



# THE REPUBLIC OF ARMENIA AND THE UNIVERSAL PERIODIC REVIEW

## Summary Report



**THE REPUBLIC OF ARMENIA  
AND  
THE UNIVERSAL PERIODIC REVIEW**

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UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER

This Summary Report is prepared with support of the Ministry of Foreign Affairs of the RA, UN Office of the High Commissioner for Human Rights and UNDP Armenia Country Office in the framework of the UPR Follow-up Facility component of the UNDP Bratislava Regional Center Promoting Human Rights and Access to Justice for Social Inclusion and Legal Empowerment Project.

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## Introduction

The present compilation is a summary of the information on the participation of the Republic of Armenia in the Universal Periodic Review established by the United Nations Human Rights Council resolution 60/251 adopted on March 15, 2006, as well as concluding observations of the Human Rights Treaty Bodies. During the first stage of the Universal Periodic Review (2008-2011), the Republic of Armenia underwent its first review on May 6, 2010. Within the framework of the review, the Human Rights Council considered the National report submitted by the State, the stakeholders' submissions, as well as other available information on human rights in the Republic of Armenia.

The outcome of the review were the recommendations issued in May 2010 by the Working Group on the Universal Periodic Review on improving the situation of human rights in the Republic of Armenia. Armenia voluntarily submitted an Interim report in 2012, on the implementation progress of the recommendations.

The Republic of Armenia will be reviewed for the second time during the 21st session of the Human Rights Council Universal Periodic Review (second cycle), to be held in January-February 2015. For this purpose second national report on the situation of human rights in Armenia shall be submitted by Armenia before October 27, 2014.

The present publication is the compilation of the UPR National Report by the Republic of Armenia, the stakeholders' submissions, as well as the recommendations by the Human Rights Treaty Bodies and the Mid-term report submitted in the first stage of the Universal Periodic Review. Its aim is to enable both

government bodies and other concerned stakeholders to prepare more efficiently for the second cycle of the UPR.

It contains the following official documents and reports by the Republic of Armenia in the sphere of human rights:

1. Extract from Human Rights Council resolution 5/1, 2007;
2. Extract from Human Rights Council resolution 6/102, 2007;
3. The Republic of Armenia State report in accordance with paragraph 15(a) of Human Rights Council resolution 5/1, 2007;
4. The summary of stakeholders' submissions, prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(c) of Human Rights Council resolution 5/1, 2007;
5. The summary of the UN conventions, reports and other documents, prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(b) of Human Rights Council resolution 5/1, 2007;
6. The advance questions to the Republic of Armenia in 2010, and their answers;
7. The Recommendations issued in May, 2010 by the Working Group on the Universal Periodic Review;
8. The Interim State report of 2012 on the implementation process of the recommendations issued in May, 2010 by the Working Group on the Universal Periodic Review;
9. The recommendations of the UN Treaty Bodies with regard to the latest periodic reports provided by the State.

## **1. Human Rights Council Resolution 5/1. Institution-building of the United Nations Human Rights Council**

The Human Rights Council,

*Acting* in compliance with the mandate entrusted to it by the United Nations General Assembly in resolution 60/251 of 15 March 2006,

*Having* considered the draft text on institution-building submitted by the President of the Council,

- 1. Adopts the draft text entitled “United Nations Human Rights Council: Institution-Building”, as contained in the annex to the present resolution, including its appendix (ces);***
- 2. Decides to submit the following draft resolution to the General Assembly for its adoption as a matter of priority in order to facilitate the timely implementation of the text contained thereafter:***

“The General Assembly,

“Taking note of Human Rights Council resolution 5/1 of 18 June 2007,

“1. Welcomes the text entitled ‘United Nations Human Rights Council: Institution-Building’, as contained in the annex to the present resolution, including its appendix (ces).”

*9th meeting  
18 June 2007*

*[Resolution adopted without a vote.]*

*Annex  
United Nations Human Rights Council: institution-building*

## I. Universal periodic review mechanism

### A. Basis of the review

#### 1. The basis of the review is:

- (a) The Charter of the United Nations;
- (b) The Universal Declaration of Human Rights;
- (c) Human rights instruments to which a State is party;
- (d) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter “the Council”).

#### 2. *In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law.*

### B. Principles and objectives

#### 1. Principles

#### 3. The universal periodic review should:

- (a) Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;
- (b) Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;
- (c) Ensure universal coverage and equal treatment of all States;
- (d) Be an intergovernmental process, United Nations Member-driven and action-oriented;
- (e) Fully involve the country under review;

- (f) Complement and not duplicate other human rights mechanisms, thus representing an added value;
- (g) Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;
- (h) Not be overly burdensome to the concerned State or to the agenda of the Council;
- (i) Not be overly long; it should be realistic and not absorb a disproportionate amount of time, human and financial resources;
- (j) Not diminish the Council’s capacity to respond to urgent human rights situations;
- (k) Fully integrate a gender perspective;
- (l) Without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries;
- (m) Ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard.

#### 2. Objectives

#### 4. The objectives of the review are:

- (a) The improvement of the human rights situation on the ground;
- (b) The fulfillment of the State’s human rights obligations and commitments



and assessment of positive developments and challenges faced by the State;

- (c) The enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;
- (d) The sharing of best practice among States and other stakeholders;
- (e) Support for cooperation in the promotion and protection of human rights;
- (f) The encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights.

### ***C. Periodicity and order of the review***

5. The review begins after the adoption of the universal periodic review mechanism by the Council.
6. The order of review should reflect the principles of universality and equal treatment.
7. The order of the review should be established as soon as possible in order to allow States to prepare adequately.
8. All member States of the Council shall be reviewed during their term of membership.
9. The initial members of the Council, especially those elected for one or two-year terms, should be reviewed first.
10. A mix of member and observer States of the Council should be reviewed.
11. Equitable geographic distribution should be respected in the selection of countries for review.
12. The first member and observer States to be reviewed will be chosen by the drawing

of lots from each Regional Group in such a way as to ensure full respect for equitable geographic distribution. Alphabetical order will then be applied beginning with those countries thus selected, unless other countries volunteer to be reviewed.

13. The period between review cycles should be reasonable so as to take into account the capacity of States to prepare for, and the capacity of other stakeholders to respond to, the requests arising from the review.
14. The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the working group of two weeks each.<sup>2</sup>

### ***D. Process and modalities of the review***

#### ***1. Documentation***

15. The documents on which the review would be based are:
  - (a) Information prepared by the State concerned, which can take the form of a national report, on the basis of general guidelines to be adopted by the Council at its sixth session (first session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing, provided that the written presentation summarizing the information will not exceed 20 pages, to guarantee equal treatment to all States and not to overburden the mechanism. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant



stakeholders;

- (b) Additionally a compilation prepared by the Office of the High Commissioner for Human Rights of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, which shall not exceed 10 pages;
  - (c) Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review which should also be taken into consideration by the Council in the review. The Office of the High Commissioner for Human Rights will prepare a summary of such information which shall not exceed 10 pages.
16. The documents prepared by the Office of the High Commissioner for Human Rights should be elaborated following the structure of the general guidelines adopted by the Council regarding the information prepared by the State concerned.
17. Both the State's written presentation and the summaries prepared by the Office of the High Commissioner for Human Rights shall be ready six weeks prior to the review by the working group to ensure the distribution of documents simultaneously in the six official languages of the United Nations, in accordance with General Assembly resolution 53/208 of 14 January 1999.

## **2. Modalities**

18. The modalities of the review shall be as follows:
- (a) The review will be conducted in one working group, chaired by the President of the Council and composed of the 47 member States of the Council. Each Member State will decide on the composition of its delegation;<sup>3</sup>
  - (b) Observer States may participate in the review, including in the interactive dialogue;
  - (c) Other relevant stakeholders may attend the review in the Working Group;
  - (d) A group of three rapporteurs, selected by the drawing of lots among the members of the Council and from different Regional Groups (troika) will be formed to facilitate each review, including the preparation of the report of the working group. The Office of the High Commissioner for Human Rights will provide the necessary assistance and expertise to the rapporteurs.
19. The country concerned may request that one of the rapporteurs be from its own Regional Group and may also request the substitution of a rapporteur on only one occasion.
20. A rapporteur may request to be excused from participation in a specific review process.
21. Interactive dialogue between the country under review and the Council will take place in the working group. The rapporteurs may collate issues or questions to be transmitted to the State under review to facilitate its preparation and focus the interactive dialogue, while guaranteeing fairness and transparency.

22. The duration of the review will be three hours for each country in the working group. Additional time of up to one hour will be allocated for the consideration of the outcome by the plenary of the Council.
23. Half an hour will be allocated for the adoption of the report of each country under review in the working group.
24. A reasonable time frame should be allocated between the review and the adoption of the report of each State in the working group.
25. The final outcome will be adopted by the plenary of the Council.

## ***E. Outcome of the review***

### ***1. Format of the outcome***

26. The format of the outcome of the review will be a report consisting of a summary of the proceedings of the review process; conclusions and/or recommendations, and the voluntary commitments of the State concerned.

### ***2. Content of the outcome***

27. The universal periodic review is a cooperative mechanism. Its outcome may include, inter alia:
  - (a) An assessment undertaken in an objective and transparent manner of the human rights situation in the country under review, including positive developments and the challenges faced by the country;
  - (b) Sharing of best practices;
  - (c) An emphasis on enhancing cooperation for the promotion and protection of human rights;

- (d) The provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned;<sup>4</sup>
- (e) Voluntary commitments and pledges made by the country under review.

### ***3. Adoption of the outcome***

28. The country under review should be fully involved in the outcome.
29. Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue.
30. The State concerned and the member States of the Council, as well as observer States, will be given the opportunity to express their views on the outcome of the review before the plenary takes action on it.
31. Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary.
32. Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned thereon, will be noted. Both will be included in the outcome report to be adopted by the Council.

## ***F. Follow-up to the review***

33. The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders.



34. The subsequent review should focus, inter alia, on the implementation of the preceding outcome.
35. The Council should have a standing item on its agenda devoted to the universal periodic review.
36. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned.
37. In considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary.
38. After exhausting all efforts to encourage a State to cooperate with the universal periodic review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

## Notes

- 1 See A/HRC/5/21, chap. III, paras. 60-62.
- 2 The universal periodic review is an evolving process; the Council, after the conclusion of the first review cycle, may review the modalities and the periodicity of this mechanism, based on best practices and lessons learned.
- 3 A Universal Periodic Review Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly the Least Developed Countries, in the universal periodic review mechanism.
- 4 A decision should be taken by the Council on whether to resort to existing financing mechanisms or to create a new mechanism.

## 2. Human Rights Council Decision 6/102. Follow-up to Human Rights Council resolution 5/1

At its 20th meeting, on 27 September 2007, the Human Rights Council decided to adopt, without a vote:

### "I. GENERAL GUIDELINES FOR THE PREPARATION OF INFORMATION UNDER THE UNIVERSAL PERIODIC REVIEW

"Reaffirming the relevant provisions, related to the universal periodic review, of General Assembly resolution 60/251 of 15 March 2006 and of Human Rights Council resolution 5/1 of 18 June 2007 containing the institution-building package, the Council adopts the following General Guidelines:

- A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;
- B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the "basis of review" in resolution 5/1, annex, section IA;
- C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review" in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms....;
- D. Identification of achievements, best practices, challenges and constraints;
- E. Key national priorities, initiatives and commitments that the State concerned intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;
- F. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance;
- G. Presentation by the State concerned of the follow-up to the previous review.

### **3. The Review of the Republic of Armenia Human Rights Council Working Group on the Universal Periodic Review**

**National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

**Eighth session Geneva, 3–14 May 2010, Armenia**

#### ***Methodology***

The National Report of the Republic of Armenia submitted in accordance with paragraph 15(A) of the Annex to United Nations Human Rights Council (HRC) Resolution 5/1 was prepared in accordance with 1483-N Decision of the Government of the Republic of Armenia from 23 November 2007 “On establishing the procedure for preparation and approval of national reports of the Republic of Armenia arising from international obligations of the Republic of Armenia,” and was approved by the Government of the Republic of Armenia on 4 February 2010.

For the purposes of preparing the report for submission to universal periodic review and providing the required information, as well as fulfilling the obligations undertaken before the international human rights treaty bodies, by 320-A Decision of the Prime Minister of the Republic of Armenia from 21 April 2009, inter-agency working groups were established to prepare the national reports on the implementation of the UN International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Council of Europe

Framework Convention for the Protection of National Minorities. The mentioned reports, prior to their submission to the Government of Armenia for approval, have been discussed with the representatives of non-governmental and international organizations, and finalized by taking their opinions into consideration.

This report was prepared by the Ministry of Foreign Affairs of the Republic of Armenia in cooperation with the Staff of the President of the Republic of Armenia, the National Assembly, the Ministry of Justice, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Education and Science, the Ministry of Culture, the Ministry of Territorial Administration, the Ministry of Finance, the Police, and the General Prosecutor’s Office. This report was also presented to non-governmental organizations for opinion.

#### ***General information about the country***

Pursuant to the Constitution of the Republic of Armenia (hereinafter referred to as “the Constitution”), the Republic of Armenia is a sovereign, democratic, social state governed by the rule of law.

In accordance with Article 2 of the Constitution, the power shall lie with the people who shall exercise it through free elections, referenda, as well as through state and local self-government bodies and officials.

State power shall be exercised in conformity with the Constitution and the laws based on the separation and balance of the legislative, executive and judicial powers (Article 5).

The President of the Republic of Armenia is the head of the State and oversees the observance of the Constitution, ensures the smooth functioning of legislative, executive, and judicial powers. The President is elected by the citizens of the Republic of Armenia for a term of five years and may not be elected for the post for more than two consecutive terms.

The legislative power in Armenia is exercised by the National Assembly, which is elected for a term of five years and is comprised of 131 members. The right of legislative initiative in the National Assembly belongs to the members of the National Assembly and the Government.

Internal policy is developed and implemented by the Government, whereas foreign policy is developed and implemented by the Government together with the President of the Republic of Armenia. The Government is composed of the Prime Minister and ministers. Upon the recommendation of the Prime Minister, the President of the Republic of Armenia may appoint one of the ministers as Deputy Prime Minister.

### ***Legislation and human rights***

Since becoming a member of the United Nations in 1992, and acknowledging the universal values, principles of human rights protection and establishment of democracy as an inseparable part of the state ideology, Armenia has actively worked and cooperated with various UN bodies and agencies with the purpose of protecting and promoting human rights. In April 2006, Armenia extended a standing invitation to all special

procedures of the HRC.

Armenia has acceded to more than 50 human rights international treaties, including all fundamental ones. Armenia has signed the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights; these instruments are currently in the process of ratification.

The representative of Armenia has been appointed as the UN Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences.

Article 3 of the Constitution stipulates: “The human being, his or her dignity and the fundamental human rights and freedoms are an ultimate value. The State ensures the protection of fundamental human and civic rights and freedoms in conformity with the principles and rules of international law. The State is bound by fundamental human and civic rights and freedoms as a directly applicable right.” Human dignity shall be respected and protected by the State as an inherent foundation of human rights and freedoms (Article 14).

The Constitution establishes that international treaties shall enter into force only after being ratified or approved, shall be a constituent part of the legal system, and if ratified international treaties define norms other than those provided for by laws, the norms of the treaties shall prevail. International treaties, which contradict the Constitution, shall not be ratified (Article 6).

On 21 October 2003, the Law of the Republic of Armenia “On Human Rights Defender” was adopted, which regulates the procedure



for organizing and functioning of the human rights institution. Pursuant to Article 2 of the Law, the Human Rights Defender (hereinafter referred to as “the Defender”) is an independent and irreplaceable person who protects the human rights and freedoms violated by state and local self-government bodies and officials. The Defender is elected by the National Assembly for a term of six years, receiving at least 3/5 of the total number of votes of the members of the National Assembly. Pursuant to point 42 of the Decree of the President of the Republic of Armenia No.NH-174-N of 18 July 2007, draft laws concerning human rights and freedoms, prior to their submission to the Government, shall be presented to the Defender for opinion. The Defender is recognized as the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Armenia continues to carry out reforms in the country in order to fully ensure the protection of human rights and the rule of law:

The Criminal Procedure Code of the Republic of Armenia entered into force in 1998. It is regularly amended, thus becoming more compliant with the international commitments undertaken by the Republic of Armenia;

The Electoral Code of the Republic of Armenia was adopted in 1999, which underwent significant amendments in 2008;

The Law of the Republic of Armenia “On local self-governance” was adopted in 2002, defining the principles of local self-governance, the local self-government bodies, the powers thereof, the legal, economic and financial grounds and safeguards thereof, as well as regulating the interrelations between the State and the local self-government bodies;

The new Criminal Code of the Republic of Armenia (2003), the new Labour Code of the Republic of Armenia (2005), the Family Code of the Republic of Armenia (2005), and the Judicial Code of the Republic of Armenia (2007) have also entered into force.

The Constitution was amended and supplemented through the referendum of 27 November 2005, introducing substantial improvements, inter alia, in the provisions concerning the fundamental rights and freedoms, thus making them more compliant with the requirements of the international covenants on human rights.

The elaboration of the comprehensive national program on human rights protection is currently underway, and is expected to be approved in 2011.

## **IV. Protection and promotion of human rights**

### ***Genocide***

Armenia continues to pursue its efforts towards recognition of the Armenian genocide of 1915-1923 by the international community for the purpose of not only establishing supremacy of international law and justice, but also preventing the recurrence of such crimes in the future through ruling out the impunity.

In 1998, the United Nations Commission on Human Rights, by the initiative of the Government of the Republic of Armenia, adopted the Resolution “On the 50th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,” and in 1999 and 2001, the Resolution “On prevention and punishment of the crime of genocide.” In March 2008, the United Nations Human



Rights Council unanimously adopted the Resolution entitled “Prevention of Genocide,” submitted by Armenia and co-sponsored by countries. With the adoption of the Resolution, issues relating to the recognition and prevention of genocide were elevated to a new level by establishing direct State responsibility before its people. Owing to the mentioned resolutions, the international community has currently focused its attention to the issue of early warning in situations that could lead to genocide, which is pivotal in the prevention of genocides.

### ***Right to self-determination***

Adhering to the provisions of the Charter of the United Nations, the Human Rights Covenants, as well as being guided by the principles enshrined in the Helsinki Final Act, Armenia regards the right of peoples to self-determination as a fundamental and indispensable human right and takes consistent steps towards its realization. Armenia is guided by the fact that the principle of the right of peoples to self-determination is currently a binding and universally recognized fundamental norm of international and national law for all states with no exception, and its implementation derives from international obligations assumed by the states.

There is no hierarchy in international law between the principles of territorial integrity of the state and the right of peoples to self-determination, and the very right to self-determination may not be restricted, suspended, or turned into an issue of territorial integrity of state or of maintaining existing state borders. Armenia has always expressed the position of inadmissibility of such hierarchy, and considers such attempts as efforts aimed at restricting, obstructing, or suppressing free

expression of the will of people. The right of peoples to self-determination as an imperative norm of international law should always and in all cases be recognized, irrespective of when, in what circumstances and on which basis the unification, transfer or alienation of the territory, the population of which puts forward the question of self-determination, took place.

The people of Nagorno-Karabakh, acting in full compliance with the provisions of the USSR laws and the principles of international law, gained independence from Azerbaijan SSR on 10 December 1991 through referendum, and established a separate state unit called “The Nagorno-Karabakh Republic” (NKR)<sup>1</sup>. Since the establishment of independent statehood, the people of Nagorno-Karabakh have exercised their right to self-determination by forming public administration bodies, holding elections, adopting laws through the legislature, and performing other necessary functions of state governance. The Government of the Nagorno-Karabakh Republic bears responsibility for the political, civil, economic, social, and cultural rights of the people of the Nagorno-Karabakh Republic through decisions passed and policies implemented. As a common principle and being committed to the objective of building a democratic society based on rule of law, the authorities of the Nagorno-Karabakh Republic have unilaterally acceded to the fundamental instruments of international law and transposed these instruments into their own legislation.

The Republic of Armenia is firmly committed to the exercise of the right of the people of Nagorno-Karabakh to self-determination, and renders its assistance to the promotion of all the fundamental rights of its people in every possible way.

Following its policy of forced suppression of the Nagorno-Karabakh people's right to self-determination and its exercise, and as a result of the war unleashed by such policies which caused great human and material losses, Azerbaijan pursues a policy of economic blockade against Armenia and Nagorno-Karabakh, which is a serious impediment to the full exercise of the right to development and many other rights, political, civil and socio-economic rights first and foremost.

### ***Justice***

In accordance with Chapter 6 of the Constitution, in Armenia justice is administered only through courts, in compliance with the Constitution and the laws. Constitutional justice is administered through the Constitutional Court. In the Republic of Armenia, there are first instance courts of general jurisdiction, courts of appeal and court of cassation, which in its turn consists of two chambers, i.e., Criminal Chamber and Civil and Administrative Chamber, as well as specialized courts in cases prescribed by law. The Administrative Court currently functions as a specialized court.

In 2007, the Judicial Code of the Republic of Armenia entered into force, which, in addition to Articles 96-98 of the Constitution, regulates the relationship pertaining to the organization and operation of the judiciary (with the exception of the Constitutional Court of the Republic of Armenia). It has adopted a series of principles characteristic of democratic countries and recognized in the international law; which are called to ensure administration of justice solely in compliance with the law and provide the judges and courts with genuine guarantees for autonomy, independence, and self-rule.

The Council of Justice, as an independent body (including from the executive branch), plays an important role in matters relating to the independence of judges; it is vested with the right to impose disciplinary sanctions on judges.

As a result of the constitutional amendments of 2005, since 1 July 2006 natural and legal persons have also been granted with the right to apply to the Constitutional Court; and they may appeal in the Constitutional Court the constitutionality of the provision of a law applied in their respect by a final judicial act (Article 101). In this respect, the Constitutional Court, in the period of July 2006 to October 2009, has examined 46 cases filed based on individual applications submitted by tens of nationals, and the challenged legislative provisions in twenty of the cases examined were declared as contradicting to the Constitution of the Republic of Armenia and invalid.

Upon acceding to the European Convention for the Protection of Human Rights and Fundamental Freedoms in 2002, Armenia has recognized the powers of the European Court of Human Rights. As of 1 December 2009, the European Court had delivered 20 judgments.

The Law of the Republic of Armenia «On the profession of advocates», adopted in 2004, provides for the Public Defense Institution and defines that the State ensures free legal aid in criminal matters in the manner and cases prescribed by the Criminal Procedure Code of the Republic of Armenia, as well as in the manner prescribed by the Civil Procedure Code of the Republic of Armenia.

### ***Right to life***

Article 15 of the Constitution prescribes the right to life and the right to non-conviction

to or no exercise of death penalty. In 2003, Armenia ratified Protocol No. 6 on the Elimination of Death Penalty to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, and has signed Protocol No.13. The Death Penalty, as an exclusive type of punishment, has been removed from the general part of the new Criminal Code which entered into force in 2003.

Since its independence, Armenia has not executed death penalty, whereas the punishment imposed against persons convicted to death penalty before 2003 has been replaced with life imprisonment. Persons who have not attained the age of 18, as well as women who are pregnant at the time of committing an offence or of delivering the judgment, shall not be sentenced to life imprisonment in Armenia.

### ***Protection from torture and other cruel or degrading treatment***

During the recent years, extensive legislative and institutional efforts have been undertaken in Armenia aimed at eliminating torture and other cruel, degrading treatment or punishment.

Article 17 of the Constitution prescribes that “no one shall be subjected to torture, inhuman or degrading treatment or punishment. All arrestees remand prisoners, and persons sentenced to imprisonment shall have the right to be treated with humanity and with respect for dignity.” Armenia has ratified all the fundamental international treaties relating to this sphere, namely the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the European

Convention on Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987 and its two Protocols. Third and Fourth Combined Periodic Report of the Republic of Armenia on Implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted in 2009.

Since 2001 the Penitentiary Department and the establishments under its authority were transferred from the jurisdiction of the Ministry of Interior Affairs to the jurisdiction of the Ministry of Justice, with an aim to improve the whole system of the penitentiary service, as well as to contribute to the improvement of the conditions of detainees, and ensure the highest protection of their rights.

The Law of the Republic of Armenia “On the custody of arrestees and remand prisoners”, enacted on 7 March 2002, pursues the same goal; the Law lays down the general principles, conditions of, and procedures for holding arrestees or remand prisoners under arrest or in remand detention, the rights of arrestees and remand prisoners, guarantees for ensuring their rights, their duties, as well as the procedure for releasing these persons from arrest or remand detention. The aforementioned Law prohibits physical violence, as well as inhuman or degrading actions against arrestees or remand prisoners (Article 2).

Pursuant to Article 6 of the Criminal Procedure Code of the Republic of Armenia adopted in 2004, the execution of a sentence, as well as imposition of compulsory medical measures combined with execution of the sentence, must not be accompanied by physical violence against a person, as well as by such actions, which may lead to socio-psychological degradation of the person. No person deprived of liberty upon a judgment shall be

subjected to torture or other cruel, inhuman or degrading treatment or punishment. No circumstance may serve as a ground for justifying torture or other cruel, inhuman or degrading treatment or punishment.

It is prohibited to subject an arrestee or a remand prisoner to medical or scientific experiments regardless of his or her consent.

In correctional establishments women are kept separately from men. Female and juvenile arrestees or remand prisoners are being provided with improved living conditions in police holding facilities and remand facilities. It is prohibited to place pregnant women or women with children in a disciplinary cell as a sanction.

According to the Constitution (Article 103), exclusive powers are vested in prosecution authorities with regard to exercising control over the legality of inquest and preliminary investigation and of the application of punishments and other compulsory measures. Since 2007, the Law of the Republic of Armenia "On Prosecutor's Office" is in force.

The implemented legislative reforms have created substantial preconditions for establishing a system of independent monitoring over the places of custody. Since 2005, the Public Monitoring Group carrying out monitoring in penitentiary establishments and bodies under the Ministry of Justice of the Republic of Armenia, and the Public Monitoring Group carrying out monitoring in police holding facilities under the Police of the Republic of Armenia have been functioning. The groups are comprised of representatives of non-governmental organizations who are authorized to unimpeded access to police holding facilities and penitentiary institutions and bodies, to familiarize themselves with the situation, to meet with persons deprived of liberty and

those under the control of penitentiary bodies, and to submit relevant reports.

The objectives of the activities of the Groups are the following: to conduct public monitoring of the protection of the rights of prisoners and persons under the control of penitentiary bodies; to improve the working and living conditions for prisoners in penitentiary establishments; to carry out activities aimed at the detection and prevention of human rights violations in the Penitentiary Service; to present to the public issues relating to the penitentiary service; and numerous other tasks.

In the period of 2000-2009, no cases of torture and other cruel, inhuman or degrading treatment were reported in penitentiary institutions, with the exception of one case, with regard to which a criminal case was instituted, and the offenders were sentenced to two years of imprisonment.

The administration of remand facilities or correctional establishments is obliged to accept proposals, requests, and complaints filed by remand prisoners or convicts. From 2006 to June 2009, 43844 requests, 40 complaints, and 4 proposals were submitted by remand prisoners and convicts.

The Criminal Procedure Code of the Republic of Armenia was amended with a view to making the interrogation process more manageable and minimizing inhuman and other degrading treatment of suspects or the accused. Pursuant to it, materials, which were obtained through violence, threat, deception, ridicule of a person, as well as through other unlawful actions, infringement of the rights of a witness, or serious violation of the execution procedure of investigative or other procedural activities, may not form basis for charges in criminal proceedings and used as evidence (Article 105). Despite the provisions

set forth through legislative reforms, on the implementation level there are still issues requiring constant attention and additional improvement of activities undertaken.

Issues relating to the organization of education and professional training of remand prisoners and convicts are still to be addressed. The organization of public education for juvenile convicts has already been resolved.

Continuous efforts are underway in the Republic aimed at resolving the existing problems relating to the conditions of holding persons in police holding facilities and penitentiary institutions.

The European Court of Human Rights has so far rendered three judgments against the Republic of Armenia, finding violation of Article 3 of the European Convention on Human Rights.

Pursuant to Article 16 of the Criminal Code, persons shall not be extradited to a foreign state, where there are substantial reasons to believe that extradition has been requested for inquest or application of a punishment on the basis of to their race, religion, belonging to an ethnic or a certain social group, or political opinion. No one shall be extradited to a foreign state where he or she may be in a serious danger of being subjected to torture or inhuman or degrading treatment or punishment. Where, under the laws of the state requesting extradition of the persons having committed a criminal offence, such offence is punishable by death penalty, the extradition of the persons having committed the offence may be refused unless the requesting party gives sufficient guarantees that death penalty will not be executed.

### ***Freedom of thought, conscience and religion***

Article 26 of the Constitution provides for the freedom of thought, conscience and religion, whereas Article 8 provides for religious rights. The main law of the Republic of Armenia regulating the activities of religious organizations is the Law “On freedom of conscience and religious organizations.”

The Constitution clearly stipulates the principle of reciprocal non-interference between the State and religious organizations in each other’s affairs. It also envisages mutually beneficial co-operation between the State and different religious organizations and freedom of activities stating: “Freedom of activities for all religious organizations acting in accordance with the law shall be guaranteed in the Republic of Armenia.”

During the years after establishment of independence, Armenia undertook serious steps aimed at ensuring religious diversity in the country. In 1997, there were 14 religious organizations registered in the country, whereas in 2009 the number of registered religious organizations reached 66.

In December 2003, the Law of the Republic of Armenia “On Alternative Service” was adopted, which regulates the relations with regard to replacing the mandatory military service for the citizens of the Republic of Armenia with alternative service. The Law was amended twice, in 2004 and 2006, with the purpose of bringing it in line with international standards.

### ***Freedom of opinion and expression***

Article 27 of the Constitution prescribes that everyone shall have the right to freedom of expression, including freedom to search for,

receive, and impart information and ideas by any means of information regardless of the state frontiers. Freedom of mass media and other means of mass information shall be guaranteed.

This field is regulated by a number of laws, including the laws of the Republic of Armenia “On Television and Radio” (2000), “On Freedom of Information” (2005), “On Electronic Communication” (2005), and “On Mass Information” (2003). Article 4 of the Law “On Mass Information” provides for a system of guarantees for ensuring the right to freedom of speech in the field of media, in particular: (a) persons engaged in media activities and journalists operate freely, based on the principles of equality, legality, freedom of speech (expression), and pluralism; the journalist is, as a person performing a public duty, protected by the legislation of the Republic of Armenia in the course of performing his or her professional lawful activity, (b) mass media products are produced and distributed without preliminary or current state registration, licensing, declaration in state or other bodies, or notice to anybody.

The State creates necessary conditions and undertakes measures for providing access to the programs of the Public Television and Radio Company (at least one television channel and one radio channel) within the entire territory of the Republic of Armenia.

In 2001, the Law of the Republic of Armenia “On Regulations of the National Commission on Television and Radio” was adopted, which lays down that the National Commission on Television and Radio is an independent regulatory body which is called to ensure the freedom, independence, and diversity of broadcast media, as well as to carry out licensing and control over the activities of television and

radio companies in the manner prescribed by the legislation.

According to the amendments of December 2008 to the Law of the Republic of Armenia “On Television and Radio,” the Public Television should provide air time for special programs and broadcasts in the languages of the national minorities of Armenia, imposing a quota of up to two hours per week on television, and one hour per day on radio.

