

STATEMENT

Republic of Armenia

Yerevan city

30.03.2020թ.

The law drafts restricting the human right to privacy of personal and family life, confidentiality of correspondence, phone conversations and other forms of communications were passed in the first reading at the National Assembly of the Republic of Armenia.

New Generation Humanitarian NGO condemns the adoption of these law drafts which are gross violation of human rights and finds the restrictions imposed by these law drafts illegitimate and violation of the constitutionally mandated rights to privacy of personal and family life, inviolability of honor and good reputation, freedom and confidentiality of communication, protection of personal data.

According to practices of **the European Court of Human Rights even legally obtained data may be used for purposes other than their initial collection purposes.** Even thinking that he acts impartially, the data controller may unwillingly breach the mentioned principle. **Even the legally collected data shall not be more than required.**

In order to exclude violations of human privacy and to avoid violations of human rights, it is necessary to clarify before the adoption of law drafts to what extent it is possible to detect physical contact between people through telephone decoding, by what means everyone will be provided with "smartphones", what guarantees are given for the complete destruction of people's personal data after the emergency situation ends and so on.

It shall be noted that currently access to the abovementioned data can be provided exclusively by the decision of court.



REMINDER

Today - on 30.03.2020 [The National Assembly of the Republic of Armenia passed in the first reading \(57 MPs – in favor, 24 MPs - against, 1 abstention\) the law drafts on “Legal status of emergency situation” and “Electronic communication”.](#)

This package intends fight against **Coronavirus** through latest technologies. In particular, it is intended to find out the location of citizens, watch their movements and health state, find out the circle of contacts of a person infected with coronavirus through smartphones.

In particular, the following restrictions are intended:

1. In the event of a state of emergency declared on the basis of an emergency situation caused by the pandemic, where provided by the decision of the Government of the Republic of Armenia, the operators of the public electronic communications network shall be obliged to provide the following to the RA state authorities and state established legal entities mentioned in the decision (hereinafter: data developers), in the manner and procedure specified in that decision:

1) Data required to identify the location of the service used by customers (customer location) receiving public electronic communications services:

2) telephone numbers directly or indirectly (mediated) contacted with the customer's telephone number, data required to determine the date, start and end of a telephone conversation, and in the event of a readdressing or forwarding of the telephone call; data about the phone number to which the call was forwarded.

2. **The data developers** (Based on Article 7 (1) of the ՅՕ-106-Ն Law on Legal Status of Emergency situation, March 21, 2012) shall be allowed to **demand information about persons tested (tested) for the disease caused by the pandemic, infected, having symptoms of the disease, fallen ill with the disease, having been treated, cured and in contact with the patient (exposed) having the disease, including medical secret from public health system management bodies, organizations, and providers of medical care and services, and the latter shall be obliged to provide the required data** in the manner and procedure established by the decision of the Government of the Republic of Armenia on the declaration of state of emergency for comparison with the data received.

NEW GENERATION HUMANITARIAN NGO