphasize that politicians and public officials should shape public discourse by demonstrating tolerance. For example, the **Code of Conduct for Civil Servants** (a model code endorsed by the Armenian Government with Council of Europe support) states that an official must show politeness, tact, and respect to all citizens at all times. Publicly insulting a group of people is a direct violation of these tenets. This can be considered an **ethical offense** that discredits the office of a Council of Elders member.

• **Dignity of Office:** Officeholders are expected to maintain a certain level of decorum. There is an unspoken rule that **hate speech and vulgarity are incompatible with the status of an elected representative**. Public response (such as the open letter by the Armenian Global Community) emphasized that if such actions go unpunished, it would signify tacit approval by the authorities. Ethical norms dictate that in such cases, a public apology is the minimum expected. Civil society has called on Ani Khachatryan to **apologize to the offended citizens**, which would reflect proper etiquette and ethics. As of now, there has been no public apology, further highlighting the breach of ethical standards.

• **Ethics Codes and Oversight Bodies:** In Armenia, the **Corruption Prevention Commission (CPC)**<sup>24</sup> has been responsible for monitoring the ethical conduct of high-ranking officials since 2018. The CPC may review complaints regarding ethical violations, though its sanctions are limited (usually warnings or official opinions, which can lead to political consequences). In Khachatryan’s case, the ethical concerns are even more acute, given that **interethnic relations** are at stake. From an ethical perspective, her statements are incompatible with the **principle of tolerance** expected from public officials.

• **Reputation of the State:** When an official from the capital city makes xenophobic remarks, it tarnishes not only her personal image but also the reputation of Armenian authorities. Ethical standards of public behavior require consideration of the **external impact**: Khachatryan’s comments toward Russian citizens may strain intercommunal relations and paint Armenia as an intolerant environment. This contradicts the country’s official stance, which promotes interethnic friendship and the protection of minority rights. From the perspective of **professional ethics**, Khachatryan also violated the principle of loyalty to national interests by jeopardizing the reputation of the city and the country.

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<sup>24</sup> Law on the Corruption Prevention Commission (CPC): <http://www.parliament.am/legislation.php?sel=show&ID=5831&lang=arm&enc=utf8>