Currently 83 television channels are broadcast in Armenia, of which 48 are broadcast in the territory of one Marz (region), and 20 radio channels, of which two channels are broadcast in Marzes. There are 12 national dailies and 49 other periodicals, of which 22 periodicals are national and 27 periodicals are sub-national (Marz).

### ***Freedom of peaceful assembly and association***

The right to association, to form and join political parties is enshrined in Article 28 of the Constitution. Establishment of non-governmental political associations and the procedure for their operation are provided for in the laws of the Republic of Armenia “On Freedom of Conscience and Religious Organizations” (1991), “On Non-governmental Organizations” (2001), and “On Political Parties” (2002). Relations pertaining to the associations are regulated also by the Law of the Republic of Armenia “On State Registration of Legal Entities” (2001).

Article 3 of the Labour Code, adopted in 2004, as a principle of labour legislation, provides for the right to free association for the protection of the rights and interests of employers and employees (including the right to form and join trade unions and employers’ unions).



There are more than 3000 registered non-governmental organizations in Armenia; however not all of these organizations are actively engaged.

There are 74 registered political parties in Armenia, of which five, following the parliamentary elections held in 2007, are represented in the National Assembly.

Article 29 of the Constitution prescribes the right to freedom of peaceful and unarmed assembly.

Specific procedures for the exercise of the right to peaceful assembly are established in the Law of the Republic of Armenia “On Meetings, Assemblies, Rallies and Demonstrations” (2004). The Law regulates, in detail, the rights and obligations of persons organizing public events, the powers of the authorized bodies and the police, the limitations on organizing and holding public events, the procedure for notification of public events, etc.

According to Article 163 of the Criminal Code of the Republic of Armenia, the obstruction of organization of, or participation in lawful meetings, assemblies, rallies or demonstrations, or compelling to participate in meetings, assemblies, rallies or demonstrations by the use or the threat of use of violence are deemed criminal offences, whereas Article 225.1 criminalizes the organizing and holding of a public event in violation of the procedure prescribed by law.

### **Healthcare**

In accordance with Article 38 of the Constitution, “Every person shall have the right to medical aid and service in the manner prescribed by law.” Everyone has the right to benefit from free general medical services.

The list and procedure for provision thereof are prescribed by law.”

According to the Decision of the Government of the Republic of Armenia No. 1207-N of 30 October 2008 “On approving the Sustainable Development Program,” increased access to and affordability of health care services, and continuous improvement of the quality of health care services remain priorities for the state policy, with a special emphasis on increasing the access to basic services across the regions of the country, and on the disparities in the rate of utilization of health care services among population groups with different income levels.

Since 1999, reforms have been carried out in the health care system of the Republic of Armenia directed towards creating conditions for all people to receive medical aid and medical care; these reforms were mainly targeted at the development of the primary health care and the creation of favorable conditions for introduction of family doctors.

The 2008-2013 Strategy for Primary Health Care of the Population of the Republic of Armenia was adopted. Taking into consideration that primary health care is still considered a main priority, since 2006 the whole population, irrespective of the age and social status, has been included in this program (except for stomatological medical aid, which is provided free of charge only for socially vulnerable groups and children of up to eight years of age), as a result of which the average annual number of visits to out-patient polyclinic establishments has significantly increased, reaching 2.8 per capita in 2006 as compared to 2.0 per capita in 2003.

The development of the primary health care made it possible to improve and ensure access to medical aid, thus securing the principles of



social justice and equality conditioned thereby. Primary health care sector includes 467 medical facilities rendering out-patient polyclinic services and 638 medical obstetric units in rural communities, which operate in Armenia.

The problem of the affordability of medical aid to children and women is emphasized in the package of state-sponsored general services developed within the framework of financial management system reforms, and a special attention is drawn to the annual target program for mother and child health care, according to which in-patient services for children under the age of seven and primary health care of children under the age of eighteen, as well as obstetric services are covered by the state-sponsored program. Around 93 per cent of women in Armenia receive professional aid and care in pre-natal period. Such services are to some extent more accessible in urban areas (96 per cent) than in rural settlements (89 per cent). Almost all women (97 per cent) give birth at medical establishments. Only two percent of women give birth at home, as compared to the nine percent in 2000. Medical aid and care for prenatal period and at birth are provided free of charge, within the framework of state health care target programs guaranteed by the State.

The State has financed health resort treatment of about 1052 children, including 697 children suffering from, and exposed to tuberculosis, and sponsored medical care of about 830000 children in out-patient clinics.

Since 2002, Armenia has been certified as a “poliomyelitis-free” zone.

Armenia succeeded in reducing the infant mortality rate (IMR) by 52 per cent in the period of 1990-2005. In 2007, IMR decreased by about 20 per cent as compared to 2006

(in 1990-1995, the average IMR was 41 per cent, whereas in 2000-2005 it was 26 per cent, in 2006 - 13.9 per cent, and in 2009 - 10.9 per cent).

The level of involvement in the vaccination of targeted age groups in the country is over 90 per cent. However, the level of timely and full involvement of target age groups in vaccination is still low.

In the field of healthcare, funding from the State Budget of the Republic of Armenia continues to increase. The Government of the Republic of Armenia attaches importance to the improvement of health sector funding and to its social orientation. Actual expenditures on health care in 2003 equaled 1.2 per cent of the country's GDP, and 1.54 per cent in 2007. Accordingly, allocations for primary health care are also increasing: during the same period these allocations increased 2.75 times and already exceed the state funds allocated to hospitals.

The country still faces the problem of ensuring full accessibility of health care services at all levels, particularly for the socially vulnerable groups, as well as those in rural and remote areas.

### ***Right to education***

Article 39 of the Constitution stipulates that everyone shall have the right to education. In the Republic of Armenia basic general education is compulsory, except for cases prescribed by law.

Secondary education at state educational institutions is free of charge. There is also an opportunity for free education on competitive basis at technical and vocational secondary educational institutions, as well as at higher educational institutions.

In 1999, the Law of the Republic of Armenia “On Education” was adopted, according to which the right to education is ensured for everyone in the Republic of Armenia, irrespective of ethnicity, race, sex, language, religion, political or other views; legal equality between men and women is also ensured. The field of education is regulated by the laws of the Republic of Armenia “On Higher and Post-graduate Professional Education” (2004), “On Preliminary and Middle-level Professional (vocational) Education” (2005), “On Pre-school Education” (2005), “On Education of Persons with Special Educational Needs” (2005), and “On Public Education” (2009).

In Armenia, primary education is not a matter of concern; the enrolment rate in primary school is considerably high: the literacy rate is 99.5 per cent.

The primary purpose of the educational reforms carried out during the last decade is to increase the quality of education by ensuring efficient functioning of the system, and to ensure equal opportunities for citizens to obtain education according to their aspirations and competences.

In the field of education the state guarantees, inter alia, the following principles: the humanitarian nature of education; priority of national and universal values, human life and health; free and comprehensive development of an individual; importance of civic consciousness; respect to an individual and for his or her rights and freedoms; dignity; patriotism; hard work; responsibility; tolerance; shaping an environmental outlook.

As of 2007, there were 1417 state schools functioning in the Republic, of which 9 were elementary, 154 - basic (grades 1-9), and 1169 - secondary. Currently, there are 48 separate

high schools in the Republic.

In the field of public education, importance is attached to improving the education of children with special educational needs; the education, upon the choice of the parents, may be pursued both in general public schools (49 schools) and in special establishments with special curricula.

In 2005, the Government of the Republic of Armenia approved the Concept for Inclusive Education, which is aimed at specifying the key issues of organizing education of children with special educational needs in public schools and of the reforms of special education.

The Republic of Armenia pays great attention to education in human rights, considering it as an important factor contributing to the development of democracy. Since 2001, Human Rights is included in the curriculum of public schools as a separate educational subject (9th grade). Pupils also study the following subjects: “Civic Education” and “State and Law.” As regards the teaching of human rights, considerable work has been carried out not only with respect to the elaboration of textbooks but also to the training of teachers and faculty members. Non-governmental organizations have played a considerable role in these activities.

At present, in Armenia there are 84 state educational institutions offering middle-level professional education programs, with the enrolment of approximately 28000 students. As of 2009, there are 30 vocational schools functioning in the Republic, with the enrolment of approximately 7500 students.

In 2003, the Government of the Republic of Armenia approved the Higher Education Development Strategy, which addresses both

the application of new management methods and the reform, the establishment of new forms of state funding, expanding the links with the labour market, and the integration with the European Higher Education Area in the field of higher and post-graduate professional education and involvement in the Bologna process.

At present, within the social policy, the assistance provided by the State in the field of higher education is currently limited to state scholarship with full compensation provided to certain groups of students based on their social status (students who have lost both parents, persons with disability of first and second categories, children of perished or deceased military servicemen, persons who have acquired disability during military service, persons involved in target education).

### ***Rights of women***

Armenia has ratified the UN Convention on Elimination of all Forms of Discrimination against Women (1993).

In 2010-2011, Armenia will chair the UN Commission on the Status of Women.

In Armenia, there are no laws, legal acts, decisions or policies that contain provisions discriminating against women.

In 2004, the Government of the Republic of Armenia adopted the 2004-2010 National Plan for the Improvement of the Situation of Women and Enhancement of their Role in the Society, which defined the principles, priorities and main directions of the state policy towards the solution of women's problems, and aimed to contribute to ensuring complete equality of rights and opportunities for men and women.

In November 2009, the Concept Paper of

the Government of the Republic of Armenia on Gender Equality for 2010-2014 was submitted to the Government of the Republic of Armenia for approval: the Concept Paper was elaborated with direct participation of non-governmental organizations.

The Draft Law of the Republic of Armenia "On Ensuring Equal Rights and Equal Opportunities for Men and Women" is in the process of elaboration.

Upon the decision of the Prime Minister of the Republic of Armenia of 26 May 2009, the Council on Women's Issues has been reformed and is chaired by the Prime Minister. The Council is called to protect the rights of women, to supervise the implementation of measures envisaged by the national plan on the improvement of the situation of women, and gender issues.

The Armenian legislation provides women with all opportunities to participate in the political and social life of the country on equal basis with men. However, despite some progress, women are under-represented in the decision-making level, which continues to be the major problem among women's issues. To rectify the situation, amendments were made to the Election Code of the Republic of Armenia, which stipulated a fifteen percent quota for inclusion in the proportional lists, instead of the previous five percent. Women are mainly represented in the middle levels of governance, as well as in non-governmental organizations.

Combating trafficking in human beings is recognized as one of the priorities of the Government of the Republic of Armenia. The activities are coordinated by the Council on Trafficking Issues chaired by the Deputy Prime Minister of the Republic of Armenia.

Armenia ratified the UN Convention against Transnational Organized Crime and its two Optional Protocols, the Optional Protocol to the UN Convention on the Rights of the Child, and the Council of Europe Convention on Action against Trafficking in Human Beings. The Criminal Code of the Republic of Armenia underwent respective amendments to include rather heavy sanctions for this type of crime.

In Armenia, activities in this direction are carried out within the framework of the Second National Program on Combating Trafficking in Human Beings for 2007-2009. In 2008, the Government of the Republic of Armenia approved the “National Referral Procedure for Persons subjected to human trafficking.” Currently, the elaboration of the National Program for 2010-2013 is underway.

In Armenia, non-governmental organizations play an invaluable role in the fight against trafficking in human beings, which, inter alia, assist in provision of shelter and support to the victims of trafficking.

The problem of combating violence against women has been extensively discussed in Armenia during the recent years. In 2006, upon the Order of the Head of the Police of the Republic of Armenia, a working group was established, supervised by the Deputy Head of the Police, aimed at effective implementation of the provisions of the 2004-2010 National Plan for the Improvement of the Situation of Women and Enhancement of their Role in the Society with regard to measures against violence against women. To that end, crimes against women are recorded at the information center of the Police of the Republic of Armenia.

Currently, provisions condemning violence against women are included in the Criminal

Code and the Family Code of the Republic of Armenia.

In 2007, pursuant to international obligations undertaken, an inter-agency working group was established within the framework of the “Legal initiative against family violence” project implemented by “Center of Women’s Rights” non-governmental organization, which elaborated the draft Law on Domestic Violence.

### ***Right of the child***

Armenia has ratified the most important international instruments relating to the rights of the child.

This sphere is mainly regulated by the Law of the Republic of Armenia “On the Rights of the Child” (1996). The Family Code of the Republic of Armenia clearly stipulates: “The State shall ensure the primary protection of the rights of children.” Sections 4-6 of the Family Code regulate the protection of rights and lawful interests of children. A number of articles in the Labour Code of the Republic of Armenia envisage the procedure for, and the conditions of hiring minors. Chapter 14 of the Criminal Code of the Republic of Armenia regulates the criminal liability of juveniles and specifications of sanctions.

The National Commission for the Protection of Children is the body responsible for the protection of children in Armenia. It is an advisory body, the activities of which are aimed at fostering the implementation of the uniform national policy on the protection of child’s rights and interests, as well as at the development of the child protection system.

In 2006, a new three-tiered system for the protection of children was established in Armenia at national, regional, and community

levels. The main purpose of this system is to implement a uniform and coordinated state policy that will provide for a single uniform methodology for the protection of the rights and interests of children through the National Commission for the Protection of Children, through the children's rights protection divisions at the Marzpetarans (regional governor's offices) of the Republic of Armenia and the Yerevan Municipality, and through the guardianship and trusteeship bodies in the communities.

In 2003, the Government approved the 2004-2015 National Plan on the Protection of the Rights of the Child, within the framework of which the following programs, inter alia, have been implemented: "State support to the Graduates of Orphanages of the Republic of Armenia" for the period of 2004-2015; "Organization of Child Care in Orphanages" for the period of 2004-2015; "De-institutionalization of Children from Orphanages" for the period of 2004-2015, "Introduction of the Foster Care Institution"; "Creation of a Databank of Foster Families"; "Creation of Twenty-five Day-care Community Centers for Children."

Since 2001, child development and child day-care community centers have been established by the efforts of the state and non-governmental organizations. At present, children and juniors with disabilities and social-psychological problems benefit from the services provided by these centers, the activities of which are mainly directed at supporting the social integration of children in especially difficult circumstances.

Some improvements have been registered also with regard to street children. At present, due to the cooperation with different international and local organizations, drastic

reduction in the number of vagrant juveniles has been registered in Armenia.

Seminars on different legal issues, including violence, are organized in general education schools through interactive learning with direct participation of teachers and policemen. These seminars enable juveniles to learn and know their rights and responsibilities, be aware of the legalization of the Republic of Armenia.

### ***Proper living standards, pensions***

Socio-economic development of Armenia and the issue of ensuring proper living standards for the population are among the most important tasks of the Government of the Republic of Armenia. To this end, the 2003-2015 Poverty Reduction Strategy Program was approved in 2003. The Program was revised in 2008, taking into account the rapid economic growth registered in the Republic and its effect on the overall socio-economic situation (in 1999 the poverty rate was 56.1 per cent and the extreme poverty rate was 21 per cent, whereas in 2006 these rates were 26.5 per cent and 4.1 per cent, correspondingly). In 2008, the Government adopted the Sustainable Development Program, with new target thresholds.

The Law of the Republic of Armenia "On Mandatory Social Security Payments" has entered into force in 1997, defining the concept of mandatory social security payments, the legal, financial, and organizational aspects for compilation, rates of, and procedure for payments in the Republic of Armenia.

The Law "On State Pensions" of 2003 guarantees the pension security for the citizens of the Republic of Armenia and provides for the following types of pensions: insurance pensions – seniority, preferential, long-term

service, disability, loss of bread-winner; partial; and social pensions – seniority, disability, loss of bread-winner.

The social security of the citizens of the Republic of Armenia is also guaranteed by the laws of the Republic of Armenia “On the Social Security of Military Servicemen and their Families” (1998), “On the Social Protection of Children without Parental Care” (2002), “On Social Assistance” (2005), and “On State Allowances” (2005).

Despite the existence of the relevant legal framework and the continuous steps undertaken by the Government, the pensions, family benefits and other social security payments are still insufficient to ensure proper living standards for the beneficiaries.

### ***National minorities, non-discrimination***

A relevant legislative framework has been established in the Republic of Armenia for ensuring the rights and freedoms of the minorities residing in the territory of the Republic of Armenia.

The Republic of Armenia has ratified the UN Convention on the Elimination of All Forms of Racial Discrimination, the Council of Europe Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages, and submits national reports on the implementation of these instruments in the prescribed manner. The Third Report of the Republic of Armenia on Implementation of the Council of Europe Framework Convention for the Protection of National Minorities, as well as the Fifth and Sixth Periodic Report on the Implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination were submitted in 2009.

In 1993, the Republic of Armenia acceded to the Convention No. 111 of the International Labour Organization on Discrimination in respect of Employment and Occupation, the provisions of which have been incorporated in the relevant domestic legal acts of the Republic of Armenia.

During the Constitutional Reforms of the Republic of Armenia, the Constitution has been supplemented by a new Article 14.1, which particularly states: “Everyone shall be equal before the law. Discrimination on the grounds of sex, race, color, ethnic or social origin, genetic features, language, religion, outlook, political or other views, membership to a national minority, property status, birth, disability, age or other circumstances of a personal or social nature shall be prohibited.”

Article 41 of the Constitution proclaims that everyone shall have the right to preserve his or her national and ethnic identity. Persons belonging to national minorities have the right to preserve and develop their traditions, religion, language, and culture.

Article 3 of the Law of the Republic of Armenia “On Citizenship” prescribes that the citizens of the Republic of Armenia shall be equal before the law irrespective of the grounds of acquisition of the citizenship of the Republic of Armenia, nationality, race, sex, language, belief, political or other views, social origin, property or other status, and are entitled to enjoy all the rights, freedoms, and duties defined by the Constitution and laws.

The Criminal Code of the Republic of Armenia stipulates that direct and indirect infringement of human and civic rights and freedoms on the grounds of the person’s national origin, race, sex, language, belief, political or other views, social origin, property or other status, which caused harm to the person’s



lawful interests, shall be punished by a fine or imprisonment.

Armenia actively cooperates with the bodies of the Council of Europe dealing with, and carrying out monitoring of issues related to national minorities: the Committee of Experts on Issues relating to the Protection of National Minorities, the Advisory Committee on the Framework Convention for the Protection of National Minorities, the European Commission against Racism and Intolerance, and the Committee of Experts of the European Charter for Regional or Minority Languages.

In the Republic of Armenia, there are eleven national minorities: Russians, Assyrians, Yezidis, Kurds, Greeks, Ukrainians, Belarusians, Germans, Polish, Jews, and Georgians, who-according to the 2001 census, constitute 2.2 per cent of the population of the Republic of Armenia.

Continuous contribution to the preservation, dissemination and development of the cultural heritage and the culture of the national minorities is one of the priorities of the cultural policy of the Republic of Armenia. It was reflected in 2008-2012 Action Plan of the Government of the Republic of Armenia. The objective of the relevant measures envisaged is to preserve the cultural identity of the national minorities and involve them in the cultural life of Armenia through publication of non-state press and literature in the languages of national minorities, organization of festivals, restoration of monuments of religious and ethnic communities, and assistance in the development of contemporary art.

Point 6 of the cultural activity plan provided for by the provisions of the National Security Strategy relates to the protection of historical, spiritual, cultural values and the ethnic identity of the national minorities residing in

the territory of Armenia, and provides that the policy of the Republic of Armenia with regard to the national minorities rests upon three fundamental principles:

Assisting in the preservation of ethnic identity and the development of ethnic culture;

Prevention of any form of ethnic discrimination;

Assisting in the full integration of the non-Armenian population into the society of Armenia

The Law of the Republic of Armenia “On Fundamentals of Cultural Legislation”, adopted in 2002, was of vast importance in organizing the cultural life and solving the existing issues of the national minorities in Armenia: it defined the state policy directions aimed at assisting the cultural development of national minorities.

With regard to the protection of national minorities, the establishment of the Coordinating Council for National Minorities (hereinafter referred to as “the Council”), upon the executive order of the President of the Republic of Armenia in 2000, was an important step aimed at ensuring the protection of the national minorities in the Republic, activating their inter-community relations, as well as making the state care in relation to specific educational-cultural, legal and other issues more effective. Two representatives from each of the eleven national minorities residing in the Republic of Armenia are nominated as members of the Council.

The Department for Ethnic Minorities and Religious Affairs of the Government of the Republic of Armenia was established in 2004. The Department participates in the drawing up of the Action Plan of the Government of Armenia, exercises the functions of the authorized body of the Government of the



Republic of Armenia responsible for regulating relations between the State and religious organizations as prescribed by the Law of the Republic of Armenia “On Freedom of Conscience and Religious Organizations,” and ensuring “the preservation of the traditions of persons belonging to the national minorities and the protection of their right to the development of their language and culture”.

Since 2000, financial assistance in the amount of AMD 10 million is provided from the State Budget to organizations representing the eleven communities, which are members of the Council, for the purpose of supporting educational-cultural activities of the national minorities.

The representatives of the eleven nationalities represented in the Council participate in the activities held. Moreover, each community invites the representatives of all other ethnic communities to celebrate its national holidays. All this allows the national minorities residing in the territory of the Republic of Armenia to get acquainted with one another’s languages, traditions, customs, and rituals, which, in its turn, creates an atmosphere of mutual understanding and tolerance and contributes to cultural interosculation and enrichment.

The most noteworthy recent initiatives of the Council were the publication of textbooks for elementary classes in the Yezidi and Assyrian languages, the establishment of the Cultural Center of Nationalities in 2006 with the support of the Armenian authorities, the publication of a new Kurdish periodical “Zagros” (2007).

Meanwhile, specific educational, cultural, and social programs for the national minorities are also financed by the state authorities. It should be mentioned that notwithstanding the crisis, the educational and cultural programs for national minorities continue to be

smoothly implemented.

The “Union of Nationalities of the Republic of Armenia” non-governmental organization also plays a rather active role in the sphere of protection of the rights of national minorities in Armenia; it co-ordinates the activities of non-governmental organizations of the national minorities residing in Armenia, upon their consent, in order to strengthen the cooperation and mutual understanding among all nations. Fourteen non-governmental organizations of national minorities are members to the Council of Nationalities.

Annual and Medium-Term Expenditure Framework of the Ministry of Culture of the Republic of Armenia envisages annual budgetary allocations for supporting the cultural events of the national minorities. Particularly, AMD 700000 was envisaged in 2007, AMD 1800000 in 2008, and AMD 2300000 in the budget of 2009.

Since the representatives of the national minorities mainly reside in the Marzes (regions) of the Republic of Armenia, regional cultural development programs also take this fact into consideration. Differentiated approach is used towards each Marz based on the peculiarities and problems of the national minorities residing in the given Marz. Representatives of unions of the national minorities are involved in the elaboration of the above-mentioned programs.

In 2008-2009, eleven newspapers and four journals are published in Armenia in national minority languages (of which nine newspapers and three journals are published with state assistance). In 2008, state assistance in the amount of AMD 9627100 was allocated to the press published in national minority languages, and AMD 12168000 was allocated in 2009.

Armenia attaches great importance to the exercise of the national minorities' children's right to education and organization of their education in their native languages. Since 2007, launching of groups in pre-school institutions comprised of children of the national minorities is permitted for the number of children being 8-10, whereas the number of children in a standard group is set at 25-30.

During 2007-2009, the major achievements in the sphere of education of the national minorities, in addition to various other steps undertaken, include: development and introduction of the "Model curriculum of general education schools for national minorities" (2009); development of textbooks of Yezidi language and literature for 4-5 grades (2008); publication of textbooks for 6-7 grades (2009); development and publication of Assyrian ABC book (2007); publication of the textbook for elementary class "Let's Speak Assyrian" (2009); inclusion of "Rights of National Minorities" and "Tolerance" thematic units in the curriculum of the "Social Science" subject; and regular trainings of teachers belonging to national minorities.

Applicants belonging to national minorities are admitted to higher educational institutions both on equal basis and based on the applications submitted by the heads of the national minorities. In 2004-2009, the number of persons belonging to national minorities involved in higher education was 74.

Notwithstanding the steps taken by the State aimed at providing the national minorities of Armenia with their own teachers, this issue is not yet completely resolved in Russian Molokan, Yezidi, and Kurdish communities.

The fact of such adherence to cultural traditions results in incomplete education of children. Labour in Russian Molokan, Yezidi,

and Kurdish communities is preferred over education. The issue of overcoming such approach towards education is under constant attention of relevant Armenian state authorities, which have regular meetings with the representatives of the communities with the purpose of discussing and finding solutions to the problem.

The Armenian authorities also attach high importance to the fight against any form of racial discrimination at both national and international level. During the World Conference against Racism held in Durban in 2001, Armenia was elected as Vice-Chair of the Conference and was actively participating in its activities. Since 2007, i.e., from the very beginning of the preparatory activities for the Durban Review Conference held in 2009, Armenia has actively participated in those activities and has been elected as Vice-Chairperson of the Preparatory Committee. The principles of the Durban Declaration and the Program of Action underlie the activities of the Armenian state authorities with respect to the fight against racial discrimination. At the national level, these principles are taken into account both while implementing legal reforms, and undertaking practical measures.

With respect to dissemination of national hatred, in recent years incitement to hatred towards Armenians and Armenia, as well as apparent war propaganda by Azerbaijan has become a matter of major concern. Such actions by the mentioned country are violation of its international commitments. Manifestations of intolerance and dissemination of xenophobia towards Armenians are not only gross violations of human rights but also raise concerns with regard to ensuring peace and stability in the region; and this poses a potential danger for Armenia's security. A

number of well-known, independent monitoring bodies engaged in the protection of human rights, namely - the Advisory Committee on the Framework Convention for the Protection of National Minorities<sup>2</sup>, the European Commission against Racism<sup>3</sup>, the Commissioner for Human Rights of the Council of Europe<sup>4</sup>, have expressed their deep concern with respect to such behavior by Azerbaijan, i.e., dissemination of hatred and hostility and manifestations of discrimination against individuals of Armenian origin. Armenia has repeatedly voiced its concerns in this regard, calling the international community, particularly the Human Rights Council, to undertake measures aimed at halting and preventing such manifestations.

### ***Refugees, asylum seekers***

Armenia has always taken all possible measures to ensure comprehensive and equal protection of the rights and freedoms of persons seeking asylum and recognized as refugees in the Republic of Armenia, as defined by international norms and the legislation of the Republic of Armenia. In 2008, the new Law “On Refugees and Asylum” was adopted, which is in full compliance with the requirements of the 1951 Geneva Convention and its Protocol, and other international instruments.

Armenia has continuously pursued a policy of full integration of refugees, including those who are minors, into the society. As of 2009, 82600 refugees were granted citizenship of the Republic of Armenia.

From 1999 to 2009, 1670 foreign citizens sought asylum. Of those, 198 applied for a refugee status, 35 were granted a refugee status, and 121 applications were rejected. 1472 individuals sought temporary asylum, and 825 of them were granted the status.

The Law of the Republic of Armenia “On Foreigners”, adopted in 2006, defined the types of residency status for foreigners, the grounds and time limits for granting residency status, the grounds for rejecting the residency status, the procedures for granting and rejecting work permits to foreigners, the procedures for leaving the territory of the Republic of Armenia by foreigners, and for their deportation, and other issues.

In the Republic of Armenia, foreigners shall have the same rights, freedoms and duties as the citizens of the Republic of Armenia, and shall bear the same responsibilities as the citizens of the Republic of Armenia in the territory of the Republic of Armenia.

Refugees which were granted asylum in the territory of the Republic of Armenia shall have the right to benefit from the social services envisaged for the Armenian citizens as prescribed by the legislation of the Republic of Armenia, to receive state allowances and other monetary assistance, free medical aid and care guaranteed by the State, as well as the right to pension insurance specified by the legislation of the Republic of Armenia, and the right to social protection in case of unemployment, provided that they meet the requirements of the legislation of the Republic of Armenia regulating the relevant field. In accordance with the Civil Code of the Republic of Armenia, everyone shall have the right to apply to courts for protection of his or her rights; this provision extends also to refugees and asylum seekers. The Law of the Republic of Armenia “On Refugees and Asylum” guarantees the right to judicial protection for rejected asylum seekers. In accordance with the Law of the Republic of Armenia “On State Duty,” the decision on rejection may be appealed before the courts without payment of state duty.



Despite the immense efforts made for years with the purpose of resolving the problems of more than 400000 refugees exiled from Azerbaijan, Armenia has not yet fully resolved the housing problem of the refugees. According to preliminary estimates, AMD 15-16 billion will be required for solving the housing problem of beneficiary refugee families. However, only AMD 815 million is annually allocated for this purpose from the State Budget of the Republic of Armenia. According to preliminary assessments, another 3500-4000 refugee families still lack permanent shelter.

In addition to this, the Government also deals with the problem of returning the persons internally displaced due to military operations to their permanent places of residence. In 2008, the Assistance Program for Return of the Internally Displaced Persons Residing in Border Settlements of Armenia to Their Places of Origin was adopted: the implementation of the program will require approximately USD 38.5 million.

Rapid resolution of the housing problem for both refugees and internally displaced persons will be possible only with adequate and continuous assistance from the international community.

### ***Conclusion***

The Republic of Armenia continuously pursues its policy of comprehensive protection and promotion of human rights with the objective of building a society based on universal values and rule-of-law.

To achieve these objectives, Armenia will continue to cooperate with all international bodies, special procedures both at regional and international levels, while also expanding its cooperation with the United Nations Human Rights Council, the UN High Commissioner for Human Rights, and the Special Advisor of the Secretary General for the Prevention of Genocide.

