

## **INSULTING, THREATENING AND DISRESPECTFUL ATTITUDE TOWARDS AN ADVOCATE OR A NOTARY, WILL BE SUBJECT TO CRIMINAL LIABILITY (IRAVABAN.NET)**

15.01.2019 19:06



The Ministry of Justice of RA together with the Chamber of Advocates of RA has drafted and presented to public discussion the draft law "On Making Amendments and Additions to the Criminal Code of the Republic of Armenia". According to this draft:

1. It is proposed to prescribe liability for insulting or showing evident disrespectful attitude towards an advocate or a notary due to their professional activities or execution of their powers, as well as for the murder of their family member, for causing harm to their health and destroying the property or for threatening to damage the property.

2. Impose liability for slandering the advocate.

It is mentioned in the explication of the draft that the necessity of the adoption of the legal document is due to the fact that the cases of insulting and slandering advocates during the implementation of their professional activities have recently become frequent. The number of cases, of insulting and showing evident disrespectful attitude towards notaries during their professional activities is also not small.

At the same time, it should be emphasized that only civil liability is not an effective means of protecting their dignity and business reputation. From this perspective, we believe that envisaging criminal liability will have preventive significance.

Regarding the above-mentioned issues, the European Court of Human Rights, in a number of verdicts, specifically emphasized the central role of the advocate's profession in the justice system and in ensuring the rule of law. As noted by the European Court, the freedom of advocates to engage in their professional activities without unnecessary obstacles is an essential constituent of democratic society and a necessary precondition for meeting the requirements of the Convention on the Protection of Human Rights and Fundamental Freedoms.

Consequently, the aforementioned actions have a high degree of public danger, as they have their negative impact not only on the advocate and on the notary personally but also on the outcome of their professional activities and are means to exert pressure upon them and hinder the implementation of their professional activities.

Hence, it is proposed by the Draft, to prescribe liability for

insulting or showing evident disrespectful attitude towards an advocate or a notary due to their professional activities or execution of their powers, as well as for the murder of their family member, for causing harm to their health and destroying the property or for threatening to damage the property. At the same time, it is proposed to make slandering the advocates a subject to criminal liability, involving advocate in the list of persons referred to in Article 344 of the RA Criminal Code (prosecutor, investigator, investigator, compulsory enforcement officer).

With the adoption of the draft law, the advocate and the notary will have the opportunity to fully exercise their authority under the Constitution of RA, laws and other legal acts and, the possibility of exerting pressure upon them and hindering their professional activities will be reduced as much as possible.

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