## 1. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1

### Armenia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human

Rights Council. Information included herein has been systematically referenced in end-notes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

### Background and framework

#### A. Scope of international obligations<sup>1</sup>

Core universal human rights treaties <sup>2</sup>	Date of ratification, accession or succession	Declarations/reservations Recognition of specific competences of treaty bodies
ICERD	23 June 1993	None Individual complaints (art. 14): No
ICESCR	13 Sept. 1993	None –
ICCPR	23 June 1993	None Inter-State complaints (art. 41): No
ICCPR-OP 1	23 June 1993	None –
CEDAW	13 Sept. 1993	None –
OP-CEDAW	14 Sept. 2006	None Inquiry procedure (art. 8 and 9): Yes
CAT	13 Sept. 1993	None Inter-State complaints (art. 21): No
		Individual complaints (art. 22): No
		Inquiry procedure (art. 20): Yes
OP-CAT	14 Sept. 2006	None –
CRC	23 June 1993	None –
OP-CRC-AC	30 Sept. 2005	Binding declaration under art 3: 18 years
OP-CRC-SC	30 June 2005	None

Core treaties to which Armenia is not a party: OP-ICESCR3 (signature only, 2009), IC-CPR-OP2, ICRMW, CRPD (signature only, 2007), CRPD-OP (signature only, 2007) and CED (signature only, 2007).	
Other main relevant international instruments Ratification, accession or succession	
Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol <sup>4</sup> Refugees and stateless persons <sup>5</sup> Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup> ILO fundamental conventions <sup>7</sup> UNESCO Convention against Discrimination in Education	Yes  Signature only (1999) Yes Yes Yes, except Additional Protocol III  Yes

1. The United Nations Country Team (UNCT) noted that since Armenia re-established its independence in 1991, it has ratified more than 60 main international human rights treaties and protocols.<sup>8</sup> In 2009, the Committee on Elimination of Discrimination against Women (CEDAW) commended Armenia for acceding to the OP-CEDAW<sup>9</sup> and encouraged it to ratify the ICRMW, CRPD and CED.<sup>10</sup>
2. In 2002, the Committee on Elimination of Racial Discrimination (CERD) invited Armenia to consider making the declaration provided for in article 14 of the Convention.<sup>11</sup>
3. CEDAW commended Armenia on revisions made to the Constitution in 2005, particularly the adoption of article 14.1 guaranteeing equality before the law.<sup>12</sup> The UNCT in 2009 noted that the 2005 Constitution contains a chapter on Fundamental Human and Civil Rights and Freedoms.<sup>13</sup>
4. CEDAW, however, regretted the absence of an explicit and comprehensive definition of discrimination against women in Armenia's legislation, and expressed concern at the lack of express and comprehensive legal provisions prohibiting discrimination against women.<sup>14</sup>
5. The UNCT stated that the law on gender equality was tabled for discussion in 2009-2010.<sup>15</sup> In this regard, CEDAW called upon Armenia to accelerate its adoption, and recommended adopting a gender-specific approach in Armenia's policies and programmes.<sup>16</sup> CEDAW also called for the establishment of national machinery for the advancement

## **B. Constitutional and legislative framework**

of women, with necessary resources to coordinate implementation of the Convention, relevant national programmes, and the gender-mainstreaming strategy, including during the review of all new legislation by the Constitutional Court and within the budgeting process.<sup>17</sup>

### C. Institutional and human rights infrastructure

6. CEDAW welcomed the establishment of the Human Rights Defender's Office (Ombudsman) in 2004.<sup>18</sup> The Office was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2006.<sup>19</sup>
7. The UNCT added that the above-mentioned Office has been recognized as an Independent National Preventive Mechanism under OP-CAT, and is growing in influence, with a 52.2 per cent rise in complaints/applications between 2006 and 2008.<sup>20</sup> However; the UNCT highlighted numerous challenges for the Office, particularly in reaching out to communities. Limited and reducing resources have hindered the establishment of regional branches. Partnership with civil society institutions should be further fostered and institutionalized.<sup>21</sup>
8. CEDAW called for the establishment within the Office of a specific position concerning gender equality.<sup>22</sup> CRC underlined that the Ombudsperson should receive sufficient powers and resources to deal with children's rights.<sup>23</sup> CRC recommended establishing a Procurator or a specific section within the Office in this regard.<sup>24</sup>

### D. Policy measures

9. The UNCT suggested that Armenia adopt a National Action Plan on Human Rights<sup>25</sup> while CEDAW welcomed the adoption of a series of national plans and programmes, particularly the Plan on Combating Human Exploitation (Trafficking) 2007-2009.<sup>26</sup>
10. CRC welcomed the adoption of the National Plan of Action for the Protection of Children's Rights 2004-2015; the Strategic Programme to Overcome Poverty 2004-2015; and the approval of the National Strategy to Combat HIV/AIDS in 2002.<sup>27</sup> According to a 2008 World Bank report, Armenia approved the second Poverty Reduction Strategy Paper in 2008.<sup>28</sup>
11. While welcoming the establishment of a quota for women in the Election Code, CEDAW was concerned that there were no other temporary special measures to accelerate achievement of de facto equality, and at the apparent lack of understanding of the concept of temporary special measures.<sup>29</sup>
12. In 2005, Armenia adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system<sup>30</sup> which led to the establishment of a National Human Rights Resource and Training Centre and a National Committee on Human Rights Education.<sup>31</sup>



## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

Latest report

Treaty body <sup>32</sup>	submitted and considered	Latest concluding observations	Follow-up response	Reporting status
CERD	2001	Aug. 2002	–	Combined fifth and sixth reports overdue since July 2004
CESCR	1997	Dec. 1999	–	Second report overdue since 2000
HR Committee	1997	Nov. 1998	–	Second report overdue since 2001
CEDAW	2007	Feb. 2009	Due on February 2011	Combined fifth and sixth reports due 2013
CAT	1999	Nov. 2000	–	Combined third and fourth reports received Dec. 2009
CRC	2002	Jan. 2004	–	Combined third and fourth reports overdue since Jan. 2009

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes.
<i>Latest visits or mission reports</i>	–
<i>Visits agreed upon in principle</i>	Special Rapporteur on the situation of human rights defenders (requested in 2008), Working Group on arbitrary detention (requested in 2008)
<i>Visits requested and not yet agreed upon</i>	Working Group on the use of mercenaries (Requested in 2008)
<i>Facilitation/cooperation during missions</i>	The Representative of the Secretary-General on the human rights of internally displaced persons thanked particularly the Ministry of Foreign Affairs, the Permanent Representative of Armenia to the United Nations Office at Geneva, and the Department of Refugees and Migration for assistance in organizing the mission.
<i>Follow-up to visits</i>	Representative of the Secretary-General on the human rights of internally displaced persons, 12-15 April 2007, <sup>33</sup> follow-up to the visit of 18 to 19 May 2000. <sup>34</sup>
<i>Responses to letters of allegations and urgent</i>	During the period under review, four appeals
<i>Responses to questionnaires on thematic issues</i>	Communications were sent. The Government did not reply to any of these communications. Armenia responded to three of the 21 questionnaires sent by special procedures mandate holders. <sup>35</sup>

### 3. Cooperation with the Office of the High Commissioner for Human Rights

13. The OHCHR Human Rights Adviser based in Tbilisi provides advice and technical assistance to the UNCT and the Ombudsman in Armenia. In 2009, OHCHR and national experts supported by UNDP prepared a study on the application in Armenian courts of international standards on the right to work and to just and favourable conditions of work.<sup>36</sup>

## B. Implementation of international human rights obligations

### 1. Equality and non-discrimination

14. In 2009, CEDAW reiterated its concern about the deeply rooted patriarchal attitudes and strong stereotypes regarding women's roles and responsibilities in the family and society.<sup>37</sup>
15. In 1999, the Committee on Economic, Social and Cultural Rights (CESCR) was concerned that despite equality between men and women before the law, there remained discrepancies in practice in the equal enjoyment of economic, social and cultural rights.<sup>38</sup> In 1998, the HR Committee observed that de facto discrimination against women persists as a matter of custom.<sup>39</sup> CEDAW called for urgent measures, particularly in rural areas, to initiate change in the widely accepted subordination of women and to stereotypical roles, recommending also that Armenia elaborate the role of the media in eradicating such stereotypes.<sup>40</sup>
16. CEDAW reiterated its concern, also expressed by CRC, that the different

minimum legal age for marriage set at 18 for men and 17 for women constitutes discrimination against women.<sup>41</sup>

17. In 2004, CRC remained concerned at persistent de facto gender discrimination and discrepancies in the enjoyment of rights by vulnerable groups, including children with disabilities, refugee children, children living in rural areas, children from poor families, street children, and children living in institutions.<sup>42</sup> It was concerned that children with disabilities are often institutionalized. It regretted that access to mainstream and special education remained limited.<sup>43</sup>
18. The UNCT noted that although Armenian legislation prohibits discrimination by age/sex and against persons with disabilities, only a few buildings were accessible, an overwhelming majority of disabled persons were unemployed, and health-care services for them were below average. It also noted numerous cases of age discrimination against potential employees.<sup>44</sup>
19. In 2002, CERD expressed concern about allegations of discrimination against Yezidis by police and local authorities and lack of response by police to crimes committed against this minority by other citizens.<sup>45</sup>
- ### 2. Right to life, liberty and security of the person
20. The UNCT noted that in the aftermath of the 2008 presidential elections, the opposition challenged the official outcome of the ballot and the post-election instability was characterized by dispersal of peaceful protests, clashes between security forces and demonstrators, ten

deaths, including eight civilians and two policemen, and hundreds of injured. The President introduced a 20-day state of emergency, with a temporary ban on rallies, gatherings, and serious restrictions on press freedom and numerous arrests. The majority of detainees were released after adoption by the National Assembly in June 2009 of the presidential proposal for a general amnesty.<sup>46</sup>

21. On 2 March 2008, the High Commissioner for Human Rights noted the reports of death and injuries on the previous day during the demonstrations in the Armenian capital Yerevan. She expressed concern over reports that force had been used against peaceful demonstrators and that opposition protestors had been detained, calling upon the authorities to exercise the utmost restraint and to ensure that due process is followed in case of any detentions.<sup>47</sup>
22. Similarly, a joint communication was sent by the Working Group on arbitrary detention and the Special Rapporteurs on the right to freedom of opinion and expression and on the situation of human rights defenders concerning information that 102 persons had been subjected to two months of pretrial detention and charged with crimes related to the incidents of 1 March 2008. In some cases, detainees were held incommunicado for days. Numerous obstacles were put up to prevent them from exercising their right to access to counsel. Furthermore, on 25 and 26 March, at least 60 opposition supporters in Yerevan were reportedly arrested and detained by police. The protesters were reportedly demonstrating against restrictions imposed on public

assemblies and gatherings through new legislation and the imposition of the aforementioned state of emergency. The protesters were all reportedly released after several hours in detention, but on 27 March, another 21 opposition supporters were arrested and detained. It was not known whether any charges had been brought against them.<sup>48</sup>

23. In 2007, a joint communication was sent by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture regarding the death in detention of an Armenian man who was reportedly called to a police station in Yerevan repeatedly between 10 and 12 May 2007 as a witness in connection with a murder. On 12 May, he was transferred to police headquarters, and hours later, was found dead. Police claimed that he had either committed suicide or died trying to escape. It was alleged, however, that marks of ill-treatment and bruises unlikely to stem from falling out of a window were discovered on his body.<sup>49</sup>
24. The UNCT indicated that Armenian legislation prohibits torture, inhuman or degrading treatment. However, it noted numerous reports of cases where police have applied physical and psychological pressure on citizens during arrest and interrogation to extract confession.<sup>50</sup> CAT recommended that Armenia adopt a definition of torture fully in compliance with article 1 and provide for appropriate penalties.<sup>51</sup> The UNCT further noted that courts accept confessions obtained under questionable circumstances. In 2008, a UNDP analysis, reviewed by OHCHR experts, was conducted into the level

- of application of the CAT in Armenian Courts. It identified numerous cases when, with objective indications that a party to the trial had been subjected to torture, for instance, injuries on the defendant's face, the courts failed to initiate due investigation.<sup>52</sup>
25. In 2000, the Committee against Torture (CAT) expressed concern about the lack of effective compensation for torture victims; poor prison conditions; the ongoing practice of hazing (“dedovshchina”) in the military, which has led to abuses and violations of the Convention and has a devastating effect on victims, sometimes leading to their suicide.<sup>53</sup>
- The HR Committee was also concerned about poor prison conditions.<sup>54</sup>
26. CAT encouraged continued training on the prevention of torture for police and prison staff, including in the facilities of the Ministry of the Interior and in military prisons.<sup>55</sup> The HR Committee recommended the establishment of a special independent body to investigate complaints of torture and ill-treatment.<sup>56</sup>
27. CEDAW reiterated its concern about the lack of understanding and acknowledgment of gender-based violence against women, particularly domestic violence, as a significant problem in Armenia. It was concerned that there was no specific legislation addressing violence against women and that the Criminal Code does not criminalize domestic violence as such.<sup>57</sup> A 2009 United Nations Population Fund (UNFPA) report noted that Armenia lacks services and national machinery to address violence against women, but that the Government had expressed support for establishment of a shelter for victims of domestic violence in Yerevan in 2009.<sup>58</sup> It added that the legal system does not fully support prevention of gender-based violence.<sup>59</sup>
28. CEDAW urged priority attention for the elimination of all forms of violence against women, in particular domestic violence, as well as comprehensive measures, including legislation.<sup>60</sup> The UNCT stated that the law on domestic violence was tabled for discussion in 2009-2010.<sup>61</sup>
29. CRC encouraged Armenia to adopt legislation and measures to prevent violence against children, including corporal punishment. It recommended strengthening programmes for recovery and reintegration of abused children and establishing procedures and mechanisms to receive complaints, monitor, investigate and prosecute cases of ill-treatment.<sup>62</sup>
30. The UNCT stated that Armenia is a country of origin for women and girls trafficked for sexual exploitation and for men trafficked for forced labor. It is also, to a lesser extent, a transit and a destination country.<sup>63</sup>
- CEDAW was concerned about the growth in human trafficking and insufficient measures to address its main causes, such as economic hardship and gender inequality. It was further concerned about the lack of protection for women at risk of trafficking, limited support and lack of shelters for the victims, and stigma against them.<sup>64</sup> CRC was concerned that refugee children and children living in orphanages may be particularly at risk.<sup>65</sup> CRC recommended, inter alia, establishing services and programmes for victims; further research on the occurrence of child trafficking and strengthening regional cooperation

with countries to which Armenian children are trafficked.<sup>66</sup>

31. CEDAW requested Armenia to strengthen measures to address factors driving women and girls into prostitution, to create services for rehabilitation and reintegration, to support women who wish to leave prostitution, abolish the administrative liability imposed on them, and to address the demand for prostitution.<sup>67</sup>

CRC reiterated its concern at the absence of a comprehensive approach to prevent and combat sexual exploitation of children. It was deeply concerned that persons under 18 engaged in prostitution are prosecuted under the Criminal Code.<sup>68</sup>

32. CRC reiterated that Armenia should establish mechanisms to ensure that street children are provided with identity documents, nutrition, clothing and housing; access to health care; reintegration services for physical, sexual, and substance abuse; services for reconciliation with families; comprehensive education; and access to legal aid.<sup>69</sup>

### **3. Administration of justice and the rule of law**

33. The HR Committee noted that the independence of the judiciary is not fully guaranteed.<sup>70</sup>
34. CRC reiterated its concern about the absence of a system of juvenile justice. It was also concerned about the length of pretrial detention and the limited access to visitors during this period; the use of detention not as a measure of last resort, and the often disproportionate length of sentences; conditions of detention; and the absence of facilities for the

recovery and social reintegration of juvenile offenders.<sup>71</sup>

35. In 2009, the ILO Committee of Experts noted that the Criminal Code provides for sanctions involving compulsory labour for non-performance or improper performance of duties by a public servant, and for up to two years for inciting national, racial or religious hatred. It requested information on the application of these provisions so as to ascertain whether they are applied in a manner compatible with the Convention.<sup>72</sup>

### **4. Right to marriage and family life**

36. CRC was concerned at the serious lack of community-based services to assist families in difficult circumstances and to prevent the separation of children from their parents.<sup>73</sup> It also restated its concern about the lack of adequate and systematic review of the conditions of children living in institutions.<sup>74</sup>

37. CRC further recommended that Armenia ensure effective mechanisms to review, monitor and follow up adoption of children, and that the Adoption Act is in full conformity with the Convention.<sup>75</sup>

38. CRC was concerned at the extent of non-registration of births in Armenia, seemingly connected with the increasing number of births at home and the difficulty of travelling to regional centers from remote areas.<sup>76</sup>

### **5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

39. CERD was concerned about reports of obstacles imposed on religious organizations other than the Armenian Apostolic

- Church, such as those carrying out charity work and building places of worship.<sup>77</sup> The HR Committee noted that non-recognized religions are discriminated against in their entitlement to own private property and to receive foreign funds.<sup>78</sup> CERD urged the Government to take measures ensuring freedom of religion for all, without discrimination.<sup>79</sup>
40. In 2006, the Special Rapporteur on freedom of religion or belief reported on a communication sent in 2005 concerning information about a Jehovah's Witness and conscientious objector who had refused military service, was subsequently beaten and subjected to degrading treatment. Further information was provided about a number of Jehovah's Witnesses imprisoned for refusing military service on grounds of conscience. In addition, many who had opted for the alternative labor service in 2004, expressed concern about the terms of the service.<sup>80</sup> The Government responded with information on the terms of the alternative service in Armenia as regulated by law.<sup>81</sup> The Special Rapporteur drew attention to the HR Committee's call for States to ensure that the length of alternative service does not have a punitive character, and encouraged the Government to review the law.<sup>82</sup>
  41. In 2006 and 2008, two communications were sent by special procedure mandate-holders, the first jointly and the second individually, relating to two persons: a journalist and a human rights defender. The 2006 communication concerned the editor-in-chief of a newspaper who had been summoned to the Prosecutor-General's office as a witness in a criminal case, but was jailed instead on forgery charges. He faced up to five years' imprisonment. A few days prior to the arrest, his newspaper had published an article questioning the independence of the Prosecutor-General's Office.<sup>83</sup> The second communication, sent in 2008, and was related to an attack against the chair of a well-known human rights organization. Though the alleged attacker was taken to a police station, it was not known whether he had been charged. Concern was expressed that the attack could have been directly related to the work carried out by the human rights defender.<sup>84</sup>
  42. In 2006, the Special Representative of the Secretary-General on the situation of human rights defenders expressed concern regarding reports that demonstrations in many parts of Armenia were frequently dispersed with excessive use of force. Opposition leaders and supporters had reportedly been arrested, political party offices raided, critical journalists attacked and citizens prevented from participating in demonstrations.<sup>85</sup>
  43. The UNCT noted that broadcast media lacked pluralism and remained largely pro-government.<sup>86</sup> It also noted that the 2008 presidential elections generated a major political crisis and demonstrated a deep polarization of society, which led to actions that seriously affected protection and respect for human rights.<sup>87</sup>
  44. CEDAW remained concerned at women's very low participation in political and public life, especially in decision-making bodies, including the National Assembly, the Government, the diplomatic services, regional and local municipalities and the higher level of the judiciary. It also noted with concern violence against women



journalists and particularly women who are active during electoral campaigns, especially as such violence discourages women from participating actively in public life.<sup>88</sup>

45. CERD expressed concern at the lack of representation of ethnic and national minorities in the National Assembly, recommending steps to secure their due representation.<sup>89</sup>

**6. Right to work and to just and favorable conditions of work**

46. While welcoming the amendments to the Labour Code that establish, inter alia, equal rights regardless of sex, prohibit forced labour and employment of children under 14, CEDAW expressed serious concern about, inter alia, the persistence of gender segregation, high unemployment of women and their concentration in part-time work and lower-paying sectors, the persistence of the wage gap, and the low representation in top management.<sup>90</sup> It highlighted the lack of systematic effective measures to prevent sexual harassment in the workplace,<sup>91</sup> and in 2009, the ILO Committee of Experts added that there is no legal prohibition against sexual harassment.<sup>92</sup> In 2008, the ILO Committee recommended that the Government ensure that the amended version of the Labour Code would explicitly provide for equal remuneration for work of equal value.<sup>93</sup> The UNCT noted that a law on amendments to the Labour Code has been tabled for discussion, adding that amendments were needed specifically on occupational safety and health.<sup>94</sup>
47. CRC recommended that Armenia ensure effective implementation of the minimum

employment age in the Labour Code, and of provisions prohibiting heavy and hazardous work for children. A national mechanism to monitor implementation at State and local levels should be established.<sup>95</sup>

**7. Right to social security and to an adequate standard of living**

48. A 2009 United Nations Economic Commission for Europe report noted that 12 per cent of people live on less than US\$ 1 per day in Armenia.<sup>96</sup>
49. CEDAW remained concerned about insufficient access to adequate general and reproductive health-care services for women, especially in rural and remote areas, and the high rates of abortion. It was also concerned about the high rate of teenage pregnancies and regretted the lack of data on deaths due to illegal abortions.<sup>97</sup> CESCR<sup>98</sup> and CRC<sup>99</sup> expressed similar concerns. A 2009 UNFPA report noted that many women felt they could not refuse sex with their husbands, even if they suspected they had contracted sexually transmitted infections, and did not have the authority to access antenatal care and family planning services without their husband's permission.<sup>100</sup>
50. CRC reiterated its concern regarding the deterioration in the health system in Armenia following cuts in public expenditure, that infant and maternal mortality rates remained high and an increasing number of children and mothers suffered from malnutrition due to rising food prices and poverty. It was also concerned about growth in tuberculosis morbidity among children.<sup>101</sup>
51. CRC was concerned about the lack of

- knowledge about HIV/AIDS among young people, welcoming in this regard legislative measures taken in the area of reproductive health and HIV/AIDS prevention.<sup>102</sup> The UNCT indicated a need for strong Government commitment with regards to budget allocations for HIV response.<sup>103</sup>
52. CRC noted with concern that old water pipes and failures in the water supply system had led to contamination of drinking water and serious outbreaks of infectious diseases.<sup>104</sup>
  53. CRC recommended that Armenia develop a national drug control plan, or a Master Plan, with guidance from the United Nations Drug Control Programme and urged it to ensure that child drug abusers are not criminalized, but treated as victims needing assistance towards recovery and reintegration, and to develop preventive and reintegration programmes for child victims of substance abuse.<sup>105</sup>
  54. In 1999, CESCR was deeply concerned about inadequate efforts with regard to the housing crisis in Armenia, owing to, inter alia, the damage caused by the 1988 earthquake and the influx of refugees.<sup>106</sup> A 2009 United Nations Economic Commission for Europe (UNECE) report indicated that about 40,000 families were without permanent shelter, mostly refugees or victims of the earthquake.<sup>107</sup>
  55. The UNCT stated that despite UNHCR shelter projects and the Government's Housing Purchase Certificate programme, living conditions for many refugees remained substandard. Around 3,000 refugees mostly resided in hazardous buildings with almost no infrastructure. Around 1,600 refugee families were in acute need of shelter. According to Government estimates, with the current State budget it would take over 20 years to cover all the shelter needs of refugees.<sup>108</sup>
  56. The UNCT also noted that despite refugee access to the national welfare system, their needs were not adequately met due to limited State financial capacities. Unemployment and disability benefits and pensions were minimal.<sup>109</sup>
- ## 8. Right to education
57. CEDAW urged Armenia to address the obstacles hampering girls in continuing their education, to continue reviewing school textbooks to eliminate gender stereotypes, and to implement programmes encouraging girls to enter non-traditional study courses.<sup>110</sup>
  58. CRC was concerned that the education budget remained low, and that low wages have forced teachers to offer private tuition, creating a two-tier system of education.<sup>111</sup> A 2008 UNICEF report indicated that rapidly increasing student absenteeism and dropout rates, also of concern to CRC<sup>112</sup> were closely linked to child labour and the quality of education in Armenia.<sup>113</sup>
  59. CERD reiterated its recommendation that Armenia take measures to ensure, wherever possible, access by minority children to education in their mother tongue.<sup>114</sup>
  60. The UNCT noted that refugees and asylum-seekers have equal rights to obligatory free primary education, but often cannot afford materials and indirect fees, or face economic difficulties, language problems, slight cultural barriers, long distance to schools, especially

for those living in remote areas, and the need to do seasonal farming work. State-provided vocational training is limited, largely due to lack of funding.<sup>115</sup>

### 9. Refugees and asylum-seekers

61. The UNCT highlighted that Armenia hosts around 90,000 prima facie refugees from a neighbouring country, including naturalized former refugees (ethnic Armenians), individually recognized refugees from other countries (around 1,000) and asylum-seekers. The legal asylum framework and Government policies create a positive environment for the local integration of refugees, it added.<sup>116</sup> In 2004, CRC was concerned that the situation of a large number of refugees who arrived in Armenia between 1988 and 1992 as a result of the Nagorno Karabakh conflict had still not been settled. This group remained among the most vulnerable in Armenia.<sup>117</sup>
62. The UNCT highlighted the 2009 Law on Refugees and Asylum, which regularizes most aspects of admission and treatment of asylum-seekers and refugees in line with international standards, explicitly referring to UNHCR's supervisory role. However, certain provisions were still not fully in line with international standards.<sup>118</sup> Despite positive Government policies and measures, limited resources and the difficult economic situation meant that refugees still face gaps in their full local integration.<sup>119</sup>
63. The UNCT highlighted that there were no administrative contingency mechanisms should the country experience higher numbers of asylum-seekers, which was possible given the political instability of the region.<sup>120</sup>

### 10. Internally displaced persons

64. In 2009, the Special Representative of the Secretary-General on the human rights of internally displaced persons reported on a letter sent to the Governments of Armenia and a neighboring country, welcoming renewed efforts to reach a peace agreement. He reiterated that internally displaced persons are entitled to make a free, informed and individual choice on whether to return home in safety and dignity, to integrate locally, or to settle elsewhere within the home country. Mechanisms must be put in place to create conditions allowing for a return in dignity and safety. He called for these concerns to be reflected in an eventual peace agreement and for internally displaced persons to be involved in the peace process.<sup>121</sup>
65. Earlier, in 2008, after a follow-up visit to his 1999 mission, the Special Representative had observed that local reintegration was the preferred approach in Armenia. He called for adoption of a programme of support for displaced persons wishing to return, appealing to the international community to support its implementation.<sup>122</sup>

### III. Achievements, best practices, challenges and constraints

66. CERD welcomed the special programmes on tolerance and various activities for the promotion of human rights broadcast on television and distributed to NGOs. It also welcomed the holding of a seminar on religious and ethnic tolerance.<sup>123</sup>
67. An achievement noted by the UNCT was the incorporation of sexual and

reproductive health in the school curricula and training of teachers; the establishment of a parliamentary support group on reproductive health; and countrywide awareness-raising on sexual and reproductive health and rights. The 2009 law on “Prevention of disease caused by HIV” was adopted to meet international human rights standards.

68. The UNCT noted that in 2009, the Prime Minister, the President of the Republican Union of Employers of Armenia and the Chairman of the Confederation of Trade Unions of Armenia signed an agreement, valid until 30 July 2012, covering: occupational safety and health; jobs, salaries and living standards among the population; the labour market and employment; social insurance and social protection. A committee was formed to conduct collective negotiations.<sup>124</sup>
69. The UNCT highlighted that the impact of the economic crisis on Armenia, including education and health, food security and gender-based violence, should be closely examined.<sup>125</sup> CESCR noted the obstacles arising from the trade blockade imposed by a number of its neighboring countries.<sup>126</sup>

## **IV. Key national priorities, initiatives and commitments**

### **A. Pledges by the State**

70. In 2006, Armenia pledged its intention to become party to OP-CEDAW and OP-CAT, and to continue improving human rights promotion and protection at the national level by further developing legal and operational human rights machinery, inter alia, by broadening the reform of

the administrative and judicial systems and by strengthening the Human Rights Defender’s Office.<sup>127</sup>

### **B. Specific recommendations for follow-up**

71. CEDAW requested Armenia to provide, within two years, written information on steps undertaken to implement its recommendations regarding the national machinery for the advancement of women, and on violence against women.<sup>128</sup>

## **V. Capacity-building and technical assistance**

72. The UNCT suggested that the Human Rights Defender’s Office needed comprehensive assistance from international organizations, particularly in efforts to harmonize local legislation with international standards.<sup>129</sup>
73. CRC recommended that Armenia seek cooperation with relevant United Nations agencies and NGOs with regard to child labour,<sup>130</sup> drug use,<sup>131</sup> and migration.<sup>132</sup>
74. According to a 2009 UNHCR report, UNHCR would continue its efforts to build the Government’s capacity to implement fair and effective asylum procedures, especially in the context of the new law. UNHCR would also address gaps and obstacles to local integration and facilitate the legal and socio-economic integration of refugees.<sup>133</sup>

## Notes

1. Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006 (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection, database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

2. The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
ICCPR	Optional Protocol to International Covenant on Civil and Political Rights;
ICCPR-OP 1	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
ICCPR;	
ICCPR-OP 2	Convention on the Elimination of All Forms of Discrimination against Women;
CEDAW	Optional Protocol to CEDAW;
OP-CEDAW	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
CAT	Optional Protocol to CAT;
OP-CAT	Convention on the Rights of the Child;
CRC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-AC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-SC	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
ICRMW	
CPD	

OP-CPD	Convention on the Rights of Persons with Disabilities;
CED	Optional Protocol to Convention on the Rights of Persons with Disabilities;
	International Convention for the Protection of All Persons from Enforced Disappearance.

3. Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, Article 17, paragraph 1 of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
4. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
5. 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
6. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland,

- at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
7. International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
  8. UNCT submission to the UPR on Armenia, p. 1.
  9. Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/ARM/CO/4/Rev.1), para. 5.
  10. *Ibid.*, para. 41.
  11. CERD, Official Records of the General Assembly, Fifty-seventh session, Supplement No. 18 (A/57/18), para. 287.
  12. CEDAW/C/ARM/CO/4/Rev.1, para. 6.
  13. UNCT submission to the UPR on Armenia, p. 1.
  14. CEDAW/C/ARM/CO/4/Rev.1, para. 12.
  15. UNCT submission to the UPR on Armenia, p. 1.
  16. CEDAW/C/ARM/CO/4/Rev.1, para. 13.
  17. *Ibid.*, para. 19.
  18. *Ibid.*, para. 7.
  19. For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
  20. UNCT submission to the UPR on Armenia, pp. 1–2.
  21. UNCT submission to the UPR on Armenia, p. 2.
  22. CEDAW/C/ARM/CO/4/Rev.1, para. 19. See also UNCT submission to the UPR on Armenia, pp. 12.
  23. Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.225), para. 13.
  24. *Ibid.*, para. 14.
  25. UNCT submission to the UPR on Armenia, p. 1.
  26. CEDAW/C/ARM/CO/4/Rev.1, para. 7.
  27. CRC/C/15/Add.225, para. 3.
  28. World Bank, Joint Staff Advisory Note on the Second Poverty Reduction Strategy Paper (Sustainable Development Program), Washington, 2008, p.1,
  29. CEDAW/C/ARM/CO/4/Rev.1, para. 16.
  30. See General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24 of 28 September 2007.
  31. Letter from Ministry of Education and Science of the Republic of Armenia dated 21 March 2008, and the response of the Permanent Mission of the Republic of Armenia to the questionnaire of the Human Rights Council Advisory Committee on the issue of the draft United Nations declaration on human rights education and training dated 2 March 2009, and letters from the United Nations High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007. See also General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24. See also CRC/C/15/Add.225, para. 53.
  32. The following abbreviations have been used for this document:
 

CERD	Committee on the Elimination of Racial Discrimination;
CESCR	Committee on Economic, Social and Cultural Rights,
HR	Committee Human Rights Committee;
CEDAW	Committee on the Elimination of Discrimination against Women;
CAT	Committee against Torture; CRC Committee on the Rights of the Child.
  33. A/HRC/8/6.
  34. E/CN.4/2001/5/Add.3.
  35. The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January



2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on

violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.

36. Research on the implementation by Armenian courts of the "Right to work and of the right to the enjoyment of just and favourable conditions of work" secured by the UN International Covenant on Economic, Social and Cultural Rights, UNDP, Yerevan, 2009.
37. CEDAW/C/ARM/CO/4/Rev.1, para. 20.

38. Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), para. 10.
39. Concluding observations of the Human Rights Committee (CCPR/C/79/Add.100), para. 14.
40. CEDAW/C/ARM/CO/4/Rev.1, para. 21.
41. Ibid., para. 14; see also CRC/C/15/Add.225, para. 21.
42. CRC/C/15/Add.225, para. 23.
43. Ibid., para. 43. See also UNCT submission to the UPR on Armenia, pp. 97–104.
44. UNCT submission to the UPR on Armenia, p. 16.
45. A/57/18, para. 277.
46. UNCT submission to the UPR on Armenia, p.13.
47. Public statement of 2 March 2008 by the High Commissioner for Human Rights.
48. A/HRC/11/4/Add.1, paras. 110–117.
49. A/HRC/7/3/Add.1, para. 10.
50. UNCT submission to the UPR on Armenia, pp. 12–16.
51. A/56/44, para. 39.
52. UNCT submission to the UPR on Armenia, pp. 12–16.
53. CAT, Official Records of the General Assembly, Fifty-sixth session, Supplement No. 44 (A/56/44), para. 37 (d) and (f).
54. CCPR/C/79/Add.100, para. 13.
55. A/56/44, para. 39.
56. CCPR/C/79/Add.100, para. 12.
57. CEDAW/C/ARM/CO/4/Rev.1, para. 22.
58. UNFPA, Partnering with men to end gender-based violence, New York, 2009, p.51, available at [http://www.unfpa.org/webdav/site/global/shared/documents/publications/2009/partnering\\_with\\_men.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2009/partnering_with_men.pdf).
59. Executive Board of the United Nations Development Programme and of the United Nations Population Fund, Final country programme document for Armenia (DP/FPA/CPD/ARM/2), para. 7.
60. CEDAW/C/ARM/CO/4/Rev.1, para. 23.
61. UNCT submission to the UPR on Armenia, p. 1.
62. CRC/C/15/Add.225, para. 40.
63. UNCT submission to the UPR on Armenia, p. 9.
64. CEDAW/C/ARM/CO/4/Rev.1, para. 24.
65. CRC/C/15/Add.225, para. 66.
66. Ibid., para. 67.
67. CEDAW/C/ARM/CO/4/Rev.1, para. 27.
68. CRC/C/15/Add.225, para. 64.
69. Ibid., para. 69.
70. CCPR/C/79/Add.100, para. 8.
71. CRC/C/15/Add.225, para. 70.
72. ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Abolition of Forced Labour Convention, 1957 (No. 105), 2009, Geneva, doc. No. (ILOLEX) 092009ARM105.
73. CRC/C/15/Add.225, para. 33.
74. Ibid., para. 35.
75. Ibid., para. 38.
76. Ibid., para. 27.
77. A/57/18, para. 282.
78. CCPR/C/79/Add.100, para. 19.
79. A/57/18, para. 2 82.
80. E/CN.4/2006/5/Add.1, paras. 3–5.
81. Ibid., paras. 6–9.
82. Ibid., paras. 10–11.
83. A/HRC/4/27/Add.1, paras. 30–31.
84. A/HRC/10/12/Add.1, paras. 115–118.
85. E/CN.4/2006/95/Add.5, paras. 109–110.
86. UNCT submission to the UPR on Armenia, p.13.
87. Ibid.
88. CEDAW/C/ARM/CO/4/Rev.1, para. 28.
89. A/57/18, para. 278.
90. CEDAW/C/ARM/CO/4/Rev.1, para. 32.
91. Ibid.
92. ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009ARM111, second paragraph.
93. ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), 2008 No. (ILOLEX) 092008ARM100, para. 2.

94. UNCT submission to the UPR on Armenia, para. 2.
95. CRC/C/15/Add.225, para. 61.
96. UNECE, *Self-Made Cities: In search for sustainable solutions for informal settlements in the UNECE region*, New York and Geneva, 2009, p.28, available at <http://www.unece.org/hlm/documents/Publications/SelfMadeCities.pdf>.
97. CEDAW/C/ARM/CO/4/Rev.1, para. 34.
98. E/C.12/1/Add.39, para. 15.
99. CRC/C/15/Add.225, para. 47.
100. UNFPA, *Partnering with men to end gender-based violence*, New York, 2009, p.52, available at [http://www.unfpa.org/webdav/site/global/shared/documents/publications/2009/partnering\\_with\\_men.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2009/partnering_with_men.pdf).
101. CRC/C/15/Add.225, para. 45.
102. *Ibid.*, para. 47.
103. UNCT submission to the UPR on Armenia, pp. 105-113. See also UNGASS, *UNGASS Country Report: Armenia, reporting period January 2006-December 2007, 2008*, p.6, available at [http://data.unaids.org/pub/Report/2008/armenia\\_2008\\_country\\_progress\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2008/armenia_2008_country_progress_report_en.pdf).
104. CRC/C/15/Add.225, para. 49.
105. *Ibid.*, para. 63.
106. E/C.12/1/Add.39, para. 12.
107. UNECE, *Self-Made Cities: In search for sustainable solutions for informal settlements in the UNECE region*, New York and Geneva, 2009, p.16, available at <http://www.unece.org/hlm/documents/Publications/SelfMadeCities.pdf>.
108. UNCT submission to the UPR on Armenia, p. 39.
109. *Ibid.*, p. 37.
110. CEDAW/C/ARM/CO/4/Rev.1, para. 31.
111. CRC/C/15/Add.225, para. 54.
112. *Ibid.* para. 54.
113. UNICEF, Press centre, *Link between student absenteeism, dropout rates and child labour in Armenia*, Yerevan, 2008, available at [http://www.unicef.org/infobycountry/media\\_46200.html](http://www.unicef.org/infobycountry/media_46200.html). See also E/C.12/1/Add.39, para. 20.
114. A/57/18, para. 280.
115. UNCT submission to the UPR on Armenia, p.38.
116. *Ibid.*, pp. 31-36.
117. CRC/C/15/Add.225, para. 58.
118. UNCT submission to the UPR on Armenia, pp. 31-36.
119. *Ibid.*
120. *Ibid.*
121. A/HRC/10/13, para. 72.
122. A/HRC/8/6, para. 40. A/57/18, para. 274.
123. UNCT submission to the UPR on Armenia, pp. 97-104.
124. *Ibid.*, pp. 105-113. See also CRC/C/15/Add.225, para. 4.
125. E/C.12/1/Add.39, para. 7.
126. Pledges and commitments undertaken by Kenya before the Human Rights Council, as contained in the note verbale dated 1 May 2006 sent by the Permanent Mission of Kenya to the United Nations addressed to the President of the General Assembly available at <http://www.un.org/ga/60/elect/hrc/armenia.pdf>.
127. CEDAW/C/ARM/CO/4/Rev.1, para. 43.
128. UNCT submission to the UPR on Armenia, pp. 1-2.
129. CRC/C/15/Add.225, para. 61.
130. *Ibid.*, para. 63.
131. *Ibid.*, para. 67 (c).
132. UNHCR, *UNHCR Global Appeal 2010-2011*, Geneva, 2009, p.4, available at <http://www.unhcr.org/4b02cb1414.pdf>.

## Human Rights Council Working Group on the Universal Periodic Review

### 5. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

#### *Eighth session, Geneva, 3–14 May 2010, Armenia*

The present report is a summary of 13 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

#### **Background and framework**

##### *Scope of international obligations*

The World Coalition against the Death Penalty noted that Armenia had not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights and urged the State to ratify it.<sup>2</sup>

Joint Submission 1 (JS1) urged Armenia to ratify the Convention on the Rights of Persons

with Disabilities and its Optional Protocol at the earliest opportunity.<sup>3</sup>

##### ***Constitutional and legislative framework***

JS1 also noted that Armenia had recently made some welcome changes to its “Law on preventing the disease caused by the human immunodeficiency virus”. In April 2009, the Government repealed the rules refusing visas for any HIV-positive foreigner seeking to enter the country for more than three months and mandating the deportation of any foreigner in the country found to be HIV-positive. The amendments also significantly narrowed the scope of involuntary HIV testing. However, according to JS1, issues of concern remain. For example, the “Law on foreigners” still contains provisions banning the admission of HIV-positive foreigners, thus contradicting the amended law on HIV.<sup>4</sup>

##### ***Institutional and human rights infrastructure***

Joint Submission 2 (JS2) recommended establishing a position of Deputy Ombudsman to ensure equal rights and opportunities for women.<sup>5</sup> The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE ACFC) noted that the setting up of the position of Human Rights Ombudsperson was an important step forward. A Department for Ethnic Minorities and Religious Affairs was

also established, with a view to strengthening policy making in favour of national minorities.<sup>6</sup> The Council of Europe Commissioner for Human Rights (CoE Commissioner) recommended allocating the necessary funds to the Ombudsman's Office.<sup>7</sup>

### ***Policy measures***

CoE Commissioner recommended elaborating and adopting a comprehensive action plan on human rights in order to coordinate and unifies human rights initiatives.<sup>8</sup> JS2 recommended that Armenia, as per commitments in the Government Action Plan for 2008-2012, develop strategic priorities and ensure measures for gender balance in all areas of socio-political life.<sup>9</sup>

The Council of Europe Group of States against Corruption (CoE GRECO) concluded that further efforts were required to improve the integrity of the public service, vital for securing the public's trust in Government efforts to tackle corruption.<sup>10</sup>

## **Promotion and protection of human rights on the ground**

### ***Cooperation with human rights mechanisms***

#### ***Cooperation with special procedures***

7. Joint Submission 4 (JS4) recommended issuing invitations to the United Nations Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and on the independence of judges and lawyers.<sup>11</sup>

Implementation of international human rights obligations

## ***Equality and non-discrimination***

JS2 recommended that Armenia develop a national mechanism as a tool to eliminate discrimination against women.<sup>12</sup> The Organization for Defending Victims of Violence (ODVV) recommended promoting women's rights and a culture of non-discrimination against women by publicity campaigns and also in school textbooks in primary and secondary schools and universities.<sup>13</sup>

According to JS1, discrimination based on sexual orientation or gender identity was pervasive and perpetrated with impunity in Armenia. There were reports of discrimination in health, employment and educational settings. For example, according to the law, homosexual men are discharged from the military service as they are considered "unfit for military service due to health conditions". JS1 recommended that Armenia abolish the designation of homosexuality as a disease from legislation and practices.<sup>14</sup> CoE Commissioner recommended that the State prevent violence and discrimination against the lesbian, gay, bisexual and transgender (LGBT) community; elaborate and adopt specific legal provisions against discrimination based on sexual orientation and gender identity; and conduct dialogue with organizations representing the LGBT community.<sup>15</sup>

JS1 recommended that Armenia include HIV and drug dependence as conditions recognized as disabilities under domestic law, and ensure that people with these conditions receive protection from discrimination on the basis of their health status.<sup>16</sup>

## ***Right to life, liberty and security of the person***

In the aftermath of the February 2008 presidential elections, Human Rights Watch

(HRW) noted that opposition supporters who disputed the results of the election began a continuous protest. While the authorities initially tolerated the protesters, HRW stated that on March 1, special police forces confronted them. As a result of clashes between protesters and police, at least 10 persons were killed - eight civilians and two police officers - and scores were injured. It added that while in some instances, the use of force may have been legitimate, in many others it was unprovoked and excessive. Further, Armenian authorities had yet to ensure a meaningful investigation into and accountability for excessive use of force by security forces during the March 1 and 2 clashes.<sup>17</sup>

According to HRW, following the violence, there were more than 100 arrests. HRW documented physical abuse and ill-treatment<sup>18</sup> of detainees during their arrests as well as while they were being transported to the police department. In some cases, both verbal and physical abuse continued in police custody. In 27 of the documented 38 detention cases, the detainees alleged ill-treatment. Joint Submission 3 (JS3) also noted that following the declaration of a state of emergency, dozens of prominent members of the opposition were arrested, including a number of high-ranking figures associated with the opposition candidate and members of the opposition Republic Party. Some of those detained were reportedly beaten or suffered ill-treatment while in police custody. Many of those detained remained in pre-trial detention at undisclosed locations for months, with no contact allowed from family members or legal representatives.<sup>19</sup>

13. The Council of Europe Parliamentary Assembly (CoE PACE) regretted the breakdown of the work of the independent

expert group to establish the facts in relation to the events of March 1 and 2 March 2008. It further considered that an independent, impartial and credible investigation into the events, and its circumstances, was still necessary and reaffirmed its demand for such an investigation to be conducted.<sup>20</sup>

14. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE CPT) noted that vigorous action was still required to combat ill-treatment by the police, which appeared to have a widespread character and was related to the importance attached to confessions across the criminal justice process. CoE CPT called upon the Armenian authorities to deliver to all police staff a strong message emanating from the highest political level that the ill-treatment of detained persons was illegal and would be dealt with severely.<sup>21</sup> CoE Commissioner recommended investigating systematically cases of police abuse to avoid impunity and put an end to widespread ill-treatment by police.<sup>22</sup>
15. JS2 recommended, inter alia, that Armenia define torture and ill-treatment as per the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in relevant legislation including the Criminal Code; ensure institutionalized civil society participation; ensure access for a police monitoring group to all premises and facilities of the police where people may be kept; ensure proper and thorough investigation of torture cases, hold perpetrators accountable and make the investigation accountable to Armenian public by reporting on the results of each such case without and



jeopardizing the investigative process; ensure thorough consideration of all accusations of torture made in courts and, if confirmed, inadmissibility of evidence obtained in such a way; and ensure the capacity of staff of closed and semi-closed institutions by ensuring the quantity of staff, their remuneration and continuous training on human rights issues and standards for such institutions.<sup>23</sup>

16. With regards to prison conditions, CoE Commissioner recommended that Armenia improve public monitoring of penitentiary institutions, with particular emphasis on ensuring that the group of public observers includes independent and impartial representatives from civil society. It also recommended taking measures to prevent violence against inmates and systematically making those responsible for such acts accountable; improving material conditions in prisons; ensuring that bedding is regularly provided to inmates; improving living and medical care conditions in the Central Penitentiary Hospital; and improving conditions for re-socialization for male inmates.<sup>24</sup>
17. According to JS1, HIV prevalence in Armenia's prisons was 2.4 per cent, which was times higher than in the population as a whole. In addition, the prevalence of the Hepatitis C virus in prison in 2005 was 23.8 per cent, also dramatically higher than in the population as a whole.<sup>25</sup> JS1 noted that Armenia provided harm reduction services for prisoners, including needle exchange programmes. However, it stated that drug dependence treatment remained inadequate, adding that prisons should also be included in the scaling up of programmes involving opioid

substitution treatment.<sup>26</sup> Further, JS1 noted that prison health care was currently under the purview of the Ministry of Justice. In the interests of ensuring adequacy and equivalence of care with health care outside prisons, responsibility for health care in the prison system should be transferred to the Ministry of Health.<sup>27</sup>

18. JS1 noted that there was evidence of widespread domestic violence in Armenia and an inadequate government response to such violence, including by police and health care workers. It noted that there was no specific legislation addressing violence against women and the Criminal Code did not define domestic violence as a separate crime. JS1 recommended that Armenia enact, without delay, legislation specifically addressing domestic violence against women, which should ensure that violence against women and girls constitutes both a criminal offence and a civil wrong. Perpetrators should be prosecuted and appropriate sentences imposed that reflect the severity of this human rights violation; women and girls who are victims of violence should have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of adequate shelters, and these services must address the needs of rural women, women with disabilities, refugees, minority women and women who use drugs.<sup>29</sup> CoE Commissioner further recommended that the State respond adequately to the problem of domestic violence, including by amending domestic legislation; allocating public funds to counter the problem; maintaining operational shelters for victims of domestic violence and financially

supporting the building of new ones; and providing proper resources and training to the police unit specialized in domestic violence.<sup>30</sup> JS1 added that Armenia should implement training for the judiciary and public officials, in particular law enforcement personnel and health services providers, regarding all forms of violence against women, particularly domestic violence, so as to ensure such personnel can provide adequate support to those who experience such violence.<sup>31</sup>

19. With regards to trafficking in human beings, CoE Commissioner recommended that the Government increase public awareness and prevention efforts; improve protection and support to victims, providing them with assistance, rehabilitation counseling and shelters; and make progress in identification of victims.<sup>32</sup>
20. According to JS1, sex work in Armenia may lead to administrative liability in the form of fines. Harassment and criminalization of sex workers contributes to their further stigmatization and marginalization, putting them at greater risk of human rights abuses and exacerbating vulnerability to HIV, it added.<sup>32</sup>
21. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment was lawful in the home, and that there were reports of a high prevalence of physical abuse in families. It further noted that corporal punishment was unlawful in schools and in the penal system. However, there was no prohibition in alternative care settings.<sup>34</sup> GIEACPC recommended that the Government enact and implement legislation to ensure complete prohibition of

corporal punishment.<sup>35</sup>

### **3. Administration of justice, including impunity, and the rule of law**

22. The Council of Europe Directorate General of Human Rights and Legal Affairs noted that law enforcement bodies as well as the judiciary continued to be perceived by the population as corrupt and subject to influence not only by the State but also by different power groups.<sup>36</sup> CoE Commissioner recommended completing the reforms of the justice system and ensuring compliance of domestic legislation with the revised Constitution and the new legislation on the judiciary.<sup>37</sup> JS2 recommended that Armenia, at legislative level and in practice, ensure genuine safeguards for the independence of judges and exclusion of any pressure or influence on the judiciary. While endorsing the proposed list of judges, the President should not be empowered to make a discretionary selection from the list. The State should remove the test of “acceptability of the candidacy of the judge for the President” from the text of law.<sup>38</sup>
23. JS2 also recommended that the State ensure the adversarial nature of trials and equality of arms, and ensure respect for the principle of presumption of innocence and the right to defense, without impeding in practice effective realization of this right by unlawful means, including through unlawful pressures on and intimidation of lawyers. It further recommended that Armenia ensure full implementation of international and national fair trial standards, and adopt a standalone law on legal aid in compliance with international standards.<sup>39</sup>

24. HRW documented serious due process violations, including incommunicado detention and lack of access to a lawyer of one's choosing in connection with the February 2008 Presidential Elections violence.<sup>40</sup>
25. JS2 noted that juvenile justice issues were not properly addressed in Armenia. Although Armenian legislation envisaged several essential standards regarding juvenile justice, issues of prevention, alternative punishments and rehabilitation for juvenile offenders remained unsolved. There were reported cases of physical abuses of juveniles when they enter the criminal justice system. There were no special standards of interrogation of juveniles who were suspects, accused, witness and victims, nor were there special court procedures for neither juveniles nor well-established alternatives to deprivation of liberty.<sup>41</sup>
26. HRW noted that official harassment and attacks on human rights defenders in Armenia often went unpunished.<sup>42</sup> It recommended that the State conduct prompt and thorough investigations into all allegations of harassment and attacks against human rights defenders and bring perpetrators to justice.<sup>43</sup>
27. JS1 recommended that the law on narcotic drugs and psychotropic substances be amended to provide explicitly that drug dependence treatment may be ordered as an alternative to imprisonment for drug offences, rather than in addition to imprisonment.<sup>44</sup>
28. According to JS1, there is little recourse available for victims of crimes based on sexual orientation or gender identity, as the option of reporting the crime

or going to court involves exposure and consequent harassment and further discrimination.<sup>45</sup>

#### **4. Right to privacy, marriage and family life**

29. JS1 noted that, under Armenian law, people who use narcotic drugs and/or are dependent on them were inscribed on a narcological registry for "observation" (i.e. surveillance). According to JS1, while registration of narcological patients may be legitimate for some limited purposes, any such system is justifiable only under conditions that strictly protect the confidentiality of those registered and precludes improper sharing and use of such information. To limit these violations, and to avoid deterring people from seeking treatment for drug dependence, Armenia should review the efficacy and cost-effectiveness of the current approach with a view to either eliminating such registries or, at least, significantly improving the confidentiality of patient information on such registries. This should include a clear prohibition on the disclosure of patient information without a patient's consent to anyone other than health care staff.<sup>46</sup>
30. JS1 noted that provisions of the "Law on narcotic drugs and psychotropic substances" compel people to undergo drug testing simply based on suspicion of drug use. Such involuntary drug testing violates the privacy and security of the person without justification in almost all circumstances.<sup>47</sup>

## 5. Freedom of movement

31. Conscience and Peace Tax International (CPTI) noted that, after release from prison, conscientious objectors found that their civil rights were restricted. For example, a number were refused identity documents because they were not given a document of registration by the military commissariat; others, who possessed identity documents, were refused residency registration, a requirement in Armenia.<sup>48</sup> The Institute on Religion and Public Policy (IRPP) further stated that conscientious objectors faced additional legal obstacles even if they did participate in the Government's alternative service because they were not issued certificates of military service. Without this certificate, they were unable to apply for a passport, preventing them from leaving the country, gaining employment, voting and marrying.<sup>49</sup>
32. CPTI also noted that, during alternative service, conscientious objectors had no freedom of movement. Even outside work hours, they came under the authority of the director of the establishment to which they had been assigned. There had been reports that this had been used as a further means of imposing arbitrary restrictions, in particular that some Jehovah's Witnesses had not been permitted to leave the establishment to attend religious services, in direct breach of their freedom of religion.<sup>50</sup>

## 6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

33. IRPP noted that while the Constitution of Armenia promises the separation of church and state, it simultaneously establishes the Armenian Apostolic Holy Church as a national church in the spiritual life.<sup>51</sup> It indicated that although the law did not require the registration of religious communities, registered communities enjoyed privileges unavailable to non-registered communities.<sup>52</sup> IRPP further noted that the registration requirements limited the ability of smaller religious communities as well as those who use non-“historically recognized holy scriptures.”<sup>53</sup>
34. IRPP noted that in the summer of 2009, amendments to the Draft Law on Freedom of Conscience and Religious Organizations were approved by Parliament after the first reading of the document. Amendments to the law include banning the sharing of faith, the requirement of having 500 adult citizen members in order for a religious community to become registered, and the banning of non-Trinitarian Christian communities from procuring registration. The proposed amendments were criticized as incompatible with international law.<sup>54</sup> The European Association of Jehovah's Christian Witnesses (JW) noted that the law had yet to be considered for its second reading, but that it violated provisions on the freedom of religion in the Constitution of Armenia.<sup>55</sup>

35. JW noted that as of November 2009, there were a number of Jehovah's Witnesses in prison in Armenia for their conscientious objection to military service on religious grounds.<sup>56</sup> According to IRPP, Armenia's alternative service was considered unacceptable by many conscientious objectors as it remains under military supervision. IRPP further noted that the lack of a "genuinely civilian" alternative service had forced some Armenians to risk prosecution and jail time for their refusal to participate in this alternative service.<sup>57</sup> CPTI echoed the view that the arrangements made for conscientious objectors under the 2003 Law on Alternative Service were entirely under the control of the military, and the alternative service made available was not truly civilian in nature.<sup>58</sup> It further noted that the duration of the alternative service was longer than the military service to which the objector would otherwise be liable. It stated that such a discrepancy was discriminatory and punitive.<sup>59</sup> IRPP recommended that the State stop the prosecution of conscientious objectors and release all current prisoners of conscience.<sup>60</sup>
36. According to IRPP, although the Criminal Code calls for the punishment of actions "aimed at the incitement of national, racial or religious hatred," there were many instances of societal violence against religious minorities where the authorities had completely ignored this provision.<sup>61</sup> JW recommended that Armenia put an end to religious discrimination towards Jehovah's Witnesses.<sup>62</sup> It cited the failure by the police and prosecutors to prosecute physical attacks against Jehovah's Witnesses; difficulty in obtaining venues for religious meetings; and failure on the part of the authorities to stop a vicious slander campaign directed at Jehovah's Witnesses. It added that Jehovah's Witnesses continue to face an illegal Value Added Tax on religious publications used for worship.<sup>63</sup>
37. According to JS4, the Armenian Constitution and other statutes protect freedom of expression, but in practice this right was often threatened, in particular around election time. There was no formal censorship in Armenia, but self-censorship was often described as rampant. Incidents of violence against journalists, legal limitations on broadcasting, and the bad economic situation contributed to the restriction of the free flow of information, particularly among broadcast media, the primary source of news for most Armenians. JS4 added that newspaper and book publishing remained fairly free, and available written content was pluralistic, but overall the media environment remained highly politicized, and the print runs extremely low. In addition, the vast majority of broadcast media and newspapers were privately-owned, mostly by politicians or businessmen with close Government or opposition ties. The Internet, available to 15 per cent of the population, remained free.<sup>64</sup>
38. JS2 noted that violence against journalists remained one of the main impediments to their professional activity.<sup>65</sup> Citing examples of attacks against journalists,<sup>66</sup> JS4 recommended ending the impunity of assailants and identifying, arresting and judging the assailants and those backing the attacks. It also recommended ensuring and respecting the impartiality and

- independence of the judiciary to guarantee that journalists receive a fair trial.<sup>67</sup> JS2 added that most cases of such violence were not properly investigated and guilty persons were not punished. Law enforcement authorities hindered the professional work of journalists and used violence against them.<sup>68</sup> JS3 noted similar concerns.<sup>69</sup>
39. JS4 pointed to the use of unscheduled tax inspections of independent and opposition media, which local freedom of expression groups viewed as attempts to stifle freedom of expression.<sup>70</sup> It recommended ending the practice of inappropriate/unnecessary tax inspections by the State Tax Service on independent and opposition TV stations, newspapers and publishers.<sup>71</sup>
  40. According to JS3, the state of emergency, declared on 2 March 2008 following the disputed presidential elections held on 19 February, had dramatic and dire consequences for freedom of expression in Armenia. From 1 to 20 March, journalists and media outlets that covered opposition activities were harassed by the authorities. Several opposition media outlets reported having websites closed or restricted, and newspaper editions were refused permission for publication.<sup>72</sup>
  41. According to JS3, on 17 March 2008 the National Assembly approved amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations which gives local authorities the power to ban public meetings. These amendments have caused widespread concern among civil society organizations as they constitute a clear threat to freedom of assembly in Armenia and provide the Government with yet another means of control over specific vocal segments of the community.<sup>73</sup> JS3 further noted that on 11 June 2008, the National Assembly amended the Law but the language of the new provisions remained more restrictive than the original pre-2008 text.<sup>74</sup>
  42. JS4 recommended ensuring the freedom of assembly – particularly in access to hotel meeting rooms – and freedom of expression for civil society groups meeting on human rights issues. It called for a repeal of the September 2008 amendment to the Law on Television and Radio which imposes a two-year moratorium on the issuance of television broadcasting licenses until 20 July 2010; and for the drafting of a new law regulating the broadcasting sector to make the National Commission on Television and Radio a truly independent body. JS4 further called on the State to ensure a fair and transparent broadcasting license bidding process.<sup>75</sup>
  43. JS2 recommended that Armenia promote real political competition, guarantee freedom of media, expression and assembly, and ensure equal conditions for all political forces to contest. It also recommended that the State ensure a strong mechanism for detecting and punishing electoral fraud and other violations, including those related to campaign funding and use of administrative resource; improve respective electoral legislation, particularly on campaigning, party finance and composition of the electoral commission; and strengthen its enforcement, as well as meet Armenia's international obligations to comply with standards of democratic elections.<sup>76</sup>



44. CoE PACE noted that the continued detention of persons arrested in relation to the events of 1 March 2008 was a point of contention that would continue to strain relations between the authorities and the opposition with the potential to undermine possibilities for dialogue and reform.<sup>77</sup>
45. JS2 recommended taking immediate measures to improve legislation and enforcement to ensure adequate participation of the public in environmental decision-making and access to justice in accordance with international obligations.<sup>78</sup>

### **7. Right to work and to just and favorable conditions of work**

46. The European Committee of Social Rights (CoE ESCR) noted that the effective protection of persons with disabilities against discrimination in employment had not been established.<sup>79</sup>
47. CoE ESCR further noted that the period of notice and the amount of severance pay were not calculated based on the employee's length of service. Employees who failed to fulfill or inadequately fulfilled their obligations, employees in whom the employer had lost confidence or who were performing military service may be dismissed without notice.<sup>80</sup>

### **8. Right to social security and to an adequate standard of living**

48. World Vision Armenia (WVA) noted that, in the preceding five years, the Government of Armenia had begun to initiate large-scale health sector reforms to ensure accessible quality health care for its citizens. Access to primary health care

had been particularly stressed, funding for primary health care had been significantly increased and was declared free of charge for the entire population in 2006. Maternal and child health care had been prioritized in several policy documents.<sup>81</sup> However, according to WVA, in 2006 only 1.5 per cent of GDP was spent on health care. WVA also noted that a centralized system of data compilation for health systems monitoring and evaluations and, subsequently, policy making did not exist in Armenia.<sup>82</sup> It recommended that the financing system should ensure accountability and transparency while providing flexibility and increased management control of funds to local level facility managers.<sup>83</sup>

49. WVA also noted that Armenia was considered to have an over-supply of health care professionals, but there was not an effective national policy mechanism for directing medical training to balance physician resources with the needs of the country. There were significant regional discrepancies in the availability of qualified professionals between the capital and regions. WVA added that rural areas and even regional medical centers often did not have qualified medical professionals or necessary equipment to provide quality care for new-born babies and for mothers and children in general. Health care personnel were also underpaid and did not have incentives to perform better.<sup>84</sup> WVA recommended, inter alia, providing incentives for medical professionals to work in rural areas.<sup>85</sup>
50. According to JS1, there was insufficient access to adequate general health-care services, including reproductive health-care

services for women, especially those living in rural and remote areas. There was also evidence of lack of family planning knowledge and sex education among young people, and the rates of teenage pregnancy and abortion were high.<sup>86</sup> WVA noted that maternal and child mortality rates remained high in Armenia, despite a decline in overall mortality rates in the last decade. In addition, post-natal and neonatal mortality rates differed by urban/rural, income, and education variables.<sup>87</sup> WVA made a number of recommendations calling on Armenia to raise awareness of maternal and child health.<sup>88</sup>

51. JS1 noted that while Armenia had comparatively low HIV prevalence (0.02 per cent), the rate was growing rapidly.<sup>89</sup> Based on assessments between 2006–2008, it had been estimated that only 54 per cent of injecting drug users, 41 per cent of sex workers, and per cent of men who have sex with men had been reached with HIV prevention programmes in the past 12 months.<sup>90</sup>
52. JS1 recommended that Armenia conduct an assessment of its policies and programs addressing drug use, in light of stated goals and targets, and evaluate the impact of these initiatives on public health, including HIV prevention and care and human rights. The assessment should be transparent and conducted with the participation of civil society representatives, it added.<sup>91</sup>
53. JS1 noted that Armenian drug laws remained predominantly focusing on prohibiting and punishing activities related to drugs rather than reflecting a public health approach to drug use as a public health problem.<sup>92</sup> According to JS1,

there was no comprehensive system of drug dependence treatment, including rehabilitation services, for drug addicts in Armenia. The treatment available was limited to short-term detoxification with no provisions for rehabilitation or support.<sup>93</sup> Furthermore, JS1 noted that people diagnosed as drug-dependent may be forced into compulsory “treatment” consisting of detoxification unassisted by any sort of medication to manage withdrawal. JS1 recommended that Armenia review the use of compulsory drug dependence treatment with a view to limiting its use, at most, to circumstances that comply with the Siracusa Principles. It further recommended evaluating the methods currently used for compulsory drug dependence treatment to ensure they are evidence-based, and comply with widely recognized professional norms and human rights standards.<sup>94</sup>

54. CoE Commissioner recommended that Armenia, as a matter of priority, find an acceptable solution to allocate decent housing to the families still living in temporary shelters (domics) after the 1998 earthquake.<sup>95</sup>

## **9. Right to education**

55. JS2 recommended that Armenia ensure conditions and mechanisms for the realization of children’s constitutional right to education, and that the State hold officials responsible for failing to take measures to ensure the right to primary and secondary education for children.<sup>95</sup>

## 10. Minorities and indigenous peoples

56. The European Commission against Racism and Intolerance (CoE ECRI) noted that the Yezidi minority continued to face problems with regard to land, water and grazing issues and that some members of this community had still not acquired property titles for their land. A system had yet to be established to provide national minorities with greater access to the civil and political life of the country. There was also still a need for more and improved textbooks for minority pupils. With this in view, CoE ECRI recommended that Armenia take more steps to address the problems faced by the Yezidi community, particularly with regard to policing, land, water and grazing disputes; and continue to take measures to ensure equal access to education for minorities by, inter alia, providing for positive measures to increase their chances of entering higher education institutions.<sup>97</sup>

## 11. Migrants, refugees and asylum-seekers

57. CoE ECRI noted that Armenia amended the Law on Refugees to provide for temporary protection.<sup>98</sup> CoE Commissioner recommended ensuring that all refugees and internally displaced persons who fled their places of origin as a result of the conflict over Nagorno-Karabakh receive

proper housing. It further recommended enhancing assistance to the vulnerable groups of refugees, particularly the elderly, and improving conditions in the temporary premises.<sup>99</sup>

58. CoE Commissioner noted that while the overall asylum environment in Armenia was satisfactory, there were still gaps that needed to be addressed by the Government, as recent refugees had expressed a growing feeling of ostracism and encountered difficulties with social integration.<sup>100</sup> CoE ECRI recommended that the Armenian authorities establish a program to provide all border guards with initial and on-going training on the 1951 Convention Relating to the Status of Refugees, the Law on Refugees as well as all other international and internal legal norms concerning asylum seekers and refugees.<sup>101</sup>

Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

Capacity-building and technical assistance

N/A

## Notes

- 1 The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

### Civil society

- CPTI Conscience and Peace Tax International, Leuven, Belgium;
- GIEACPC Global Initiative to End All Corporal Punishment of Children, London, U.K;
- HRW Human Rights Watch\*, New York, USA;
- IRPP Institute on Religion and Public Policy, Washington D. C., USA;
- JS1 Joint Submission by Canadian HIV/AIDS Legal Network, Eurasian Harm Reduction Network and International Drug Policy Consortium;
- JS2 Joint Submission by Transparency International–Anti Corruption Center, Protection of Rights without Borders, Civil Society Institute, Helsinki Committee of Armenia, Helsinki Citizens’ Assembly– Vanadzor, Collaboration for Democracy Center, Victims of State Needs, Armenian Association of Women with University Education, Yerevan Press Club, Open Society Institute Assistance Foundation– Armenia;
- JS3 Joint Submission by Kurdish Human Rights Project (KHRP), London, U.K, and Forum Law Center, Yerevan, Armenia;
- JS4 Joint Submission by International Publishers Association, Geneva, Switzerland, International Pen\* and Index on Censorship;
- JW European Association of Jehovah’s Christian Witnesses, London, U.K;
- ODVV Organization for Defending Victims of Violence\*, Tehran, Islamic Republic of Iran;
- WCADP World Coalition Against The Death Penalty, Chatillon, France;
- WVA World Vision Armenia, Armenia;

### Regional Organizations

- CoE Council of Europe (Directorate General of Human Rights and Legal Affairs, Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE ACFC), the Council of Europe Commissioner for Human Rights (CoE Commissioner), European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE CPT), European Commission against Racism and Intolerance (CoE ECRI), European Committee of Social Rights (CoE ESCR), Group of States against Corruption (CoE GRECO), and Parliamentary Assembly (CoE PACE))
- 2 WCADP, Paras. 3–4.
- 3 JS1, Para. 19.
- 4 JS1, Para. 12.
- 5 JS2, p. 7.
- 6 CoE ACFC, Executive Summary of Second Opinion of 12 May 2006. See also CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006.
- 7 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 31.
- 8 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 31.
- 9 JS2, p. 7.
- 10 CoE GRECO, p. 1.
- 11 JS4, Para. 18.
- 12 JS2, p. 7.
- 13 ODVV, p. 4.
- 14 JS1, Para. 18.
- 15 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 34.
- 16 JS1, Para. 19.
- 17 HRW, pp. 1–2. See also JS2.

- 18 HRW, p. 2. See also JS3, Paras. 18–21.
- 19 JS3, Para. 10.
- 20 CoE PACE, Para. 7, of report on “The functioning of democratic institutions in Armenia,” 22 June 2009.
- 21 CoE CPT, Para. 15 of Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 13 December 2007.
- 22 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32. See also HRW p. 4.
- 23 JS2, pp. 4–5.
- 24 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32.
- 25 JS1, Para. 15.
- 26 JS1, Para. 16.
- 27 JS1, Para. 17.
- 28 JS1, Para. 14.
- 29 JS1, Para. 14.
- 30 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 33.
- 31 JS1, Para. 14.
- 32 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 33.
- 33 JS1, Para. 11.
- 34 GIEACPC, p. 2. See also CoE ESCR, European Social Charter (revised), Conclusions 2008 (Armenia) of the European Committee of Social Rights, Articles 1, 15, 18, 20 and 24 of the Revised Charter, November 2008.
- 35 GIEACPC, p. 1.
- 36 Council of Europe, Directorate General of Human Rights and Legal Affairs, p. 1.
- 37 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 31.
- 38 JS2, p. 3.
- 39 JS2, p. 3.
- 40 HRW, p. 2.
- 41 JS2, p. 8.
- 42 HRW, p. 5.
- 43 HRW, p. 7.
- 44 JS1, Para. 9.
- 45 JS1, Para. 18.
- 46 JS1, Para. 6.
- 47 JS1, Para. 7.
- 48 CPTI, Para. 26.
- 49 IRPP, Para 13. See also JS2, p. 6.
- 50 CPTI, Para. 17. See also JW p. 3.
- 51 IRPP, Para.. 4.
- 52 IRPP, Para.. 1.
- 53 IRPP, Para.. 5.
- 54 IRPP, Para.. 6.
- 55 JW, p. 3.
- 56 JW, p. 2.
- 57 IRPP, Paras. 10–11.
- 58 CPTI, Paras. 3, 4, 10 and 16. See also CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006.
- 59 CPTI, Para. 16. See also JW, p. 3 and IRPP Para. 8.
- 60 IRPP, Para. 17
- 61 IRPP, Para.. 14. See also JW and IRPP, Para. 15.
- 62 JW, p. 4.
- 63 JW, p. 2.
- 64 JS4, Para. 2. See also JS3, Para. 4.
- 65 JS2, p. 9.
- 66 JS4, Para. 12. See also HRW p. 1.
- 67 JS4, Para. 18.
- 68 JS2, p. 9.
- 69 JS3, Para. 5.
- 70 JS4, Para. 11.
- 71 JS4, Para. 18.
- 72 JS3, Para. 9.
- 73 JS3, Para. 10.
- 74 JS3, Para. 12.
- 75 JS4 Para. 18. See also JS2, p. 5 and 8.
- 76 JS2, p. 1.
- 77 CoE PACE, Para. 54, of report on “The functioning of democratic institutions in Armenia,”

- 22 June 2009. See also Summary Findings of Special Mission to Armenia by the High Commissioner for Human Rights of the Council of Europe, 29 September 2008, and Report of “Mission Speciale en armenie par Commissaire aux droits de l’homme du Conseil de l’Europe, le 20 mars 2008.
- 78 JS2, p. 10.
- 79 CoE ESCR, European Social Charter (revised), Conclusions 2008 (Armenia) of the European Committee of Social Rights, Articles 1, 15, 18, 20 and 24 of the Revised Charter, November 2008.
- 80 CoE ESCR, European Social Charter (revised), Conclusions 2008 (Armenia) of the European Committee of Social Rights, Articles 1, 15, 18, 20 and 24 of the Revised Charter, November 2008.
- 81 WVA p. 1.
- 82 WVA p. 2.
- 83 WVA p. 3.
- 84 WVA p. 2-3.
- 85 WVA, p. 3.
- 86 JS1, Para. 13.
- 87 WVA p. 1.
- 88 WVA, p. 4.
- 89 JS1, Para. 2.
- 90 JS1, Para. 3.
- 91 JS1, Para. 10.
- 92 JS1, Para. 4.
- 93 JS1, Para. 5.
- 94 JS1, Para. 8.
- 95 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32.
- 96 JS2, p. 8.
- 97 CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006. See also CoE ACFC, Executive Summary of Second Opinion of 12 May 2006.
- 98 CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006.
- 99 CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32.
- 100 CoE Commissioner, Para. 87.
- 101 CoE ECRI, Para. 63.



## 6. Advance questions to Armenia and Responses to Advance questions presented to Armenia for its UPR, 2010, July 6

### ARGENTINA

- **What are the measures taken to punish and prevent trafficking and to implement support measures for victims?**

**Answer:** *The Efforts towards combating trafficking in human beings as one of the forms of modern slavery, characterized as such internationally and conditioned by illegal transfer and compulsory exploitation of human beings, started in the Republic of Armenia in October 2002, when upon the Decision of the Prime Minister of the Republic of Armenia an interagency commission was set up for the examination of, and the submission of relevant recommendations on, issues related to smuggling, illegal transfer and trade (trafficking) in human beings for exploitation. The commission has been operating under the supervision of the Ministry of Foreign Affairs of the Republic of Armenia and was composed of representatives of all interested ministries and agencies, experts of the National Assembly of the Republic of Armenia and of the Staff of the Government of the Republic of Armenia, as well as of representatives from non-governmental organizations. For the purpose of raising the effectiveness of the undergoing works, the Council on Trafficking Issues in the Republic of Armenia chaired by the Deputy Prime Minister, Minister of Territorial Administration of the Republic of Armenia was set up upon the Decision of the Prime Minister of the Republic of Armenia No. 861-A of 6 December 2007, while the Decision of the Prime Minister of the Republic of Armenia No. 591-A of 14 October 2002 "On setting up an interagency commission"*

*was repealed. The Council is composed of the heads of all the interested ministries and agencies. A working group was also set up for the purpose of organizing the ongoing activities of the Council.*

*By Decision No. 58-N of 15 January 2004 the Government of the Republic of Armenia approved the Concept Paper on Combating Trafficking in Human Beings as well as the relevant National Program for 2004-2006 developed by the Interagency Commission on Trafficking in Human Beings in the Republic of Armenia. The National Program covered fields such as the improvement of the legislation on trafficking in human beings in the country, the survey of the extent of human trafficking within and outside the country, the implementation of preventive measures, the implementation of programs aimed at assisting the victims of human trafficking and their protection. Works in this direction are ongoing, which is evidenced by the second National Program elaborated for 2007-2009. In addition to the previous one, the second program also aimed at raising the awareness in this field among the population, expanding the international cooperation, and at issues of monitoring and evaluation.*

*In the previous period, efforts aimed at the improvement of the legislation on trafficking in human beings progressed in two directions: at national level, by making relevant amendments to the Criminal Code of the Republic of Armenia, and through acceding to international treaties. The UN Convention against Transnational Organized Crime and its two supplementing Optional Protocols, namely the Protocol to Prevent, Suppress*

and Punish Trafficking in Persons, Especially Women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air, as well as the Optional Protocol supplementing the UN Convention on the Rights of the Child were ratified. On March 2008 the Republic of Armenia ratified the **Council of Europe Convention** on Action against Trafficking in Human Beings of 16 May 2005. A new Article 132 titled “Trade in Human Beings” was incorporated in the Criminal Code of the Republic of Armenia on 1 August 2003. The reading of Article 132 of the Criminal Code of the Republic of Armenia was replaced in June 2006, which now defines the crime of human trafficking more clearly and comprehensively, changing the words “trading in human beings” with the word “exploitation.” Also, a new Article 132.1 was added, which prescribes heavier sanctions against organizers of trafficking in human beings. In 2009 the Draft law “On making amendments to the Criminal Code of the Republic of Armenia” was submitted to the National Assembly of the Republic of Armenia, which envisages heavier sanctions for organizers of human trafficking.

With regard to combating labour exploitation, the Labour Code of the Republic of Armenia incorporates certain articles on prohibiting compulsory labour, violence against an employee, admission of a child below the age of fourteen to work, as well as articles envisaging state supervision over the activities of an employer.

On 20 November 2008, the Government of the Republic of Armenia adopted the Decision No. 1385-A “On approving the procedure for assisting victims of trafficking in human beings at national level.” Currently, the 2010-2013 National Program is in the stage of elaboration.

A special subdivision on combating trafficking in human beings was established within the Police of the Republic of Armenia adjunct to the Government of the Republic of Armenia.

- **What are the efforts made to define and prohibit explicitly and integrally discrimination against women and gender violence in the legislation of Armenia?**

***Answer:** The issues of combating violence have always been in the center of attention; these issues are regulated by the national legislation of the Republic of Armenia, particularly by a number of legal acts, including the Criminal Code, and the Family Code. Gender distinction of violence victims is not provided for by these legal acts. Any violence -- whether domestic or not -- is criminally punishable. Crimes accompanied with violence, including domestic violence, are also criminally punishable. Such crimes include infanticide by the mother, incitement to suicide, causing intentional grave and medium-gravity harm to health, as well as battery, torture, insult, rape, violent acts of sexual nature, a threat of homicide, of causing grave harm to health or of destruction of property, etc.*

*The Law of the Republic of Armenia “On social aid” was adopted in 2005, which lays down the forms, terms of, and mechanisms for the aid provided by the State to the victims of violence.*

*In March 2010 by the decision of the Prime Minister an Interagency Commission was established on Combating Gender violence. Currently, the draft law on domestic violence is in the process of finalization, upon the initiative of the “Center for Women’s Rights” non-governmental organization and by the relevant interagency working group assisted by international organizations.*

By 2006, various non-governmental organizations carried out studies aimed at revealing the phenomenon of violence against women in the Republic of Armenia. In 2006-2007, three studies on violence against women at home and at workplace were conducted with the participation of the State Statistical Service and non-governmental organizations upon the initiative of the Ministry of Labour and Social Affairs of the Republic of Armenia. An important factor for eliminating violence is the prevention thereof, which is largely supported by raising the public awareness. Every year, a campaign entitled “Sixteen days of activity against gender violence” is organized with the assistance of UN institutions, other international organizations, non-governmental organizations, and state institutions, within the framework of which various events aimed at raising the awareness of the phenomenon on all levels, including national, regional, and community levels, are held.

Support to women subjected to violence is envisaged by the state program “Creation of Crisis Centers for Persons Subjected to Violence” approved within the medium term programs of the Government of the Republic of Armenia for 2009-2011.

At present, three “hot lines” (Yerevan-based “Maternity Center of Armenia” and “Center of Women Rights”, and Gyumri-based “Ajakits” non-governmental organization) and one Family Emergency Center (“Maternity Center of Armenia”) function in Armenia.

In 2008, functions relating to the protection of persons subjected to violence and prevention thereof were added in the statutory tasks of the Ministry of Labour and Social Affairs of the Republic of Armenia. It is envisaged that the relevant department of the Police will also be vested with special powers to deal with issues of prevention and punishment of violence against women.

Issues relating to the prevention of violence and support provided to persons and members of their families are included into the Action Plan of the Government of the Republic of Armenia for 2008-2012. Funding of services provided to persons subjected to violence (around AMD16 million) was envisaged by the 2009 State Budget of the Republic of Armenia.

■ **What are the measures taken to protect health and provide education to children with disabilities, without discrimination?**

***Answer:** The concept paper on inclusive education was approved by the protocol decision No. 20 in the sitting of 25 May 2005 of the Government of the Republic of Armenia, which is aimed at identifying the main provisions of special education reforms and organization of education in general education schools for children with special educational needs.*

*The education of children with mental and physical development problems in the Republic of Armenia is currently organized in around 32 general education institutions as well as in special educational institutions for children with mental retardation, with visual, hearing, behavioral and emotional and volition, as well as deep speech disorders.*

*Children under the age of eighteen are classified in the benefit scheme among those with high points of insecurity. Thereby the probability for families having a child with disabilities to receive a benefit is quite high.*

*As of July 2009, 3173 families are registered in the Republic of Armenia, which have a child with disabilities among them.*

*Since 2001, child development and child day-care community centers have been established by the efforts of the state and non-governmental organizations. At present, children*

and juniors with disabilities and social-psychological problems benefit from the services provided by these centers, the activities of which are mainly directed at supporting the social integration of children in especially difficult circumstances.

The whole population, irrespective of the age and social status is included in the primary healthcare program provided by the state (except for stomatological medical aid, which is provided free of charge only for socially vulnerable groups and children of up to eight years of age). The development of the primary health care made it possible to improve and ensure access to medical aid, thus securing the principles of social justice and equality conditioned thereby. Primary health care sector includes 467 medical facilities rendering out-patient polyclinic services and 638 medical obstetric units in rural communities, which operate in Armenia. In-patient services for children under the age of seven and primary health care of children under the age of eighteen, as well as obstetric services are covered by the state-sponsored program.

## AZERBAIJAN

- In 1998, the Human Rights Committee noted that de facto discrimination against women persists as a matter of custom in Armenia. In 2009, the Committee on Elimination of Discrimination against Women (CEDAW) reiterated its concern about the deeply rooted patriarchal attitudes and strong stereotypes regarding women's roles and responsibilities in the family and society. CEDAW regretted the absence of the explicit and comprehensive definition of discrimination against women in Armenia's legislation, and expressed

**concern at the lack of express and comprehensive legal provisions prohibiting discrimination against women. What concrete measures have been undertaken to address these concerns? What the concrete mechanisms are in Armenia to protect woman subjected to domestic violence and to punish the perpetrators?**

**Answer:** The Armenian legislation is gender-neutral. There is no gender differentiation in human right and fundamental freedoms enshrined in the Constitution and other legal acts. They apply equally to male and female. The Armenian Constitution applies definitions "everyone" or "every citizen". Besides, article 14.1 of Constitution prohibits any discrimination based on any ground including sex. Moreover, according to article 48 of Constitution the basic tasks of the state in the economic, social and cultural spheres are protection and patronage of the family, the motherhood and the childhood as well. There are provisions prohibiting discrimination against women also in other legal acts: according to Criminal Code of Armenia ungrounded refusal to hire a pregnant woman citing pregnancy or a person with a child under 3 years of age, or ungrounded dismissal, citing this reason is considered a crime. The Criminal Code also regulates the specificities concerning the punishment of women: i.e. those pregnant at the time of the committal of the crime or sentencing cannot be sentenced to life sentence, etc.

The issues of combating violence have always been in the center of attention; these issues are regulated by the national legislation of the Republic of Armenia, particularly by a number of legal acts, including the Criminal Code, and the Family Code. Gender distinction of violence victims is not provided for by these

legal acts. Any violence -- whether domestic or not -- is criminally punishable. Crimes accompanied with violence, including domestic violence, are also criminally punishable. Such crimes include infanticide by the mother, incitement to suicide, causing intentional grave and medium-gravity harm to health, as well as battery, torture, insult, rape, violent acts of sexual nature, a threat of homicide, of causing grave harm to health or of destruction of property, etc.

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By 2006, various non-governmental organizations carried out studies aimed at revealing the phenomenon of violence against women in the Republic of Armenia. In 2006-2007, three studies on violence against women at home and at workplace were conducted with the participation of the State Statistical Service and non-governmental organizations upon the initiative of the Ministry of Labour and Social Affairs of the Republic of Armenia. An important factor for eliminating violence is the prevention thereof, which is largely supported by raising the public awareness. Every year, a campaign entitled “Sixteen days of activity against gender violence” is organized with the assistance of UN institutions, other international organizations, non-governmental

organizations, and state institutions, within the framework of which various events aimed at raising the awareness of the phenomenon on all levels, including national, regional, and community levels, are held.

Support to women subjected to violence is envisaged by the state program “Creation of Crisis Centers for Persons Subjected to Violence” approved within the medium term programs of the Government of the Republic of Armenia for 2009-2011.

At present, three “hot lines” (Yerevan-based “Maternity Center of Armenia” and “Center of Women Rights”, and Gyumri-based “Ajakits” non-governmental organization) and one Family Emergency Center (“Maternity Center of Armenia”) function in Armenia.

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Issues relating to the prevention of violence and support provided to persons and members of their families are included into the Action Plan of the Government of the Republic of Armenia for 2008-2012. Funding of services provided to persons subjected to violence (around AMD16 million) was envisaged by the 2009 State Budget of the Republic of Armenia.

- **In 2002, the Committee on Elimination of Racial Discrimination (CERD) expressed concern over allegations of discrimination against Yezidis in Armenia by police and local authorities and lack of response by police to**



crimes committed against this minority by other citizens. We are interested to learn about the measures taken by the Government of Armenia aimed at eliminating discrimination against Yezidis? CERD has also expressed its concern at the lack of representation of ethnic and national minorities in the National Assembly, recommending steps to secure their due representation. How the Armenian Government intend to close the gap in this field? In 2002, CERD reiterated its recommendation that Armenia take measures to ensure, wherever possible, access by minority children to education in their mother tongue in Armenia. Could the government of Armenia indicate whether there has been any follow up on this recommendation?

**Answer:** *The legal framework of the Republic of Armenia fully guarantees the right to participate in elections. Thus, Article 30 of the Constitution of the Republic of Armenia defines that citizens of the Republic of Armenia who have attained the age of 18 shall have the right to vote and participate in a referendum and public administration and local self-governance through the representatives chosen directly and through expression of free will. According to Article 64 of the Constitution of the Republic of Armenia, any person having attained the age of twenty five and having been a citizen of the Republic of Armenia for the preceding five years, as well as having permanently resided in the Republic of Armenia for the preceding five years and having the right to vote may be elected as a deputy.*

Though in point 278 of 2002 Concluding Observations, the Committee expresses its concern with regard to the lack of representation

of ethnic and national minorities in the National Assembly of the Republic of Armenia, those groups enjoy legal guarantees, which enable them to have representatives in the National Assembly. In addition to the aforementioned constitutional provisions, Article 3 of the Electoral Code of the Republic of Armenia, in its turn, prescribes, "Citizens with electoral rights shall have the right to elect and be elected regardless of nationality, race, gender, language, religion, political or other opinion, social origin, property or other status. Any restriction of electoral rights on the basis of the aforementioned criteria shall be prosecuted by law". Article 4 ensures equal grounds and conditions for citizens to exercise their electoral rights.

As for allegations of lack of response by police to crimes committed against the Yezidi minority, these allegations are unsubstantiated as also witnessed by ECRI visits. Crimes committed that involve Yezidis or any other are approached with utmost importance by the Government given the total respect that the Armenian society attaches to national minorities. These are ordinary crimes and have no discriminatory component in its nature. This is also reflected in the rate of crimes that are revealed by the police involving Yezidis: in 2007 it made 78,6% involving Yezidis vs. 73,3% for all other crimes, in 2008 100,0% vs. 70,0%, and in 2009 87,5% vs. 80,5% respectively.

- **CERD was also concerned about reports of obstacles imposed on religions organizations other than Armenian Apostolic Church. CERD urged the Government to take measures ensuring freedom of religion for all, without discrimination. What measures have been taken by the government of Armenia to address these concerns?**



**Answer:** *All religious organizations enjoy equal rights and opportunities in Armenia and all legislative acts apply to them equally. All issues related to religious organizations are regulated by the Law of the Republic of Armenia “On freedom of conscience and religious organizations” (adopted on 17 January 1991) that was among the first laws adopted after independence of the Republic of Armenia. All matters of concern with relation to religious organizations are expeditiously dealt with the Department for Ethnic Minorities and Religious Affairs under the Staff of the Government of the Republic of Armenia, created on June 2004, that works closely with these organizations.*

- In 2002, CERD invited Armenia to consider making the declaration provided for in article 14 of the Convention. What are steps the government of Armenia intends to make in this regard?

**Answer:** *The issue is under the consideration by the Government of Armenia.*

- On 2 March 2008, the High Commissioner for Human Rights noted the reports of death and injuries on the previous day during the demonstrations in the Armenian capital Yerevan. The High Commissioner expressed concern over reports that force had been used against peaceful demonstrators and that opposition protestors had been detained, calling upon the authorities to exercise the utmost restraint and to ensure that due process is followed in case of any detentions. The Council of Europe Parliamentary Assembly (CoE PACE) regretted the breakdown of the work of the independent expert group to establish the facts in relation to events of March 1 and 2 March 2008

in Armenia. In this regard, we ask the government of Armenia is planning to re-establish independent expert group in order to impartially investigate the said events?

**Answer:** *There is no need for re-establishment of any independent expert group. In June 2009 the Fact-Finding Group submitted its final report together with the opinions of its two members to the Ad-Hoc Committee which examined its findings thoroughly and included in its final report that was published in September 2009 with respective recommendations.*

- The PACE Resolution 1677 (2009) noted that public trust in the electoral process is still very low in Armenia. How does Armenia address this problem?

**Answer:** *The establishment of the Ad Hoc Committee of the National Assembly and the Fact-Finding Group aimed at increasing trust in the public through increased and deeper understanding of the events of March 1-2 and its causes. The establishment of the Public Council at the initiative of the President of Armenia is also an attempt to have more inclusive, open and transparent involvement of all sectors of society in decision-making on issues of general interest and common concern.*

- The United Nations Country Team (UNCT) noted that broadcast media lacked pluralism and remained largely pro-government in Armenia. It also noted that the 2008 presidential elections in Armenia generated a major political crisis and demonstrated a deep polarization of society, which led to actions that seriously affected protection and respect for human rights. According to JS4, the Armenian Constitution and

other statutes protect freedom of expression, but in practice this right was often threatened, in particular around election time in Armenia. What the concrete measures is the government of Armenia taking to ensure the right to freedom of opinion and expression in accordance with its international obligations? How does the government of Armenia intend to promote access to a free media?

*Answer:* The problem of a truly independent media is a common problem not only for Armenia but also countries of the region. It requires constant raise of the quality of coverage and awareness raising on all issues impeding effective implementation of all legislative provisions enshrines in the Armenian legislation. These are issues that are being dealt with through the development of code of ethics, improving broadcast regulations, among others.

- The UN special procedures and non-governmental organization received information about continuing attacks against the human rights defenders and the representatives of opposition in Armenia. In this regard, could you provide any practical information on the measures taken by the government of Armenia to ensure human rights and fundamental freedoms of citizens, in particular the right to assemble? Could the government of Armenia indicate whether there has been investigated all of cases contained in the communications of the UN special procedures and non-governmental organization?

*Answer:* The freedom of assembly is guaranteed in Armenia. A recent monitoring report

carried out by the OSCE/ODIHR clearly demonstrates that there is a very high tolerance in the country and with the police with unsanctioned rallies and demonstrations.

As for the cases contained in the communications of the UN special procedures, they all have been thoroughly investigated and prosecuted if sufficient evidence existed. Armenia cooperates very closely on these matters with the OSCE Freedom of Media Representative, the CPT and other regional mechanisms and carries our programs aimed at improving the situation.

- According to JS2, law enforcement authorities in Armenia hindered the professional work of journalists and used violence against them. JS4 recommended ending the impunity of assailants and identifying, arresting and judging the assailants and those backing the attacks. What concrete measures the government of Armenia takes to address these concerns?

*Answer:* As mentioned in the reply to the previous question, all cases are being thoroughly investigated. Armenian authorities pay utmost attention to ensuring freedom of speech and freedom of media and have condemned all attacks against journalist on the highest political level, including the President and the Prime Minister of the Republic. The Government of Armenia takes any violent incident against journalists very seriously and continues its efforts to reveal all the circumstances of the alleged acts of violence and bring the perpetrators to justice. Despite the fact that such incidents are extremely few, they are under vigilant attention of both the Police and the General Prosecutor's Office. The good will and cooperation of the victims of such attacks with law enforcement is of

utmost importance for all those cases to be revealed and prosecuted.

- **The Human Rights Committee noted that the independence of the judiciary is not fully guaranteed in Armenia. CoE Directorate General of Human Rights and Legal Affairs noted that law enforcement bodies as well as the judiciary continued to be perceived by the population as corrupt and subject to influence not only by the state but also by different power groups. What concrete measures the government of Armenia takes to strengthen the independence of the judiciary? Could the government indicate what reforms are planned to combat corruption in Armenia?**

**Answer:** *Independence of judges is guaranteed by the Constitution of Armenia and provided by the legislation. Guarantees for the functioning, as well as grounds and procedure for holding judges and members of the Constitutional Court liable are defined by the Constitution and by law.*

*Judges and members of the Constitutional Court may not be detained, involved as a defendant, and no legal proceedings on imposing administrative liability on them may be instituted without the consent of the Council of Justice or the Constitutional Court respectively. Judges and members of the Constitutional Court may not be arrested, except for the cases when the arrest is affected at the moment of committing a criminal offence or immediately after that. In such cases the President of the Republic of Armenia, as well as the President of the Court of Cassation or the President of the Constitutional Court respectively, shall be promptly informed about the arrest.*

Pursuant to Article 98 of the Constitution of the Republic of Armenia, judges and

members of the Constitutional Court may not engage in entrepreneurial activity, hold a position in state or local self-government bodies, which is not related to their duties, and a position in commercial organizations, as well as carry out other paid work, except for scientific, pedagogical or creative work.

Judges and members of the Constitutional Court may not be members of any party or engage in political activities.

Pursuant to Article 9 of the Judicial Code of the Republic of Armenia, the judiciary shall be autonomous.

Self-governance of the judiciary shall be implemented through self-government bodies established by this Code.

Pursuant to Article 11 of the Judicial Code of the Republic of Armenia, judges shall be independent when administering justice or exercising other powers provided for by law.

When administering justice and exercising other powers provided for by law, judges shall not be accountable to anyone, which includes, but is not limited to, being free from the obligation to give any explanations, except for cases authorized by law.

Interference with the activities of a judge in a manner not authorized by law shall be prohibited. Such an offence shall be liable to criminal prosecution. In case of government officers, it shall also give rise to disciplinary liability up to dismissal from the position or service held, in the manner prescribed by relevant laws regulating the government service. During the term of office and after the termination of powers, judges may not be interrogated as a witness with regard to a case examined by them. Judges shall be irremovable. In the issue of judge's independence the role of Council of Justice is essential, as an independent body. The Council of Justice is in charge of disciplinary responsibility of

judges. By the constitutional amendments in 2005 the role of the Council of Justice, as the main body ensuring the guarantees for the independence of judiciary, has considerably increased. According to Constitution, the Council of Justice shall consist of up to nine judges elected by secret ballot for a period of five years by the General Assembly of Judges of the Republic of Armenia in conformity with the procedure defined by the law, two legal scholars appointed by the President of the Republic and two legal scholars appointed by the National Assembly. The sittings of the Justice Council shall be chaired by the Chairman of the Court of Cassation without the right to vote.

In conformity with the procedure stipulated in the law the Council of Justice shall:

- 1) form and present to the approval of the President of the Republic the list of candidates of judges and the lists of their professional advancement, which shall be used as a basis for appointments;
- 2) give a conclusion on the submitted candidacies of judges;
- 3) nominate the candidates for the chairman of the court of cassation, chairmen and members of its chambers and candidates for the chairmanship of the appeal courts, first instance courts and specialized courts;
- 4) shall express opinion on issues of pardon on the request of the President of the Republic;
- 5) shall subject the judges to disciplinary responsibility, shall submit recommendation to the President of the Republic on terminating the powers of a judge, detaining him/her, on agreeing to involve him/her as an accused or instituting a court proceeding to subject him/her to administrative liability.

- **The PACE Resolution 1677 (2009) urged Armenian authorities to implement without delay further reforms of the police. CoE Commissioner recommended investigating systematically cases of police abuse to avoid impunity and to put an end to widespread ill-treatment by police. What steps are being taken by the Armenian authorities in this regard?**

*Answer: Article 11 of the Criminal Code prescribes that it serves to provide for physical, mental, material, ecological, and other human security and that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.*

Moreover, based on the commitments under CAT, Article 119 of the Criminal Code of the Republic of Armenia qualifies torture as a criminal offence and prescribes a relevant punishment therefore. Pursuant to the mentioned Article, torture is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person. Such act shall be punished by imprisonment for a maximum term of three years, and in case of aggravated circumstances, by imprisonment for a term of three to seven years. Pursuant to Article 5 of the Law of the Republic of Armenia on the Police adopted in 2001, "Subjection of a human being to torture, cruel or degrading treatment, or use of violence against him/her by a police officer shall be prohibited and shall give rise to liability in accordance with the law."

The Criminal Procedure Code of the Republic of Armenia was amended with a view to making the interrogation process more manageable and minimizing inhuman and other degrading treatment of suspects or the accused. Pursuant to it, materials, which were obtained through violence, threat, deception,

ridicule of a person, as well as through other unlawful actions, infringement of the rights of a witness, or serious violation of the execution procedure of investigative or other procedural activities, may not form basis for charges in criminal proceedings and used as evidence (Article 105).

Human rights education, which includes passages on provisions prohibiting torture, cruel or degrading treatment are part of the curriculum at the Police Academy.

More details on the measures undertaken in this regard can be found in the Third and fourth joint periodic report of Armenia on the implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

- **In 2004 the Committee on the Rights of the Child (CRC) reiterated its concern about the absence of a system of juvenile justice in Armenia. It was also concerned about the length of pre-trial detention and the limited access to visitors during this period in Armenia; the use of detention not as measures of last resort, and the often disproportionate length of sentences; conditions of detention; and the absence of facilities for the recovery and social reintegration of juvenile offenders in Armenia. Could the government of Armenia to indicate the concrete steps that have been taken in order to lift the concern of CRC?**

**Answer:** *The Criminal Code of the Republic of Armenia has a special chapter on peculiarities of criminal liability and punishment for minors, that chapter regulates the types and sizes of punishment for juveniles, that are reduced in comparison with adults, compulsory disciplinary measures instead of punishment,*

*that are applied regarding the juveniles committed not grave and medium gravity crime for the first time. These measures are not the criminal punishments and do not bring to criminal record.*

*Chapter 50 of the Criminal Procedure Code regulates the peculiarities of criminal proceedings for juveniles.*

*The Criminal Procedure Code also regulates the special order of juvenile interrogation, according to which the non-stop interrogation of juvenile cannot last more than two hours, and the duration of interrogation of juvenile during the day can be more than six hours. The legal representative of juvenile shall participate in interrogation. A pedagogue shall take part in interrogation of witness or aggrieved juvenile under 16 years.*

*The creation of special courts for juveniles is not reasonable yet, taking into account the low quantity of cases with juvenile offenders. Multi-stage trainings, seminars on juvenile justice are permanently held in Armenia. These activities are organized in cooperation with UNICEF, OSCE office in Yerevan and other international organizations. Judges, other law enforcement officials, criminal executive officials take part in these programs, where appropriate trainers and specialists present all peculiarities and nuances of juvenile justice.*

- **CRC recommended that Armenia ensure effective implementation of the minimum employment age in the Labour Code, and of provisions prohibiting heavy and hazardous work for children. It also recommended a national mechanism to monitor implementation at State and local levels should be established. Which concrete measures have been undertaken by the**



### **government of Armenia to implement this recommendation?**

**Answer:** All provisions are included in the Labour Code of Armenia which is in line with CRC and ILO respective Convention requirements. In addition, the introduction of the institute of Labour inspectors helps to effectively monitor the process.

- **CRC was concerned at the extent of non-registration of births in Armenia, seemingly connected with the increasing number of births at home and the difficulty of traveling to regional centers from remote areas. According to the report of JS1, there was insufficient access to adequate general health-care service, including reproductive health-care services for women, especially those living in rural and remote areas in Armenia. World Vision Armenia noted that maternal and child mortality rates reminded high in Armenia. In this regard we ask how does the government of Armenia intend to improve situation with health care service, and in particular in rural and remote areas.**

**Answer:** A lot has been done in this filed by the Government in this sphere including through introduction of mobile ambulance and mother care services in remote areas and 6-month rotational placements for doctors. It is envisaged to obtain new high-passage ambulance vehicles for remote villages in mountain areas in 2010-2011.

General healthcare is free of charge for all residents of Armenia. With the introduction of childbirth certificates in 2008, by which all charges for giving birth are entirely born by the Government, the issue of accessibility to medical services for childbirth for most vulnerable sectors of society is totally overcome.

As a result, only 3% of women according to DHS and 0.3% according to official statistics gave birth at home in 2009 in comparison to 9% and 3% respectively in 2000.

## **CZECH REPUBLIC**

- **What measures has the Government taken or is preparing to take to strengthen fight against domestic violence, does the Government consider e.g. introducing crime of domestic violence into its criminal code? What support and protection is available for victims of domestic violence?**

**Answer:** The issues of combating violence have always been in the center of attention; these issues are regulated by the national legislation of the Republic of Armenia, particularly by a number of legal acts, including the Criminal Code, and the Family Code. Gender distinction of violence victims is not provided for by these legal acts. Any violence -- whether domestic or not -- is criminally punishable. Crimes accompanied with violence, including domestic violence, are also criminally punishable. Such crimes include infanticide by the mother, incitement to suicide, causing intentional grave and medium-gravity harm to health, as well as battery, torture, insult, rape, violent acts of sexual nature, a threat of homicide, of causing grave harm to health or of destruction of property, etc.

The Law of the Republic of Armenia "On social aid" was adopted in 2005, which lays down the forms, terms of, and mechanisms for the aid provided by the State to the victims of violence.

In March 2010 by the decision of the Prime Minister an Interagency Commission was established on Combating Gender violence. Currently, the draft law on domestic violence



is in the process of finalization, upon the initiative of the “Center for Women’s Rights” non-governmental organization and by the relevant interagency working group assisted by international organizations.

By 2006, various non-governmental organizations carried out studies aimed at revealing the phenomenon of violence against women in the Republic of Armenia. In 2006-2007, three studies on violence against women at home and at workplace were conducted with the participation of the State Statistical Service and non-governmental organizations upon the initiative of the Ministry of Labour and Social Affairs of the Republic of Armenia. An important factor for eliminating violence is the prevention thereof, which is largely supported by raising the public awareness. Every year, a campaign entitled “Sixteen days of activity against gender violence” is organized with the assistance of UN institutions, other international organizations, non-governmental organizations, and state institutions, within the framework of which various events aimed at raising the awareness of the phenomenon on all levels, including national, regional, and community levels, are held.

Support to women subjected to violence is envisaged by the state program “Creation of Crisis Centers for Persons Subjected to Violence” approved within the medium term programs of the Government of the Republic of Armenia for 2009-2011.

At present, three “hot lines” (Yerevan-based “Maternity Center of Armenia” and “Center of Women Rights”, and Gyumri-based “Ajakits” non-governmental organization) and one Family Emergency Center (“Maternity Center of Armenia”) function in Armenia.

In 2008, functions relating to the protection of persons subjected to violence and prevention thereof were added in the statutory tasks

of the Ministry of Labour and Social Affairs of the Republic of Armenia. It is envisaged that the relevant department of the Police will also be vested with special powers to deal with issues of prevention and punishment of violence against women.

Issues relating to the prevention of violence and support provided to persons and members of their families are included into the Action Plan of the Government of the Republic of Armenia for 2008-2012. Funding of services provided to persons subjected to violence (around AMD16 million) was envisaged by the 2009 State Budget of the Republic of Armenia.

- **How is ensured investigation of crimes of torture and other ill-treatment and how is ensured reparation and compensation for their victims? What human rights education is provided to the police and prison staff? How is ensured non-admissibility of any evidence obtained through torture or ill-treatment before the court?**

*Answer:* Article 11 of the Criminal Code prescribes that it serves to provide for physical, mental, material, ecological, and other human security, and that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

Moreover, based on the commitments under CAT, Article 119 of the Criminal Code of the Republic of Armenia qualifies torture as a criminal offence and prescribes a relevant punishment therefore. Pursuant to the mentioned Article, torture is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person. Such act shall be punished by imprisonment for a maximum term of three years, and in case of aggravated circumstances, by

imprisonment for a term of three to seven years.

Pursuant to Article 5 of the Law of the Republic of Armenia on the Police adopted in 2001, “Subjection of a human being to torture, cruel or degrading treatment, or use of violence against him/her by a police officer shall be prohibited and shall give rise to liability in accordance with the law.”

The Criminal Procedure Code of the Republic of Armenia was amended with a view to making the interrogation process more manageable and minimizing inhuman and other degrading treatment of suspects or the accused. Pursuant to it, materials, which were obtained through violence, threat, deception, ridicule of a person, as well as through other unlawful actions, infringement of the rights of a witness, or serious violation of the execution procedure of investigative or other procedural activities, may not form basis for charges in criminal proceedings and used as evidence (Article 105).

Human rights education, which includes passages on provisions prohibiting torture, cruel or degrading treatment are part of the curriculum at the Police Academy.

- **How far has preceded the process of ratification of the Rome Statute of the International Criminal Court which Armenia signed in 1999?**

***Answer:** Given the fact that the decision of the Constitutional Court is final and cannot be appealed, it has created a legal limbo which is currently being thoroughly examined and analyzed by the Armenian legal experts.*

- **How is ensured protection of rights of children alleged or convicted to have violated criminal laws, does the government consider establishing a system of juvenile justice?**

***Answer:** The Criminal Code of the Republic of Armenia has a special chapter on peculiarities of criminal liability and punishment for minors, that chapter regulates the types and sizes of punishment for juveniles, that are reduced in comparison with adults, compulsory disciplinary measures instead of punishment, that are applied regarding the juveniles committed not grave and medium gravity crime for the first time. These measures are not the criminal punishments and do not bring to criminal record.*

*Chapter 50 of the Criminal Procedure Code regulates the peculiarities of criminal proceedings for juveniles.*

*The Criminal Procedure Code also regulates the special order of juvenile interrogation, according to which the non-stop interrogation of juvenile cannot last more than two hours, and the duration of interrogation of juvenile during the day can be more than six hours. The legal representative of juvenile shall participate in interrogation. A pedagogue shall take part in interrogation of witness or aggrieved juvenile under 16 years.*

*The creation of special courts for juveniles is not reasonable yet, taking into account the low quantity of cases with juvenile offenders. Multi-stage trainings, seminars on juvenile justice are permanently held in Armenia. These activities are organized in cooperation with UNICEF, OSCE office in Yerevan and other international organizations. Judges, other law enforcement officials, criminal executive officials take part in these programs, where appropriate trainers and specialists present all peculiarities and nuances of juvenile justice.*

- **How is ensured protection of rights of children of persons in detention or in prisons?**

**Answer:** *The cases of such children are extremely rare. In the majority of cases the child stays with the other parent. In those cases when the child is under 3 and the person in detention is a woman, the child stays with the mother in the facilities with special conditions. If the child is over 3, they are placed in special child care establishments with constant contact with the mother.*

## DENMARK

- **How will Armenia respond to the recommendation made by the Committee Against Torture that Armenia should adopt a definition of torture fully in compliance with article 1 of the Convention Against Torture?**

**Answer:** *Currently the amendments to the Criminal Code of Armenia are being elaborated during which the inclusion of the definition of torture according to CAT will be considered.*

- **Please provide further information about the role and the functioning of the Council of Torture Prevention.**

**Answer:** *By the amendments to the Law on “Human Rights Defender” in 2008 the Ombudsman of Armenia has been appointed as the National Prevention Mechanism taking into account that the Office of the Human Rights Defender of the Republic of Armenia conforms to the standards of an independent national preventive mechanism as provided for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In order to effectively carry out his functions as national preventive mechanism and better coordinate his work, a Council on Torture Prevention was established at the initiative*

*of the Ombudsman comprised of 3 persons from the Ombudsman’s office and 4 representatives of non-governmental organizations.*

- **What steps have been taken in order prevent the practice of hazing (the so-called “dedovshchina”) in the military system?**

**Answer:** *Regrettably, this practice has been inherited from the Soviet time. The Ministry of Defense is resolute on rooting out this practice by bringing to accountability those responsible. In case hazing causes bodily harm, it is considered a criminal offense punishable by the Criminal Code. The recent persistent activities against hazing, including through awareness-raising among the servicemen have substantially decreased the instances of this crime.*

- **What measures have been taken in order to ensure freedom of religion for all, without discrimination?**

**Answer:** *The legislation of Armenia fully provides for freedom of conscience, religion and belief. In the years following its independence, Armenia undertook serious steps aimed at ensuring religious diversity in the country. While 14 religious organizations were registered in the State Registry of Armenia in 1997, the number thereof reached 66 as of 2009.*

*According to the Law of the Republic of Armenia “On freedom of conscience and religious organizations”, a group of individuals shall be recognized as a religious organization if no coercion or violence towards an individual is not allowed, if it is based on any historically canonized holy book, belongs, with its belief, to the system of world contemporary religious and church communities, is void of mercenary motives, is directed at spiritual fields, and includes at least 200 believers.*

*Children under the age of eighteen may not become a member of a religious organization irrespective of the fact that they participate in religious rituals, and other circumstances. Articles 14-16 of the Law addresses the special characteristics of the procedure for registration of religious organizations.*

The mentioned organizations represent 13 religious flows:

Armenian Apostolic Holy Church - 1

Armenian Catholics - 3

Evangelic denominations - 4

Evangelical-Baptist denominations - 10

**Adventist denomination** - 1

Pentecost denominations - 23

**Ecumenical organizations** - 1

New religious movements - 6

Religious-charitable organizations - 6

Religious organizations of national minorities - 8, including:

- “Russian Orthodox Church” - 4

- Yezidi religious organization - 2

- “Jewish Religious Community of Armenia” - 1

- Assyrian religious organization - 1

Pagan religious organization - 1

Other religious organization - 1

Center of Theological Studies - 1

The Molokan (Russian old believers) community and Persian Blue Mosque in Yerevan function without registration.

There exist religious communities registered as non-governmental organizations benefiting from the shortfall of the legislation covering that field.

## GERMANY

- **The Human Rights Committee and various stakeholders have raised concerns about law enforcement bodies and the judiciary being corrupt and subject to influence by the State and by different power groups, unlawful pressure on and intimidation of judges and due process violations. We would be interested to learn how the government is addressing these problems? What measures are undertaken to strengthen the impartiality and independence of justice? / (ARM/2 33. + ARM/3 22. -- 24, 38.)**

***Answer:** Independence of judges is guaranteed by the Constitution of Armenia and provided by the legislation. Guarantees for the functioning, as well as grounds and procedure for holding judges and members of the Constitutional Court liable are defined by the Constitution and by law.*

*Judges and members of the Constitutional Court may not be detained, involved as a defendant, and no legal proceedings on imposing administrative liability on them may be instituted without the consent of the Council of Justice or the Constitutional Court respectively. Judges and members of the Constitutional Court may not be arrested, except for the cases when the arrest is affected at the moment of committing a criminal offence or immediately after that. In such cases the President of the Republic of Armenia, as well as the President of the Court of Cassation or the President of the Constitutional Court respectively, shall be promptly informed about the arrest.*

Pursuant to Article 98 of the Constitution of the Republic of Armenia, judges and members of the Constitutional Court may not

engage in entrepreneurial activity, hold a position in state or local self-government bodies, which is not related to their duties, and a position in commercial organizations, as well as carry out other paid work, except for scientific, pedagogical or creative work.

Judges and members of the Constitutional Court may not be members to any party or engage in political activities.

Pursuant to Article 9 of the Judicial Code of the Republic of Armenia, the judiciary shall be autonomous.

Self-governance of the judiciary shall be implemented through self-government bodies established by this Code.

Pursuant to Article 11 of the Judicial Code of the Republic of Armenia, judges shall be independent when administering justice or exercising other powers provided for by law. When administering justice and exercising other powers provided for by law, judges shall not be accountable to anyone, which includes, but is not limited to, being free from the obligation to give any explanations, except for cases authorized by law.

Interference with the activities of a judge in a manner not authorized by law shall be prohibited. Such an offence shall be liable to criminal prosecution. In case of government officers, it shall also give rise to disciplinary liability up to dismissal from the position or service held, in the manner prescribed by relevant laws regulating the government service. During the term of office and after the termination of powers, judges may not be interrogated as a witness with regard to a case examined by them. Judges shall be irremovable. In the issue of judge's independence the role of Council of Justice is essential, as an independent body. The Council of Justice is in charge of disciplinary responsibility of judges. By the constitutional amendments in

2005 the role of the Council of Justice, as the main body ensuring the guarantees for the independence of judiciary, has considerably increased. According to Constitution, the Council of Justice shall consist of up to nine judges elected by secret ballot for a period of five years by the General Assembly of Judges of the Republic of Armenia in conformity with the procedure defined by the law, two legal scholars appointed by the President of the Republic and two legal scholars appointed by the National Assembly. The sittings of the Justice Council shall be chaired by the Chairman of the Court of Cassation without the right to vote.

In conformity with the procedure stipulated in the law the Council of Justice shall:

- 1) form and present to the approval of the President of the Republic the list of candidates of judges and the lists of their professional advancement, which shall be used as a basis for appointments;
- 2) give a conclusion on the submitted candidacies of judges;
- 3) nominate the candidates for the chairman of the court of cassation, chairmen and members of its chambers and candidates for the chairmanship of the appeal courts, first instance courts and specialized courts;
- 4) shall express opinion on issues of pardon on the request of the President of the Republic;
- 5) shall subject the judges to disciplinary responsibility, shall submit recommendation to the President of the Republic on terminating the powers of a judge, detaining him/her, on agreeing to involve him/her as an accused or instituting a court proceeding to subject him/her to administrative liability.



- **Stakeholders have also raised concerns about violence against journalists as one of the main impediments to their professional activity. What measures has the government undertaken to curb violence against journalists and to identify, arrest and judge the assailants and those backing such attacks? (ARM/3 38.)**

**Answer:** Armenian authorities pay utmost attention to ensuring freedom of speech and freedom of media and have condemned all attacks against journalist on the highest political level, including the President and the Prime Minister of the Republic. The Government of Armenia takes any violent incident against journalists very seriously and continues its efforts to reveal all the circumstances of the alleged acts of violence and bring the perpetrators to justice. Despite the fact that such incidents are extremely few, they are under vigilant attention of both the Police and the General Prosecutor's Office. The good will and cooperation of the victims of such attacks with law enforcement is of utmost importance for all those cases to be revealed and prosecuted.

- **CEDAW has raised concerns about the persistence of gender segregation, the high unemployment of women, the persistence of a wage gap and the low representation of women in top management positions. What measure are undertaken by the government to address this issue?/ (ARM/2 46.)**

**Answer:** Despite the fact that Armenian women enjoy equal rights and equal opportunities in the society, and there is equal pay among women and men occupying the same position, there is still a wage gap mainly attributable to the fact that a lot of women go

for low-paid or part-time jobs, or the traditionally women dominated spheres of life, such as teachers, doctors, nurses, services, etc. are not very highly paid. The situation is changing both with the economic growth of the country and with the younger generation entering traditionally male-dominated professions, such as lawyers, managers, bankers, etc. In addition, the Government pursues the policy of increasing the wages in the formerly low-paid spheres first to equate the job payment rates, and secondly to attract more male professionals into those areas to correct the imbalance created in those areas. For example, the wages for the teachers have increased 7-fold in the period from 2003 to 2009.

- **Some stakeholders have raised concerns over the lack of qualified medical professionals in rural areas and even regional medical centers and the resulting insufficient access to adequate general health-care services, including reproductive health care services for women. We would be interested to know more about strategies to overcome these regional discrepancies in access to health care./ (ARM/3 49., 50.)**

**Answer:** A lot has been done in this filed by the Government in this sphere including through introduction of mobile ambulance and mother care services in remote areas and 6-month rotational placements for doctors. It is envisaged to obtain new high-passage ambulance vehicles for remote villages in mountain areas in 2010-2011.

General healthcare is free of charge for all residents of Armenia. With the introduction of childbirth certificates in 2008, by which all charges for giving birth are entirely born by



the Government, the issue of accessibility to medical services for childbirth for most vulnerable sectors of society is totally overcome. As a result, only 3% of women according to DHS and 0.3% according to official statistics gave birth at home in 2009 in comparison to 9% and 3% respectively in 2000.

## IRELAND

- **The Committee on the Elimination of All Forms of Discrimination against Women has noted the absence of a specific definition of discrimination against women in Armenia’s legislation. Ireland would like to know whether there any plans to address this?**

*Answer:* The Armenian legislation is gender-neutral. There is no gender differentiation in human right and fundamental freedoms enshrined in the Constitution and other legal acts. They apply equally to male and female. The Armenian Constitution applies definitions “everyone” or “every citizen”. Besides, article 14.1 of Constitution prohibits any discrimination based on any ground including sex. Moreover, according to article 48 of Constitution the basic tasks of the state in the economic, social and cultural spheres are protection and patronage of the family, the motherhood and the childhood as well. There are provisions prohibiting discrimination against women also in other legal acts: according to Criminal Code of Armenia ungrounded refusal to hire a pregnant woman citing pregnancy or a person with a child under 3 years of age, or ungrounded dismissal, citing this reason is considered a crime. The Criminal Code also regulates the specificities concerning the punishment of women: i.e. those pregnant at the time of the committal of the crime or sentencing cannot be sentenced to life sentence, etc.

- **Amendments to the Law on Meetings, Rallies and Demonstrations in the wake of protests following the February 2008 presidential election caused concern to civil society actors. Some of the legislative provisions that remain place restrictions on freedom of assembly. What measures are being taken to address the concerns of civil society in this regard?**

*Answer:* The amendments that were introduced following the 2008 presidential elections were repealed in June 2008.

- **The UN Country Team has reported that, while Armenian legislation prohibits torture, inhuman or degrading treatment, there have been numerous cases where police have applied physical and psychological pressure on citizens during arrest and interrogation to extract confession. What efforts are being made to address concerns in this area?**

*Answer:* Article 11 of the Criminal Code prescribes that it serves to provide for physical, mental, material, ecological, and other human security, and that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

Moreover, based on the commitments under CAT, Article 119 of the Criminal Code of the Republic of Armenia qualifies torture as a criminal offence and prescribes a relevant punishment therefore. Pursuant to the mentioned Article, torture is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person. Such act shall be punished by imprisonment for a maximum term of three years, and in case of aggravated circumstances, by imprisonment for a term of three to seven years.

Pursuant to Article 5 of the Law of the Republic of Armenia on the Police adopted in 2001, “Subjection of a human being to torture, cruel or degrading treatment, or use of violence against him/her by a police officer shall be prohibited and shall give rise to liability in accordance with the law.”

The Criminal Procedure Code of the Republic of Armenia was amended with a view to making the interrogation process more manageable and minimizing inhuman and other degrading treatment of suspects or the accused. Pursuant to it, materials, which were obtained through violence, threat, deception, ridicule of a person, as well as through other unlawful actions, infringement of the rights of a witness, or serious violation of the execution procedure of investigative or other procedural activities, may not form basis for charges in criminal proceedings and used as evidence (Article 105).

Human rights education, which includes passages on provisions prohibiting torture, cruel or degrading treatment are part of the curriculum at the Police Academy.

More details on the measures undertaken in this regard can be found in the Third and fourth joint periodic report of Armenia on the implementation of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

## NETHERLANDS

### ■ Police action

- The Ad Hoc Parliamentary Commission to investigate the March 2008 post-election violence presented its report in September 2009. The report contains a number of specific recommendations. What follow-up has been given to these

recommendations?

**Answer:** *Following the report and the conclusions of the Ad Hoc Committee of the National Assembly of Armenia on the events of 1 and 2 March 2008 and the reasons thereof, the National Assembly undertook to carry out parliamentary monitoring of the implementation of the conclusions and recommendations of the report. The National Assembly, through extensive consultations agreed to delegate this task to the its Standing Committee on Legal and State Affairs. The Committee is engaged in a regular dialogue with the Government and its relevant bodies in order to debate and agree substantive measures in implementation of relevant reform areas and their timetables. The Committee also plans to conduct regular hearings with representatives of the Government and debate their progress reports. Last, but not least, as part of the monitoring and reform process, they will also be engaged in extensive co-operation with relevant expert bodies of the Council of Europe, including, inter alia, the Venice Commission, as well as with the OSCE/ODIHR, whose expert advice and relevant reports complement and consolidate the Committee’s work. Currently a roadmap is being developed for the implementation of recommendations.*

### ■ Judicial reform

- What are the Government’s views on the recommendations contained in the report of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the monitoring of criminal cases in the aftermath of the March 2008 post-election violence? In particular, what are its views on findings / recommendations relating to:
  - A. limiting the use of pre-trial detention,

- B. measures to ensure equality between prosecution and defence,
- C. impartiality and accountability of judges, and
- D. comprehensive investigations into allegations of torture and ill treatment?

**Answer:** *All issues raised in the mentioned report was thoroughly discussed and commented upon by the respective bodies in Armenia. All recommendations put forward would also be analyzed and those agreed upon and in line with the legal structure existing in the country would be adopted. The first discussion was already organized on 27 April 2010 with experts from OSCE/ODIHR in which the Minister of Justice and the General Prosecutor took part showing the importance that the authorities attach to the matter.*

*As for the allegations of torture or ill treatment, they have all been thoroughly investigated. Five criminal cases were instigated according to declarations made, yet none of the claimed cases were confirmed. The Armenian delegation stands ready to provide more detail in each of the cases of interest to the delegation of Netherlands.*

■ **Access to detainees**

- The Open Society Institute alleges in its submission for this UPR that the Police Monitoring Group does not have access to all places of detention such as police stations. Would it be possible to broaden access of the Police Monitoring Group to all premises and facilities of the police where people may be detained including police stations?

**Answer:** *The police station is not a place of detention. Both of the monitoring groups have full and unimpeded access to all places of detention. The issue raised relates mainly to*

*witnessing interrogation that is being carried out at the police stations. This is related to creating special facilities for interrogation in all stations which requires substantial financial resources. This is an issue of importance for the Government and it has been included in the decision passed by the Cabinet in April 2010 envisaging measures for establishment of mirror-walled rooms for interrogation.*

■ **Media**

- Regarding Freedom of the Media, how do you intend to follow-up on the ruling of the European Court of Human Rights of June 2008, PACE Resolution 1643 (2008) as well as the ruling of the Armenian Constitutional Court of February 2010, all regarding the case of the A1+ Broadcasting company? Under which conditions will the Government tender for new and expired broadcasting licenses?

**Answer:** *The ruling of the European Court of Human Rights on A1+ has been fully implemented by the Government of Armenia.*

*As for the new broadcasting procedures, the Government intends to complete the adoption of respective legal regulations by July 2010 in order to ensure the introduction of digital broadcasting and transfer from analogue to digital broadcasting. The Government will call for tenders in July 2010, in which all those interested, including A1+ will be given the opportunity to participate.*

*The effective implementation of individual measures for A1+ can be achieved through the implementation of general measures, aimed at enabling an effective and transparent conduct of a tender process, which also takes into account the new requirements for digitalization. Any other method of implementation of individual measures, including interim measures will be outside the scope of*

the judgment of the Court and will lead to a situation in which the rights of a third party will be infringed.

▪ **Law on Demonstrations**

- Will you consider further changes to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations, addressing concerns that remain after the amendments of June 2008 in response to the opinion of the Venice Commission?

**Answer:** *The changes introduced through amendments of June 2008 were carried out in close consultation with the experts from the Venice Commission.*

▪ **Ratification of the Statute of the International Criminal Court**

- Is Armenia willing to ratify the Rome Statute of the International Criminal Court?

**Answer:** *Yes, however, given the fact that the decision of the Constitutional Court is final and cannot be appealed, it has created a legal limbo which is currently being thoroughly examined and analyzed by the Armenian legal experts.*

## NORWAY

- **How has the Republic of Armenia included representatives of civil society in the preparation of the national report and how do they intend to include these actors in the follow-up process?**

**Answer:** *The report was put to a round-table discussion before finalization and submission to the Government for approval to which over 20 non-governmental organizations were invited. In addition, the UPR report is based on national reports of Armenia prepared during 2009 on 5 UN conventions which were also put to round-table discussions before*

*finalization with the participation of all respective non-governmental organizations active in the field.*

*In general, according to the policies adopted by the Government of Armenia, any policy or strategy submitted for approval to the Government has to be put for discussion to representatives of non-governmental organizations and civil society.*

- **What steps are the Government planning to further improve the cooperation with the UN Human Rights system? More specifically, which measures will be taken to ensure submission of overdue Treaty Body reports?**

**Answer:** *All reports overdue have already been submitted to the Secretary-general of the UN in the period of December 2009 to April 2010.*

- **National NGOs have expressed concerns regarding the amendments to the Law on Civil Society Organizations, alleging that it will threaten the independence and freedom of activity of civil society organizations. What steps are the Government of Armenia taking to address these concerns? Is the Government ready to initiate a constructive consultative process with the civil society on this issue?**

**Answer:** *The consultative process is already in progress. The amendments themselves were initiated by non-governmental organizations to which some other organizations did not agree. The decision is taken by the Government to base its further actions on the results of consultations between these organizations.*

- **Norway appreciates the introduction of a higher quota for women in the Election Law. Does the Government**

**consider other steps to further the participation of women in political and public life?**

**Answer:** *Enhanced and increased participation of women in civil and political life is considered a priority for Armenia. Currently the Government of Armenia is contemplating different measures, including temporary ones, also based on CEDAW concluding remarks, to ensure their rightful place in the society.*

- **Norway encourages a swift adoption of the draft Law on Domestic Violence. Is the Government planning additional measures to address violence against women in Armenia?**

**Answer:** *The issues of combating violence have always been in the center of attention; these issues are regulated by the national legislation of the Republic of Armenia, particularly by a number of legal acts, including the Criminal Code, and the Family Code. Gender distinction of violence victims is not provided for by these legal acts. Any violence -- whether domestic or not -- is criminally punishable. Crimes accompanied with violence, including domestic violence, are also criminally punishable. Such crimes include infanticide by the mother, incitement to suicide, causing intentional grave and medium-gravity harm to health, as well as battery, torture, insult, rape, violent acts of sexual nature, a threat of homicide, of causing grave harm to health or of destruction of property, etc.*

*The Law of the Republic of Armenia "On social aid" was adopted in 2005, which lays down the forms, terms of, and mechanisms for the aid provided by the State to the victims of violence.*

*In March 2010 by the decision of the Prime Minister an Interagency Commission was established on Combating Gender violence.*

*Currently, the draft law on domestic violence is in the process of finalization, upon the initiative of the "Center for Women's Rights" non-governmental organization and by the relevant interagency working group assisted by international organizations.*

By 2006, various non-governmental organizations carried out studies aimed at revealing the phenomenon of violence against women in the Republic of Armenia. In 2006-2007, three studies on violence against women at home and at workplace were conducted with the participation of the State Statistical Service and non-governmental organizations upon the initiative of the Ministry of Labour and Social Affairs of the Republic of Armenia. An important factor for eliminating violence is the prevention thereof, which is largely supported by raising the public awareness. Every year, a campaign entitled "Sixteen days of activity against gender violence" is organized with the assistance of UN institutions, other international organizations, non-governmental organizations, and state institutions, within the framework of which various events aimed at raising the awareness of the phenomenon on all levels, including national, regional, and community levels, are held.

Support to women subjected to violence is envisaged by the state program "Creation of Crisis Centers for Persons Subjected to Violence" approved within the medium term programs of the Government of the Republic of Armenia for 2009-2011.

At present, three "hot lines" (Yerevan-based "Maternity Center of Armenia" and "Center of Women Rights", and Gyumri-based "Ajakits" non-governmental organization) and one Family Emergency Center ("Maternity Center of Armenia") function in Armenia.

In 2008, functions relating to the protection of persons subjected to violence and



prevention thereof were added in the statutory tasks of the Ministry of Labour and Social Affairs of the Republic of Armenia. It is envisaged that the relevant department of the Police will also be vested with special powers to deal with issues of prevention and punishment of violence against women.

Issues relating to the prevention of violence and support provided to persons and members of their families are included into the Action Plan of the Government of the Republic of Armenia for 2008-2012. Funding of services provided to persons subjected to violence (around AMD16 million) was envisaged by the 2009 State Budget of the Republic of Armenia.

## SLOVENIA

- **We are concerned at the high incidence of gender based violence, including domestic violence in Armenia. We would like to ask the Government of Armenia whether it intends to adopt a specific law on domestic violence.**

***Answer:** Currently, the draft law on domestic violence is in the process of finalization, upon the initiative of the “Center for Women’s Rights” non-governmental organization and by the relevant interagency working group assisted by international organizations.*

- **Elections are among the most problematic issues in the Armenian system of governance. We would like to ask what steps are envisaged to ensure a strong mechanism for detecting and punishing electoral fraud and other violations.**

***Answer:** Armenia cooperates closely with OSCE/ODIHR and Council of Europe in improving election practices in Armenia. All recommendations presented in the final report*

*of the election observation are being thoroughly considered and appropriate actions, trainings, amendments, awareness-raising campaigns will be undertaken in preparation to the upcoming elections in 2012.*

## SWEDEN

- **Civil society organizations have expressed concern at restrictions on freedom of expression with restrictive processing of broadcasting permissions and harassment and arbitrary detentions of journalists and persons opposed to the government, while there are reports of persons being detained in connection with the February 2008 presidential elections and consequent events of 1 March, solely for exercising their freedom of expression, right to peaceful assembly or right to take part in the government of their country. Could the Government of Armenia elaborate on the measures it is taking to ensure that freedom of expression is respected?**

***Answer:** None of those charged as a result of mass disorders organized on March 1-2 were detained because of the exercise of their right to expression or peaceful assembly or to take part in the government of their country. This has been very clear for PACE and the Commissioner for Human Rights of the Council of Europe who have been following the events and developments very closely. Armenia is ready to provide any information on any case of interest to the delegation of Sweden. All this information is also available on the website of the General Prosecutor’s Office at [www.genproc.am/](http://www.genproc.am/)*

*Following the mentioned events the opposition has conducted numerous authorized and*



*unauthorized rallies which the authorities have not impeded out of respect for the right to freedom of expression and assembly.*

Armenia has ratified the International Convention on Civil and Political Rights. However, there are continuous reports from international NGOs raising concerns with regard to the impartiality of the judicial system. Worrying reports indicate widespread violation of fair trial standards in relation to the March 1 events including unlawful pressures and intimidation on lawyers and witnesses. Moreover, there are reports of illegitimate filling of ballot boxes, multiple voting, voter intimidation etc. in relation to the electoral process.

- **Could the Government of Armenia elaborate which measures have been taken to ensure the independence of the judicial system and that sufficient resources are allocated to ensure a functioning judicial system and to respect free and fair elections in the realisation of the right of all persons to take part in the government of their country directly or through freely chosen representatives?**

**Answer:** *Independence of judges is guaranteed by the Constitution of Armenia and provided by the legislation. Guarantees for the functioning, as well as grounds and procedure for holding judges and members of the Constitutional Court liable are defined by the Constitution and by law.*

*Judges and members of the Constitutional Court may not be detained, involved as a defendant, and no legal proceedings on imposing administrative liability on them may be instituted without the consent of the Council of Justice or the Constitutional Court respectively. Judges and members of the Constitutional Court may not be arrested, except for*

*the cases when the arrest is effected at the moment of committing a criminal offence or immediately after that. In such cases the President of the Republic of Armenia, as well as the President of the Court of Cassation or the President of the Constitutional Court respectively, shall be promptly informed about the arrest.*

Pursuant to Article 98 of the Constitution of the Republic of Armenia, judges and members of the Constitutional Court may not engage in entrepreneurial activity, hold a position in state or local self-government bodies, which is not related to their duties, and a position in commercial organizations, as well as carry out other paid work, except for scientific, pedagogical or creative work.

Judges and members of the Constitutional Court may not be members to any party or engage in political activities.

Pursuant to Article 9 of the Judicial Code of the Republic of Armenia, the judiciary shall be autonomous.

Self-governance of the judiciary shall be implemented through self-government bodies established by this Code.

Pursuant to Article 11 of the Judicial Code of the Republic of Armenia, judges shall be independent when administering justice or exercising other powers provided for by law.

When administering justice and exercising other powers provided for by law, judges shall not be accountable to anyone, which includes, but is not limited to, being free from the obligation to give any explanations, except for cases authorized by law.

Interference with the activities of a judge in a manner not authorized by law shall be prohibited. Such an offence shall be liable to criminal prosecution. In case of government officers, it shall also give rise to disciplinary liability up to dismissal from the position or

service held, in the manner prescribed by relevant laws regulating the government service. During the term of office and after the termination of powers, judges may not be interrogated as a witness with regard to a case examined by them. Judges shall be irremovable. In the issue of judge's independence the role of Council of Justice is essential, as an independent body. The Council of Justice is in charge of disciplinary responsibility of judges. By the constitutional amendments in 2005 the role of the Council of Justice, as the main body ensuring the guarantees for the independence of judiciary, has considerably increased. According to Constitution, the Council of Justice shall consist of up to nine judges elected by secret ballot for a period of five years by the General Assembly of Judges of the Republic of Armenia in conformity with the procedure defined by the law, two legal scholars appointed by the President of the Republic and two legal scholars appointed by the National Assembly. The sittings of the Justice Council shall be chaired by the Chairman of the Court of Cassation without the right to vote.

In conformity with the procedure stipulated in the law the Council of Justice shall:

- 1) form and present to the approval of the President of the Republic the list of candidates of judges and the lists of their professional advancement, which shall be used as a basis for appointments;
- 2) give a conclusion on the submitted candidacies of judges;
- 3) nominate the candidates for the chairman of the court of cassation, chairmen and members of its chambers and candidates for the chairmanship of the appeal courts, first instance courts and specialized courts;
- 4) shall express opinion on issues of pardon

on the request of the President of the Republic;

- 5) shall subject the judges to disciplinary responsibility, shall submit recommendation to the President of the Republic on terminating the powers of a judge, detaining him/her, on agreeing to involve him/her as an accused or instituting a court proceeding to subject him/her to administrative liability.

As for the electoral violations, all those cases could be appealed in the court. However, as the last elections showed, the available legal avenues are not very often utilized by the opposition representatives claiming alleged violations. All those cases reported in the media are thoroughly examined and cases instigated on sufficient grounds by the General Prosecutor's office.

## SWITZERLAND

- **Could you give us an update on the investigations on the 2008 post-elections violence? Are you considering holding an independent investigation on these events?**

**Answer:** *A criminal case was instituted with regard to the events of March 1-2 under Articles 225(3) and 235(2) of the Criminal Code of the Republic of Armenia, and the criminal cases were referred to court. Ten out of twenty seven persons accused were sentenced to one to five years of imprisonment; the punishment imposed on seventeen persons was conditionally not applied by virtue of Article 70 of the Criminal Code of the Republic of Armenia, and a probation period was set.*

*On 19 June 2009, upon the initiative of the President of the Republic of Armenia, an extraordinary session of the National Assembly was convened, which discussed the proposal*

*the President of the Republic of Armenia on declaring amnesty. Guided by Article 81 (1) (1) of the Constitution of the Republic of Armenia whereby “upon the recommendation of the President of the Republic of Armenia, the National Assembly shall declare amnesty”, the recommendation was accepted, and amnesty was declared (307 persons were released upon amnesty).*

Following the tragic events of 1 and 2 March 2008, the National Assembly by its Decision of 16 June 2008 established an “Ad-hoc Inquiry Committee into the Events that Took Place in Yerevan on 1 and 2 March 2008 and Their Causes”. The Ad-hoc Committee has been mandated by the National Assembly to examine the [scope and causes of] violence that occurred during these days and the legality and proportionality of the actions of the police, to examine the circumstances that lead to the deaths of persons involved in the events, and to formulate and submit political, legal and other relevant proposals in order to preclude the repetition of such events in the future.

The objective of engaging all major political forces into the work of the Committee has been pursued from the outset in order to create a platform for a joint action towards disclosing the underlying causes of the events and to foster political dialogue. To this end, the Ad-hoc Committee was in effect of an open-ended nature. It comprised a total of 15 members, of which 9 were members of the National Assembly, and 5 were representatives of political parties presently not represented in the National Assembly. The Human Rights Defender of Armenia was also a member. During the establishment of the Ad-hoc Committee invitations have been extended to all major political forces, including the ones presently not represented in the National

Assembly. Furthermore, measures have been taken to engage local and international experts, including such nominated by all major political forces, to take part in the work of the Ad-hoc Committee on the consultative basis. Two expert-lawyers were engaged in the work of the Ad-hoc Committee, mandated to provide legal analyses and advice in respect of information obtained and to draft recommendations thereon.

Regrettably, the political force representing Mr. Levon Ter-Petrossian has declined the invitations both for a member and an expert in the Ad-hoc Committee. While such refusal was not conducive to restoring dialogue between the political forces, it also indicated the level of damage to political stability and mutual trust amongst the political forces and in the society.

With these considerations in mind and following extensive consultations and advice received from the Commissioner for Human Rights of the Council of Europe, legal experts and the Human Rights Defender of Armenia, the President of Armenia by his Decree of 23 October 2008 established a Fact-Finding Group of Experts to Inquire into the Events of 1 and 2 March 2008. The Statute of the Group established a careful balance between the independence of the experts and the provision of a political compromise in the representation of the Group. However, the underlying principle of the functioning of the Group, as discussed in depth and most thoroughly with the Commissioner, was that while political forces nominated its members, the latter did not represent any of the former, they acted in their personal capacity and in full independence from their nominating entities.

The various Articles of the Statute aimed at protecting and reinforcing the independent nature of the Group. In this same context,

due consideration had also been given to the general political environment in the country. Therefore, the provision of confidentiality during the functioning of the Group had been included in the Statute in order to insure that members of the Group were not subject to public or political pressures during their functioning. However, an important provision of publicity upon the conclusion of the mandate of the Group insured transparency and ultimately, its public accountability.

The Ad-hoc Group conducted 64 working consultations and 47 sessions, all open to the media. The Chairman of the Ad-hoc Committee had been holding regular press briefings, other members had also publicly commented on various aspects of their work. The work of the Ad-hoc Committee had been subject to regular coverage by the media, including through analyses and comments by the representatives of the media. The Ad-hoc Committee adopted the principle of a broadest consensus possible as its working method. All decisions had been adopted without a vote.

Considerable efforts have been deployed to engage broadly and to consult with local and international experts, as well as with relevant local and international observers. In particular, the Human Rights Defender and his office were regularly engaged in the work of the Ad-hoc Committee. Expert advice was sought from the European Union, the Council of Europe, the OSCE and the US Government. Representatives of the OSCE Office in Yerevan and the US Embassy regularly attended the sessions of the Ad-hoc Committee. US experts engaged in the investigation of the 9/11 attacks visited Armenia upon the invitation of the Ad-hoc Committee and rendered professional assistance and advice. Mr. John Prescott and Mr. Georges Colombier, the two Co-Rapporteurs of the Parliamentary Assembly of

the Council of Europe, Mr. Thomas Hammarberg, the Commissioner for Human Rights, as well as the Special Representative of the Secretary General in Yerevan had been regularly briefed by the Ad-hoc Committee.

As a result of its activities, the Ad-hoc Committee has drawn up its conclusions about the events, covering the chronology, legal grounds for the actions of the law enforcement forces and the demonstrators, the proportionality of the force used, the causes of deaths, the types and quantities of arms and ammunitions used by the law enforcement forces, conclusions of forensic and ballistic examinations, the course of criminal investigations and court trials, as well as other relevant and related issues. The issue of criminal responsibility for the deaths remains a difficult and still unresolved problem that continues to challenge also the Ad-hoc Committee.

The Fact-Finding Group commenced its work on 11 November 2008. According to its Statute, the Group worked on the daily basis in closed sessions. In discharging its duties, the Group addressed questionnaires and received replies from the Police, the Ministry of Defence, the Special Investigative Service and other state bodies. At the invitation of the Group officials of the state have been attending its meetings for interviews. The Group was also known to have been making use of the relevant reports of the Human Rights Defender. It also requested and received relevant information, which was previously made available to the Ad-hoc Committee.

*The Group, upon drawing of its conclusions, was required to submit its report to the Ad-hoc Committee. Such report would have considerably complemented the activities of the latter and helped enhance the credibility of the overall inquiry. Upon deciding on the final report of the Fact-Finding Group there were*

disagreements registered with two of its members in June 2009, and both the report and the opinion of those members were passed to the Ad-Hoc Committee which examined its findings thoroughly and included in its final report that was published in September 2009 with respective recommendations.

■ **Could you provide more information about the functioning of Armenia's National Prevention Mechanism of Torture, including the recent emergence of the Council on Torture Prevention?**

**Answer:** By the amendments to the Law on "Human Rights Defender" in 2008 the Ombudsman of Armenia has been appointed as the National Prevention Mechanism taking into account that the Office of the Human Rights Defender of the Republic of Armenia conforms to the standards of an independent national preventive mechanism as provided for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In order to effectively carry out his functions as national preventive mechanism and better coordinate his work, a Council on Torture Prevention was established at the initiative of the Ombudsman comprised of 3 persons from the Ombudsman's office and 4 representatives of non-governmental organizations.

■ **What measures is the Government of Armenia taking in order to ensure that discrimination against women is effectively prohibited and to impede domestic violence?**

**Answer:** The issues of combating violence have always been in the center of attention; these issues are regulated by the national legislation of the Republic of Armenia, particularly by a number of legal acts, including the Criminal Code, and the Family Code. Gender

distinction of violence victims is not provided for by these legal acts. Any violence -- whether domestic or not -- is criminally punishable. Crimes accompanied with violence, including domestic violence, are also criminally punishable. Such crimes include infanticide by the mother, incitement to suicide, causing intentional grave and medium-gravity harm to health, as well as battery, torture, insult, rape, violent acts of sexual nature, a threat of homicide, of causing grave harm to health or of destruction of property, etc.

The Law of the Republic of Armenia "On social aid" was adopted in 2005, which lays down the forms, terms of, and mechanisms for the aid provided by the State to the victims of violence.

In March 2010 by the decision of the Prime Minister an Interagency Commission was established on Combating Gender violence. Currently, the draft law on domestic violence is in the process of finalization, upon the initiative of the "Center for Women's Rights" non-governmental organization and by the relevant interagency working group assisted by international organizations.

By 2006, various non-governmental organizations carried out studies aimed at revealing the phenomenon of violence against women in the Republic of Armenia. In 2006-2007, three studies on violence against women at home and at workplace were conducted with the participation of the State Statistical Service and non-governmental organizations upon the initiative of the Ministry of Labour and Social Affairs of the Republic of Armenia. An important factor for eliminating violence is the prevention thereof, which is largely supported by raising the public awareness. Every year, a campaign entitled "Sixteen days of activity against gender violence" is organized with the assistance of UN institutions, other



international organizations, non-governmental organizations, and state institutions, within the framework of which various events aimed at raising the awareness of the phenomenon on all levels, including national, regional, and community levels, are held.

Support to women subjected to violence is envisaged by the state program “Creation of Crisis Centers for Persons Subjected to Violence” approved within the medium term programs of the Government of the Republic of Armenia for 2009-2011.

At present, three “hot lines” (Yerevan-based “Maternity Center of Armenia” and “Center of Women Rights”, and Gyumri-based “Ajakits” non-governmental organization) and one Family Emergency Center (“Maternity Center of Armenia”) function in Armenia.

In 2008, functions relating to the protection of persons subjected to violence and prevention thereof were added in the statutory tasks of the Ministry of Labour and Social Affairs of the Republic of Armenia. It is envisaged that the relevant department of the Police will also be vested with special powers to deal with issues of prevention and punishment of violence against women.

Issues relating to the prevention of violence and support provided to persons and members of their families are included into the Action Plan of the Government of the Republic of Armenia for 2008-2012. Funding of services provided to persons subjected to violence (around AMD16 million) was envisaged by the 2009 State Budget of the Republic of Armenia.

## UNITED KINGDOM

- **The UK would be grateful if Armenia could elaborate on which civil society organisations were involved in the**

### **preparation of the Government’s national report, and what role these organisations played?**

***Answer:** The report was put to a round-table discussion before finalization and submission to the Government for approval to which over 20 non-governmental organizations were invited. In addition, the UPR report is based on national reports of Armenia prepared during 2009 on 5 UN conventions which were also put to round-table discussions before finalization with the participation of all respective non-governmental organizations active in the field.*

- **The OSCE/ODIHR report into the trials that followed the February 2008 elections identified a number of shortcomings in Armenia’s justice system. What plans does Armenia have to reform the country’s justice system in line with international standards and OSCE and Council of Europe commitments?**

***Answer:** All issues raised in the mentioned report was thoroughly discussed and commented upon by the respective bodies in Armenia. All recommendations put forward would also be analyzed and those agreed upon and in line with the legal structure existing in the country would be adopted. The first discussion was already organized on 27 April 2010 with experts from OSCE/ODIHR in which the Minister of Justice and the General Prosecutor took part showing the importance that the authorities attach to the matter.*

- **The OSCE/ODIHR report also highlighted allegations of torture and other ill-treatment, as well as a lack of comprehensive investigations into the allegations. What plans does the Government have to provide a legislative basis for its National Preventive Mechanism**



(NPM) established under the OPCAT, and to ensure the institutionalised participation by civil society in the mechanism? We would be grateful to know what role the Council on Torture Prevention plays in the NPM.

**Answer:** By the amendments to the Law on “Human Rights Defender” in 2008 the Ombudsman of Armenia has been appointed as the National Prevention Mechanism taking into account that the Office of the Human Rights Defender of the Republic of Armenia conforms to the standards of an independent national preventive mechanism as provided for by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In order to effectively carry out his functions as national preventive mechanism and better coordinate his work, a Council on Torture Prevention was established at the initiative of the Ombudsman comprised of 3 persons from the Ombudsman’s office and 4 representatives of non-governmental organizations.

- **We note concerns raised by Armenian civil society on the issue of gender equality and in particular the issue of domestic violence. What efforts are being taken to address the issue of domestic violence, including issues such as psychological abuse, marital rape and sexual assault?**

**Answer:** The issues of combating violence have always been in the center of attention; these issues are regulated by the national legislation of the Republic of Armenia, particularly by a number of legal acts, including the Criminal Code, and the Family Code. Gender distinction of violence victims is not provided for by these legal acts. Any violence – whether domestic or not – is criminally punishable.

*Crimes accompanied with violence, including domestic violence, are also criminally punishable. Such crimes include infanticide by the mother, incitement to suicide, causing intentional grave and medium-gravity harm to health, as well as battery, torture, insult, rape, violent acts of sexual nature, a threat of homicide, of causing grave harm to health or of destruction of property, etc.*

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- **Please could you inform us as to whether an independent national human rights institution exists in your country and operates in accordance with the Paris principles designed to guide the practice of such institutions?**

***Answer:** Yes. The Human Rights Defender's office has received “A” grade under Paris principles.*

## 7. Report of the Working Group on the Universal Periodic Review

### Human Rights Council Fifteenth session Agenda item 6 Universal Periodic Review Armenia

#### Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its eighth session from 3 to 14 May 2010. The review of Armenia was held at the 8th meeting, on 6 May 2010. The delegation was headed by the Deputy Minister for Foreign Affairs, Arman Kirakossian. At its 12th meeting, held on 10 May 2010, the Working Group adopted the report on Armenia.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Armenia: Slovakia, France and Bahrain.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Armenia:
  - A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/8/ARM/1);
  - A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/ARM/2);
  - A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/ARM/3).
4. A list of questions prepared in advance by Argentina, Azerbaijan, the Czech

Republic, Denmark, Germany, Ireland, the Netherlands, Norway, Slovenia, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland was transmitted to Armenia through the troika. Those questions and written answers provided by Armenia are available on the extranet of the universal periodic review.

#### *1. Summary of the proceedings of the review process*

##### *A. Presentation by the State under review*

5. In his introductory statement, the head of delegation indicated that the national report had been discussed in a round table with non-governmental organizations. Armenia had completed its reporting obligations towards United Nations treaty bodies, submitting all overdue reports at the end of 2009 and early in 2010, in the form of joint periodic reports. Since becoming a member of the United Nations in 1992, Armenia has actively cooperated with various United Nations bodies and agencies with the purpose of protecting and promoting human rights. In April 2006, Armenia extended a standing invitation to all special procedures.
6. Armenia has acceded to more than 50 human rights international treaties and has signed the International Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, the International Convention for the Protection of All

Persons from Enforced Disappearance, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which are currently in various stages of the ratification process.

7. The law on human rights defenders was adopted in 2003. In addition, the Ombudsman is recognized as the national preventive mechanism, pursuant to OP-CAT. The amendment of the Constitution on 27 November 2005 had introduced substantial improvements in, inter alia, the provisions concerning fundamental rights and freedoms, thus making them more compliant with the requirements of international human rights covenants.
8. Efforts aimed at recognition of the Armenian genocide by the international community, not only to establish the supremacy of international law and justice, but also to prevent the recurrence of such crimes in the future by ruling out impunity, had been pursued by Armenia. In that regard, it had been active in the United Nations, initiating resolutions on the prevention of the crime of genocide. Most recently, in March 2008, the Human Rights Council had unanimously adopted the resolution entitled "Prevention of Genocide," submitted by Armenia and co-sponsored by 62 countries.
9. Armenia regards the right of peoples to self-determination as a fundamental and indispensable human right and takes consistent steps towards its realization. Armenia is guided by the fact that the principle of the right of peoples to self-determination is currently a binding and universally recognized fundamental norm of international and national law for all States, without exception. Armenia is firmly committed to the exercise of the right of the people of Nagorny Karabakh to self-determination and assists, also as a result of its international obligations, in promoting all the fundamental rights of the people of Nagorny Karabakh in every possible way. The policy of economic blockade against Armenia and Nagorny Karabakh is a serious impediment to the full exercise of the right to development and many other rights, including, first and foremost, political, civil and socio-economic rights.
10. The Constitution provides for the right to life and also sets out the right to non-conviction to or no exercise of the death penalty. In 2003, Armenia ratified Protocol No. 6, on the Elimination of the Death Penalty, to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, and has signed Protocol No. 13. The death penalty has been removed from the new Criminal Code. Since its independence, Armenia has not carried out the death penalty.
11. Extensive legislative and institutional efforts have been made to eliminate torture and other cruel and degrading treatment or punishment. Armenia has ratified all United Nations and Council of Europe treaties related to the issue. The implemented legislative reforms have created substantial preconditions for the establishment of a system for independent monitoring of the places of custody. Despite the provisions set forth through legislative reforms, there are still issues requiring attention and additional improvement at the implementation level.
12. Freedom of thought, conscience and religion is enshrined in the Constitution. The law on "freedom of conscience and

religious organizations” is the main law regulating the activities of religious organizations. The law on “alternative service” was adopted in 2003. During the years following its independence, Armenia took serious steps to ensure religious diversity in the country, and in 2009 there were 66 registered religious organizations.

13. The Constitution guarantees everyone’s right to freedom of expression. Freedom of the mass media and other means of mass information is also guaranteed. The Constitution guarantees the right to freedom of peaceful and unarmed assembly. Specific procedures for the exercise of the right to peaceful assembly are established in the law on “meetings, assemblies, rallies and demonstrations” (2004).
14. Ensuring increased access to and affordability of health-care services and continuous improvement in the quality of health-care services remain priorities of State policy. The right to education is fully guaranteed in Armenia for everyone, irrespective of ethnicity, race, sex, language, religion and political or other views. Basic general education is compulsory, and secondary education at State educational institutions is free of charge. There is an opportunity for free education at technical and vocational secondary educational institutions, as well as at higher levels.
15. In 2010 and 2011, Armenia will chair the United Nations Commission on the Status of Women. In February 2010, the Government approved the gender policy concept of Armenia, which was drafted with the direct participation of non-governmental organizations. The draft law on “ensuring equal rights and equal opportunities for men and women” is in the process of being formulated.
16. Combating the trafficking in human beings is recognized as one of the priorities of the Government of Armenia. In 2008, a national referral procedure for persons subjected to human trafficking was adopted. Currently, the formulation of the third national programme on combating human trafficking, for 2010-2012, is under way. In Armenia, non- governmental organizations play an invaluable role in combating the trafficking in human beings by, inter alia, providing support for the victims of trafficking.
17. Provisions condemning violence against women are included in the Criminal Code and the Family Code of Armenia. A draft law on domestic violence has been formulated and is currently being finalized for submission to the National Assembly. In March 2010, by the decision of the Prime Minister, an Inter-agency Commission on Combating Gender Violence was established.
18. Armenia has ratified the most important international instruments relating to children’s rights. A major legislative body exists in Armenia for the provision and protection of children’s rights. In 2003, the 2004-2015 National Plan on the Protection of the Rights of the Child was approved. In 2006, a three-tiered system was introduced at the national, regional and community levels with a view to ensuring the uniform and coordinated protection of the rights and interests of children.
19. A relevant legislative framework has been established in Armenia for ensuring all the rights and freedoms of the minorities living in its territory. Armenia actively

cooperates with the Council of Europe on issues related to national minorities. The establishment of the Coordinating Council for National Minorities was an important step aimed at ensuring the protection of the national minorities, promoting their inter-community relations and improving the effectiveness of State efforts related to specific educational, cultural, legal and other issues.

20. The Armenian authorities also attach great importance to combating all forms of racial discrimination at both the national and international levels. Armenian legal reforms and practical measures are guided by the Durban Declaration and Programme of Action. In recent years, incitement to hatred towards Armenians and Armenia, as well as apparent war propaganda by Azerbaijan, has become a source of major concern. Manifestations of intolerance and the dissemination of xenophobia towards Armenians not only are gross violations of human rights, but also raise concerns with regard to ensuring peace, security and stability in the region. A number of well-known independent monitoring bodies expressed their deep concern about such behavior. Armenia has repeatedly called upon the international community, particularly the Human Rights Council, to take measures aimed at halting and preventing such manifestations.
21. Armenia has taken all possible measures to ensure the protection of the human rights of persons seeking asylum and recognized as refugees in Armenia. Despite the efforts made for years to resolve the problems of more than 400,000 refugees exiled from Azerbaijan, Armenia has yet to fully resolve their housing problem.

Continuous assistance from the international community would be indispensable in that regard.

22. Armenia will continue to cooperate with all international bodies and special procedures at both the regional and international levels, while also expanding its cooperation with the Human Rights Council, the United Nations High Commissioner for Human Rights and the Special Adviser of the Secretary-General for the Prevention of Genocide.

***B. Interactive dialogue and responses by the State under review***

23. During the interactive dialogue, 47 delegations made statements. A number of delegations expressed appreciation for Armenia's national report and for the comprehensive presentation made by the delegation. A number of delegations also thanked Armenia for the written answers to their advance questions. Recommendations made during the dialogue are found in section II of the present report.
24. Azerbaijan inquired about measures to investigate the violations following the presidential elections and attacks against human rights defenders. Azerbaijan noted that the national report reflects incorrect remarks and referred to the letter of the President of the Council quoting that "The Human Rights Council, as a subsidiary body of the General Assembly, shall adhere to the official United Nations position as reflected in relevant General Assembly and Security Council resolutions. The Council therefore respects the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders". Azerbaijan made recommendations.



25. Lebanon made reference to the brotherly relations that link Lebanese people to Armenian people. Lebanon noted that Armenia had acceded to more than 50 human rights treaties, cooperated closely with human rights bodies and included human rights principles in the Constitution and in laws. The delegation commended Armenia on efforts made to protect freedom of thought, conscience and religion, as well as opinion and expression; to improve access education and health; and to promote the rights of women and children. Lebanon made a recommendation.
26. Egypt commended the great attention paid to human rights education as well as the activities undertaken by the National Commission for the Protection of Children. It welcomed the adoption of the Concept Paper on Gender Equality for 2010-2014 and considered very important the development of a national referral mechanism for victims of trafficking. Egypt made recommendations.
27. Algeria welcomed progress made in the field of health care and highlighted the significant reduction in child mortality rates in 2009. It also welcomed efforts aimed at, inter alia, combating poverty and ensuring decent living conditions for the population. It asked about the national human rights programme as well as programmes for combating the trafficking in persons. It made recommendations.
28. The Russian Federation stated that Armenia shared many centuries of close ties with it and commended progress achieved in implementing international commitments in the sphere of human rights, including accession to international human rights instruments, reforms of national legislation and the judicial and law enforcement systems, and work carried out to improve living standards and the quality of life. The Russian Federation made recommendations.
29. The Libyan Arab Jamahiriya asked whether there was a specific strategy concerning family allocations, pensions and improving care for persons with disabilities. It also asked how children were cared for, other than in orphanages or through foster care. Recalling that the national report indicated that primary education was compulsory except under certain circumstances provided for by law the delegation asked what those circumstances were. It made recommendations.
30. The Holy See asked about Armenia's experiences with the Human Rights Defender. It congratulated the country on a considerable reduction in infant mortality and noted improvements with regard to street children. It expressed concern about the high maternal mortality rate and asked about initiatives to combat human trafficking. The Holy See made recommendations.
31. Cuba highlighted the priority placed on improving access to sanitation and quality health care and the resulting increases in the annual number of visits to outpatient clinics. It added that other indicators, such as child mortality, had also improved and that the primary school enrolment and literacy rates were both high. Cuba made a recommendation.
32. Turkey underlined that the Convention on Genocide clearly defines the act of genocide in legal terms, stating that this concept should only be utilized in its legal

- context. Otherwise, there was a risk of striking a blow at the supremacy of law, undermining the integrity of the Convention. On Nagorny Karabakh conflict, Turkey supported a peaceful resolution through negotiations between Armenia and Azerbaijan under the Minsk Group's auspices. Turkey stressed that attaining peaceful resolution of the conflict and ending occupation of Azerbaijani territories are essential requirements for setting the human rights record of Armenia straight. Turkey made a recommendation.
33. India stressed Armenia's reforms in the health and education sectors and noted the measures taken to achieve gender equality. It appreciated the importance attached to the rights of national minorities and requested clarification as to whether the Human Rights Defender had a role and responsibilities like those of a national human rights institution. India did not make recommendations.
  34. Spain expressed satisfaction at the possibility that Armenia might soon ratify, inter alia, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the Convention for the Protection for All Persons from Forced Disappearance. Spain congratulated Armenia on the decision to extend an open invitation to all special procedures and welcomed the abolition of the death penalty. It made recommendations.
  35. The United States of America noted steps taken to improve Armenia's human rights record. While praising the June 2009 amnesty, which had resulted in the release of 30 individuals detained for political reasons, it expressed concern about a number of others still being detained. It looked forward to seeing independent media and welcomed the decriminalization of libel. The United States made recommendations.
  36. Indonesia commended Armenia for the national plan for improving the situation of women and the draft law ensuring equal rights and opportunities for men and women. However, it noted enduring patriarchal attitudes, discrimination and stereotypes concerning women's role in society, and asked Armenia what measures had been taken to address that issue. It made a recommendation.
  37. China noted laws and policies adopted to protect and promote human rights. It praised Armenia's outstanding records in the areas of health care and social welfare. It noted measures for women, children and persons with disabilities. It asked about measures taken to improve the situation of 3,500 to 4,000 refugee families lacking permanent shelter. China made a recommendation.
  38. Mexico noted with appreciation Armenia's commitment to international human rights instruments, as reflected by its ratification of international treaties and its cooperation with the special procedures of the Human Rights Council. Mexico made recommendations.
  39. The Islamic Republic of Iran encouraged Armenia to intensify efforts to achieve the Millennium Development Goals. It took note of amendments to the Labour Code that, inter alia, guaranteed equal rights and prohibited forced labour. It also noted the adoption of a series of national plans and programmes to combat human trafficking, poverty and HIV/AIDS. Iran made recommendations.

40. Slovenia welcomed Armenia's ratification of the Optional Protocol to CAT. However, it expressed concern about the designation of the National Preventive Mechanism, which had been carried out against the recommendations of local civil society and international experts. It was also concerned at the reports of torture and ill treatment in prison facilities and police stations. Slovenia made recommendations.
41. Ireland welcomed efforts to drop some of the most restrictive amendments to the law on meetings, rallies and demonstrations. It expressed concern at the fact that some legislative provisions placing restrictions on freedom of assembly remained. Ireland also noted a lack of comprehensive legal provisions prohibiting discrimination against women. It welcomed the strengthening of the judiciary and domestic legislation prohibiting torture, but expressed concern about allegations of physical and psychological pressure exerted by police during arrests and interrogations. Ireland made recommendations.
42. The Netherlands commended Armenia for being a party to the majority of the core human rights instruments and for having extended a standing invitation to United Nations special procedures. It was concerned about Armenia's broadcasting laws which had reportedly failed to ensure political and ideological pluralism, as well as a law that restricted freedom of assembly. The Netherlands made recommendations.
43. Sweden took note of existing legislation to guarantee freedom of speech and expressed concern about restrictions on broadcasting permits and the harassment and arbitrary detention of journalists. It raised concern about reports concerning the impartiality of the judiciary, including the widespread violation of fair-trial standards during the events that had taken place in March, and asked about policy initiatives to address those issues. Sweden made recommendations.
44. Argentina commended Armenia for achievements in terms of human rights education. It also welcomed the National Plan of Action for the Protection of Children's Rights (2004-2015) and the Strategic Plan to Eradicate Poverty (2004-2015). Argentina made recommendations.
45. Italy noted achievements, including the abolition of the death penalty in 2003, the accession to the majority of the core human right instruments, the establishment of the Office of the Human Rights Defender in 2004 and the issuance of a standing invitation to United Nations special procedures in 2006. It also stressed the accession of Armenia to the Council of Europe, the inclusion into the European Neighborhood Policy and the establishing of an EU-Armenian Human Rights dialogue. Italy made recommendations.
46. Austria noted that stereotypes about women and their social role still persisted and that women had unequal access to general and reproductive health services, particularly in rural areas. Austria welcomed the National Plan of Action for the Protection of Children's Rights, but indicated that the enjoyment by vulnerable children of their rights remained limited. Austria asked about measures to address the situation of internally displaced persons. It made recommendations.

47. Uruguay emphasized the leadership role played by Armenia in the resolution on the prevention of genocide submitted at the seventh session of the Human Rights Council. Uruguay welcomed the launching of negotiations to improve the critical situation between Armenia and its neighbors. Uruguay made recommendations.
48. Kyrgyzstan noted that Armenia was a party to more than 50 international human rights instruments and expressed appreciation for the laws adopted on lawyers and the bar. It noted that the educational system played an important role and highlighted the fact that reproductive health issues were included in school curriculums. Kyrgyzstan made recommendations.
49. Brazil highlighted the establishment of the Office of the Human Rights Defender, reductions in infant mortality and the standing invitation issued to special procedures. Brazil expressed concern about allegations of restrictions on the press, the excessive use of force against peaceful demonstrators and obstacles to freedom of religion. Brazil asked what specific measures were being taken to address violence against women, and about the effects of the financial and economic crisis on Armenia's policies. Brazil made recommendations.
50. The Czech Republic thanked Armenia for its national report and its answers to advance questions. It welcomed the work carried out in the area of children's rights. It referred to issues related to the definition of torture, places of detention, human rights education, fair trial, domestic violence and juvenile justice. The Czech Republic made recommendations.
51. Germany asked about measures to prevent trafficking, especially the trafficking in women and children; specific programmes for victims; and efforts to strengthen regional cooperation to combat this phenomenon. Germany made recommendations.
52. France noted the recommendations made by the OSCE Office of Democratic Institutions and Human Rights with regard to the forthcoming general and presidential elections in Armenia. It asked whether Armenia would ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. France made recommendations.
53. Greece welcomed the signature by Armenia of the CRPD and its Optional Protocol, the CED and the OP-ICESCR. Greece expressed support for Armenia's efforts to eliminate incidents of torture and inhuman and degrading treatment, while much work remained to be done. Greece noted the adoption of the Concept Paper on Gender Equality as an important step towards improving the status of women in the country. Greece made recommendations.
54. Kazakhstan commended Armenia for having ratified a number of international human rights instruments and extended a standing invitation to the special procedures of the Human Rights Council. It asked about the challenges faced by the Ombudsman and requested further information about the problems of street children. Kazakhstan made recommendations.
55. Canada welcomed Armenia's efforts to strengthen its institutional and legislative framework for human rights and

- its standing invitation to all special procedures. Canada encouraged Armenia to investigate reports that the country continued to be a place of origin for people trafficked for the purposes of sexual exploitation and forced labour. It made recommendations.
56. Cyprus was pleased to note that Armenia had signed the Rome Statute of the ICC and the Convention on the Prevention and Punishment of the Crime of Genocide. It recognized that national, ethnic, racial or religious groups that have suffered the horrors of such deplorable acts have increased responsibility in raising awareness. It encouraged Armenia to continue its efforts aimed at increased participation of national minorities in the educational and cultural life of the country. Cyprus made recommendations.
57. Belarus noted that the existence of a legal framework, specialized institutions and the National Plan for Human Rights attested to Armenia's political will to adhere to its international human rights commitments. Belarus expressed appreciation for efforts to promote the rights of national minorities in the country. It made recommendations.
58. Bosnia and Herzegovina commended Armenia for its efforts in various areas related to human rights. It noted that the role of civil society in the preparation of the national report, as well as whether it had participated actively after the drafting of the report, remained unclear, and requested further information about future plans for cooperation with civil society. Bosnia and Herzegovina made recommendations.
59. Iraq commended Armenia's efforts to promote and protect human rights through the establishment of relevant national human rights institutions, its accession to international treaties and the issuance of a standing invitation to special procedures of the Human Rights Council. It made a recommendation.
60. The United Kingdom of Great Britain and Northern Ireland welcomed Armenia's efforts to promote human rights, including gender equality. It called for an independent investigation into the deaths connected to the events following the 2008 elections. It was also interested in hearing what steps were being taken to address human trafficking. The United Kingdom made recommendations.
61. Hungary noted with satisfaction the abolition of the death penalty, the establishment of the Ombudsman and the standing invitation issued to all United Nations special procedures. It referred to serious delays in submitting overdue reports to treaty bodies and concerns about, inter alia, violence against children and the trafficking of girls. Hungary emphasized the importance of ensuring genuine safeguards for the independence of the judiciary. It made recommendations.
62. Finland noted that much needed to be done to ensure the implementation of the existing legislation. It also indicated that the aftermath of the 2008 presidential elections had revealed shortfalls in the implementation of Armenia's international human rights obligations. Finland made recommendations.
63. Norway commended Armenia for its commitment to working with the United Nations human rights system and

- welcomed the work undertaken by the Office of the Ombudsman. It was concerned about reports of harassment of the opposition. It asked about measures to follow up on the request of the Committee on the Elimination of Discrimination against Women that the safety of women in political life be ensured and that their participation in public life be encouraged. Norway made recommendations.
64. Djibouti acknowledged the willingness of the Armenia authorities to cooperate with the mechanisms of the Human Rights Council in order to improve the human rights situation in the country. Djibouti congratulated Armenia on its commitment to guaranteeing a decent life for all citizens. It made recommendations.
65. Kuwait acknowledged efforts made by Armenia related to the national action plan for human rights. It also appreciated the important role played by women in Armenia, as well as their contribution to the creation of equal opportunity for men and women. Kuwait made recommendations.
66. Switzerland welcomed the integration of human rights education into school curriculums. It added that, since the arrest and ill treatment of opposition members following the 2008 elections, the actions of the opposition appeared to have been suppressed and police violence tolerated. Gender-based violence in the family was reportedly widespread. Switzerland made recommendations.
67. Romania congratulated Armenia on progress in adapting its legislation to meet international human rights standards and on its good cooperation with the special procedures. It also applauded the efforts to improve the status of women and asked for information about the drafting of the law on gender equality and the intention to create a mechanism for the promotion of women. Romania made recommendations.
68. Poland commended Armenia on the establishment of the Office of the Human Rights Defender and welcomed the adoption of a series of national plans and programmes. It noted concerns expressed by the Committee on the Elimination of Discrimination against Women about the growth in human trafficking and by the Committee on the Rights of the Child about the conditions faced by refugee children and children living in orphanages. Poland made recommendations.
69. The Lao People's Democratic Republic welcomed Armenia's cooperation with United Nations agencies to promote and protect human rights, including the issuance of a standing invitation to all special procedures. It made a recommendation.
70. Ukraine commended Armenia for its efforts to protect and promote human rights and reforms carried out in the country. It inquired about the measures to implement the recommendations of the Council of Europe concerning, inter alia, further reform of the justice system and enforcement bodies. It shared concerns raised by civil society about domestic violence against women. Ukraine made recommendations.
71. In responding to questions, the delegation noted that the Armenian special investigative service had conducted an inquiry into the excessive use of force against civilians and that two criminal cases had been brought against four police officers in connection with the 2008



March events on the basis of video materials obtained from independent expert groups and the ad-hoc parliamentary commission, as well as video materials received from private individuals. The police officers had been found guilty by the court and sentenced accordingly.

72. Concerning the allegations of the incommunicado detention of persons arrested by the police, Armenia clarified that there had been no such cases.
73. Five criminal cases were investigated on alleged police beatings and ill or cruel treatment. Proper investigations had been undertaken and none of the alleged facts of ill-treatment were proven. Moreover, all complaints and witness testimonies had been withdrawn.
74. Those detained in connection with the March 2008 events were not being detained for political reasons, but rather for specific offences, including the illegal storage of weapons and ammunition. Several of the individuals claiming that they had been detained for political reasons, had been convicted before the March 2008 events for crimes such as involvement in prostitution, illegal procurement of weapons and high treason.
75. The independence of judges was guaranteed by the Constitution of Armenia and provided for by legislation. Guarantees for the functioning of judges and members of the Constitutional Court, as well as grounds and procedures for holding them liable, were defined in the Constitution and in law.
76. Judges and members of the Constitutional Court may not be detained or involved in cases as defendants, and no legal proceedings on imposing administrative liability on them may be instituted, without the consent of the Council of Justice or the Constitutional Court, respectively. Judges and members of the Constitutional Court may not be arrested, except in cases in which the arrest had been made during or immediately after the commission of the criminal offence. In such cases, the President of the Republic of Armenia, as well as the President of the Court of Cassation or the President of the Constitutional Court, respectively, shall be promptly informed of the arrest.
77. Self-governance of the judiciary shall be implemented through self-government bodies established by the Judicial Code of Armenia, which was aimed at regulating all factors guaranteeing the independence of the judiciary, including the appointment and retirement of judges. The Council of Justice was entrusted with disciplinary responsibility with regard to judges and other important issues.
78. The training of judges was an ongoing process carried out in cooperation with various international organizations, including the United Nations, the Council of Europe, the European Union and OSCE. Ongoing training was provided for them regarding juvenile justice, the European Convention on Human Rights and other important legal issues, with a view to enhancing their professional capacities.
79. The Criminal Code needed to be amended to include the definition of torture, in accordance with international treaties. The amendment process was underway.
80. Significant work had been undertaken in the area of gender discrimination in the recent past. There was no differentiation

with respect to gender in the application of human rights and fundamental freedoms in Armenia. In that regard, Armenia referred to constitutional provisions prohibiting discrimination on the basis of sex, as well as to legal acts, including the Criminal Code. A draft law had been formulated on equal rights and equal opportunities for men and women, which prohibited all forms of discrimination. Furthermore, the draft law contained a definition of gender-based discrimination and all other legal terms stipulated in different international agreements.

81. Concerning the monitoring of penitentiary institutions, public monitoring groups carrying out the monitoring of penitentiary establishments under the supervision of the Ministry of Justice, and of holding facilities under the police, had been functioning. The groups were composed of representatives of non-governmental organizations authorized to have unimpeded access to police holding facilities and penitentiary institutions.
82. The police were taking measures to implement the recommendations of the parliamentary inquiry into the March 2008 events. A decree had been adopted on the use of special measures by the police and the police forces in 2009. Several measures had been included in the police reform programme adopted in 2010 in an effort to establish a legislative basis for ensuring public order and safety. It included training for police officers on the use of physical force and special measures for cases of unrest, as well as on work with journalists. In 2008 and 2009, Armenia had organized seminars and workshops involving the mass media and police under an initiative of the Council of Europe. In addition, special instructions governing the relationship between police and journalists had been developed.
83. Armenia had taken measures to ensure training for police officers concerning public demonstrations and the use of police equipment. Internal investigations into the allegations of physical abuse and/or psychological pressure by police had been conducted. Accordingly, in 2008, 16 police officers had been disciplined for the ill treatment of detainees, and some of them had been dismissed from the police force. Awareness-raising campaigns, including hotlines, had been conducted with a view to improved communication between the general population and the police.
84. In order to ensure equal opportunities for persons with disabilities, Armenia was implementing a programme of inclusive education and training. There were also State employment compensation programmes for those who were uncompetitive in the labour market. In addition, the State provided support and subsidies to those registered as persons with disabilities who wished to set up their own enterprises. Armenia would soon establish special training centres for persons with disabilities. The Government initiated amendments in the employment legislation foreseeing work practice for those unemployed and persons with disabilities that had professional but no service record. It was also looking into improving working conditions as well as incentives for those who would employ them.

According to the same draft amendments, the landowners in rural areas would receive special subsidies for vocational education.

85. The Ministry of Labour and Social Affairs operated eight children's homes, seven boarding schools, and there were two centres for children in difficult situations. There was a foster care system financed by the State budget, and civil society organizations were working on such foster care with State support. A pension reform had been worked out that would enable pensioners to afford basic necessities.
86. Labour law prohibited any labour contract from being concluded with children under 14 years of age. Employment contracts for children under 14 to 16 years of age shall be concluded with the consent of a parental guardian. Such children could be employed only if it was not to the detriment of their health, education or morals. The Labour Code included special provisions prohibiting children from working in hazardous and health-threatening situations.
87. Armenia had carried out wide-ranging reforms with respect to special schools for children. There were 49 inclusive schools in the country, 45 of which received State funding for inclusive education programmes. Armenia had organized teacher training and had created a general educational curriculum for national minorities, which provided 43 lessons in native language and on literature. Yezidi experts were included in the National Institute of Education, which addressed education issues concerning the Yezidi and other national minorities. Various teacher training programmes on the Yezidi language had been organized by the National Institute of Education, and courses about Yezidi culture and history had been included in its programmes.
88. With the support of UNHCR, Armenia was building houses for refugees and adopting measures to meet their basic housing needs. The housing programme dealt with most vulnerable category of refugees and was being implemented through the issuance of certificates for all refugees who would buy flats. Armenia was looking further into the housing needs of those refugees living with relatives or renting flats. There were 1,500 families living in such circumstances.
89. Armenia's foremost concern regarding internally displaced persons was to ensure their safe return to their former places of residence, which required the peaceful settlement of conflict. At present, such individuals could return to their former places of residence, where there was only a minimum risk of armed conflict.
90. The Government reform in the area of reproductive health, implemented in 2008 and 2009, had increased the State budget and funds for reproductive services for the entire population. As a result, every woman in Armenia now had the right to gain access to reproductive health services free of charge. With the assistance of the World Bank, the Government had implemented primary health-care programmes and health-care modernization programmes, through which Armenia had created the capacity necessary to ensure primary health-care services of good quality, including reproductive health-care services, in more than 130 rural and remote communities. The Government

had continued the modernization of rural health-care centres, the training of staff, the establishment of mobile health-care groups and the reform of emergency health-care services, in order to provide health care in rural and remote areas. In 2008, the Government had decided to conduct in Armenian Schools a special training programme entitled “Healthy Behaviour”, which included issues related to reproductive health and HIV/AIDS.

91. Armenia had created a manual for law-enforcement officials on the trafficking in human beings, as a result of which educational programmes would be included in all training curriculums for law-enforcement officials, including the police, the judiciary and the prosecutor’s office. Armenia had also created a school curriculum for students in the higher grades, which would be implemented starting in September 2010. No children had been trafficked outside Armenia, and there had been only a handful of cases of child trafficking and beggary within the country. Extensive cooperation with non-governmental organizations was being carried out, including shelters run by the non-governmental organization community.
92. Armenia would examine all recommendations and implement them.

## II. Conclusions and/or recommendations

93. The following recommendations formulated during the interactive dialogue/ listed below enjoy the support of Armenia which considers that they are already implemented or in the process of implementation:

- 93.1. Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty (Spain, France, Argentina, Iraq, United Kingdom of Great Britain and Northern Ireland);
- 93.2. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Azerbaijan, Argentina, Uruguay) as soon as possible (Greece);
- 93.3. Consider expediting (Brazil)/finalize the ratification of (Algeria)/ratify the Convention on the Rights of Persons with Disabilities (Brazil, Algeria) and the Optional Protocol thereto (Argentina, Iraq, Kyrgyzstan) as soon as possible (Greece)/ratify the Optional Protocol to the Convention (Azerbaijan);
- 93.4. Work effectively in order to bring all laws into line with the revised Constitution (Finland);
- 93.5. Review the definition of torture in its national legislation so that it fully complies with that set out in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic); adopt a definition of torture fully in compliance with article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Ireland); adopt a definition of torture in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay);
- 93.6. Provide a legislative basis for the OPCAT National Preventive

- Mechanism, and ensure the institutionalized participation of civil society (Slovenia);
- 93.7. Strengthen the work of the institute of public defense by providing free legal aid to the population (Kyrgyzstan);
- 93.8. Accelerate the process aimed at creating a national human rights institution in accordance with the Paris Principles (Libyan Arab Jamahiriya);
- 93.9. In line with Human Rights Council resolution 9/12, consider elaborating a national human rights programme and plan of action to strengthen the capacity of the State to promote and protect human rights (Brazil); complete within the envisaged time the comprehensive national programme on human rights protection (Egypt); implement the comprehensive national programme on human rights protection efficiently and within the envisaged time (Bosnia and Herzegovina); continue to promote human rights cooperation based on its actual conditions (China); continue to improve the human rights situation in the country, in the light of the improvements made so far (Italy);
- 93.10. Continue to carry out reforms in the country in order to fully ensure the protection of human rights and the rule of law in accordance with all relevant laws and codes, as stated in its national report (Lao People's Democratic Republic);
- 93.11. Further its activities aimed at gender mainstreaming in Government policies (Egypt); adopt a gender-specific approach in Armenia's policies and programmes (Greece);
- 93.12. Carry on its work to implement a national programme for sustainable development that would contribute to the further improvement of the human rights situation in the country (Russian Federation);
- 93.13. Expand the programme to prevent the spread of HIV/AIDS, in particular in remote areas (Kyrgyzstan); continue its efforts to promote public knowledge about HIV/AIDS, particularly among young people (Islamic Republic of Iran);
- 93.14. Continue to work to protect the rights of the child (Kyrgyzstan);
- 93.15. Continue its efforts to address discrepancies in the enjoyment of rights by vulnerable groups, including children with disabilities, refugee children and children living in rural areas (Islamic Republic of Iran);
- 93.16. Urgently submit the overdue reports to treaty bodies (Hungary); carry out the submission of its pending report to the Human Rights Committee as soon as possible (Spain); submit its overdue report under ICCPR (Austria);
- 93.17. Increase efforts to end discrimination against women and provide adequate access to health-care services for all women (Austria);
- 93.18. Make every possible effort, both at home and at the international level, to raise awareness about the issue of genocide and to combat impunity, with the aim of preventing the recurrence of any acts of genocide (Cyprus);
- 93.19. Take additional measures for the elimination of cruel and inhuman treatment through the training of

- law-enforcement officers (Bosnia and Herzegovina);
- 93.20. Ensure the proper and thorough investigation of torture cases in prison facilities and at police stations (Slovenia); ensure that all allegations of torture and inhuman or degrading treatment are investigated promptly and that perpetrators are brought to justice (Greece);
- 93.21. Follow up the implementation of national machinery for the advancement of women and addressing violence against women (Islamic Republic of Iran); continue efforts aimed at combating domestic violence (Kyrgyzstan); consider devoting priority attention to the elimination of all forms of violence against women, in particular domestic violence, by establishing comprehensive measures, including specific legislation (Brazil); take additional measures to eliminate the phenomenon of domestic violence against women (Ukraine); ensure that the authorities and police services put in place appropriate measures to eradicate domestic violence, beginning with the adoption and implementation of the draft law on domestic violence to which the Armenian delegation referred (Switzerland);
- 93.22. Initiate awareness-raising campaigns in schools to further promote the rights of women (Romania);
- 93.23. Take immediate steps to make domestic violence – including psychological abuse; beatings; rape, including marital rape; and sexual assault – a criminal offence (United Kingdom of Great Britain and Northern Ireland);
- 93.24. Continue its efforts with regard to the trafficking in human beings, through the elaboration of the third national action plan for 2010-2012, and take further steps to improve assistance to the victims of trafficking (Bosnia and Herzegovina); reinforce measures aimed at punishing and preventing the trafficking in persons and supporting victims (Argentina); fulfil its intention to develop and adopt a national programme for 2010-2013 to counter the trafficking in persons, and actively cooperate in the international arena on that issue (Belarus); actively pursue efforts to prevent trafficking, including through information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and to ensure protection and assistance for the victims of trafficking, with full respect for their human rights (Germany); strengthen research on the occurrence of child trafficking and regional cooperation with countries to which Armenian children are trafficked (Poland); build on its existing legal framework by devoting additional resources to providing assistance to victims of trafficking (Canada); establish special services and reintegration programmes for victims of trafficking (Poland);
- 93.25. Intensify efforts to prevent and combat violence against children, including corporal punishment (Brazil); adopt specific legislation punishing violence against children, including the prohibition of corporal punishment; move forward in taking the measures



- necessary for the registration of the highest possible number of births; support educational policies aimed at enabling girls to continue their education and eliminating stereotypes regarding gender roles; initiate awareness-raising programmes, particularly in rural areas, in order to change the tendency to value child labour more than education, and encourage access for minority children to education in their mother tongue (Uruguay);
- 93.26. Ensure that allegations of the ill treatment of persons detained by the security/police forces are investigated and that perpetrators are held accountable (Canada); investigate cases of police abuse to prevent impunity and put an end to ill treatment by police (Azerbaijan); ensure a system for registering the complaints of victims of torture or ill treatment, in particular persons in detention or military conscripts (Czech Republic);
- 93.27. Implement the recommendations of the OSCE/ODIHR trial monitoring report, and provide for an independent and credible investigation into the 10 deaths following the events of 1 March 2008 (United Kingdom of Great Britain and Northern Ireland); intensify efforts to present the cases in court in order to clarify, provide for reparations and punish those responsible (Spain); follow up on the recommendations set out in the March 2010 report of the OSCE Office for Democratic Institutions and Human Rights regarding shortcomings in Armenia's justice system (Netherlands);
- 93.28. Implement the recommendations of the ad hoc committee mandated by the National Assembly, and conduct an independent and transparent investigation into the excessive use of force leading to the punishment of those responsible (Switzerland);
- 93.29. Complete the reforms of the justice system and ensure the compliance of domestic legislation with the revised Constitution and the new legislation on the judiciary (Poland);
- 93.30. Take the measures necessary for the in-service training of the judges regarding judicial improvements on issues of human rights (Turkey); set up training programmes on human rights for police officers (Italy); strengthen human rights education provided to the police, prison staff and the military (Czech Republic);
- 93.31. Take measures to combat corruption (Azerbaijan);
- 93.32. Strengthen fair-trial safeguards, including the non-admissibility before the court of any evidence obtained through torture or ill treatment (Czech Republic);
- 93.33. Continue its efforts to bring its penitentiaries and detention centers into compliance with international human rights standards (Canada); ensure in practice regular access to all places of detention, including police stations (Czech Republic);
- 93.34. Carry out further activities aimed at supporting the rehabilitation and reintegration of remand prisoners and convicts by organizing professional training for them (Bosnia and Herzegovina);

- 93.35. Take the legislative and administrative measures necessary to fully guarantee freedom of religion in the country, in particular to prevent any form of discrimination or undue obstacles in the registration of associations of religious minorities (Mexico); fully ensure freedom of religion for all, without discrimination (Azerbaijan);
- 93.36. Ensure the implementation of the judgment of the European Court on Human Rights that found the Government's denial of a license to A1 broadcasting company to be in violation of Armenia's human rights obligations (Netherlands);
- 93.37. Take measures to ensure free and fair elections in the future (Sweden); implement recommendations issued by the Office for Democratic Institutions and Human Rights of OSCE to improve the holding of the next general elections, in 2011, and the presidential elections in 2012 (France);
- 93.38. Pursue the policy aimed at improving the position and participation of women in public life, and promote programmes for the protection of the rights of children (Algeria); consider further measures to improve and encourage women's participation in society, and ensure that such measures include benchmarks with timetables or increased quotas and that their implementation is closely monitored (Norway);
- 93.39. Ensure the effective implementation of the minimum employment age set out in the Labour Code and of provisions prohibiting heavy and hazardous work for children (Holy See);
- 93.40. Take measures to eradicate poverty (Azerbaijan);
- 93.41. Continue its efforts in these fields to improve access to education and health and to promote the rights of women and children (Lebanon);
- 93.42. Continue to implement programmes aimed at guaranteeing quality education and health services to its population, at all levels (Cuba);
- 93.43. Continue to enhance and expand access to and the affordability of health-care services, with a specific emphasis on rural and remote areas, as well as most vulnerable groups (Egypt); guarantee access to health care for vulnerable social groups and populations in rural and remote zones (Algeria); improve the quality of primary health care, especially in rural areas (Kuwait); continue efforts to improve access to health care for all, particularly those in the most vulnerable categories, persons with disabilities and rural populations (Libyan Arab Jamahiriya);
- 93.44. Continue its efforts to reduce maternal and infant mortality, saving mother and child (Holy See);
- 93.45. Continue to support children's homes (Kyrgyzstan);
- 93.46. Establish effective mechanisms to address the problems faced by street children (Kazakhstan);
- 93.47. Ensure that children belonging to all minority groups have equal access to education (Austria); adopt measures to ensure access for minority groups, especially children, to education in their mother tongue (Azerbaijan);

- 93.48. Continue to promote human rights education in school curriculums at all levels (Djibouti);
- 93.49. Ensure the integration of human rights into all school curriculums, and train law enforcement officers in human rights (Libyan Arab Jamahiriya);
- 93.50. Continue to hold awareness-raising campaigns within Armenian society about the rights of national minorities, with the aim of further enhancing tolerance and non-discrimination in all spheres of public life (Cyprus);
- 93.51. Continue the consistent and successful policy aimed at ensuring the rights of all national minorities residing in the country, as well as support for their social, educational, informational and cultural needs (Belarus);
- 93.52. Take adequate measures to better protect the fundamental rights of migrant workers and refugees living in Armenia (Djibouti).
94. The recommendations listed below have been examined by Armenia and enjoy its support:
- 94.1. Suggest that the Government proceed with ratifying (Cyprus)/accelerate the ratification of (Romania)/consider expediting the ratification of (Brazil)/ratify the Rome Statute of the International Criminal Court (Austria, Greece, Uruguay), signed on 1 October 1999, to implement it in national law (United Kingdom of Great Britain and Northern Ireland);
- 94.2. Introduce changes to laws on drugs, given the increase in drug use in the country (Kyrgyzstan);
- 94.3. Intensify efforts aimed at the adoption of the draft law “on ensuring equal rights and equal opportunities for men and women” (Brazil); ensure that the draft law “on ensuring equal rights and equal opportunities for men and women” is finalized in accordance with international protection standards and that it is adopted as soon as possible (Greece); continue its efforts to enact laws in the area of equality of opportunity and rights for men and women (Kuwait);
- 94.4. Further strengthen the capacities of the Office of the Human Rights Defender and enhance its cooperation with civil society (Greece), in order to enable better protection of human rights in Armenia (Egypt); strengthen the role of the Human Rights Defender institution to allow the Defender to increase his monitoring and expand his work to the regions (Finland); establish a special section with sufficient powers and resources within the Ombudsperson’s office, or task a deputy with addressing child issues exclusively (Hungary); provide the Office of the Human Rights Defender with the human and financial resources necessary to complete its tasks as a national preventive mechanism, and strengthen the guarantees against the ill treatment of imprisoned persons so that all those in the police force will receive a strong message emphasizing that ill treatment is illegal (Switzerland);
- 94.5. Create an inter-ministerial mechanism to accord due attention to the recommendations of international mechanisms, including those emanating

- from the universal periodic review, with the participation of civil society (Mexico); establish an effective and inclusive process with independent non-governmental organizations to follow up on the universal periodic review recommendations (Norway);
- 94.6. Submit its periodic reports to the relevant treaty bodies and make responses to the letters of allegations and urgent appeals as well as to questionnaires on thematic issues in due course (Ukraine);
- 94.7. Invite the Special Rapporteur on the independence of judges and lawyers (Hungary, Germany); consider extending an invitation to the Special Rapporteur on the independence of judges and lawyers (Uruguay);
- 94.8. Ensure that the visit by the Working Group on Arbitrary Detention, which has been agreed upon in principle, is also given priority and that it takes place in the near future (Norway);
- 94.9. Establish measures in order to provide for equality of rights and opportunities between women and men and the elimination of discrimination against women, including through legal reforms; and devote priority attention to effectively eliminating all forms of violence against women, especially domestic violence, inter alia, by establishing a national mechanism for the advancement of women, and to addressing the issue of violence against women (Uruguay); take measures to eliminate discrimination against women, especially domestic violence (Azerbaijan);
- 94.10. Continue to ensure equal rights for women in society (Belarus);
- 94.11. Adopt legislation and measures to prevent violence against women and children, including through the strengthening of its monitoring mechanism (Indonesia);
- 94.12. Strengthen measures to ensure an effective fight against domestic violence; in particular, introduce the crime of domestic violence into its criminal code as a matter of priority and ensure that effective support and protection is available for victims of domestic violence (Czech Republic);
- 94.13. Intensify measures to address factors driving women and girls into prostitution (Poland);
- 94.14. Continue efforts to prevent and combat the sexual exploitation of children (Brazil);
- 94.15. Ensure the swift, transparent and effective prosecution of violence against journalists (United States of America); effectively investigate the cases concerning attacks against journalists, opposition members and human rights defenders (Azerbaijan); ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice (Norway);
- 94.16. Undertake effective measures to ensure the independence of the judiciary (Italy); ensure the full independence of the judiciary (Azerbaijan); strengthen measures to ensure the full independence of the judiciary (Uruguay);

- 94.17. Push forward further reforms that will guarantee in practice the separation of powers and, in particular, the independence of the judiciary, including through the training of judges (Greece); make additional efforts to strengthen the judicial system, carrying out its reform and the training of judges (Bosnia and Herzegovina);
- 94.18. Make efforts to ensure the implementation of legislative provisions on the impartiality and transparency of the judicial system, including by allocating sufficient funding (Sweden);
- 94.19. Strengthen efforts to establish a system of juvenile justice in compliance with international standards, and take specific measures to protect the rights of children and persons in detention or in prison (Czech Republic);
- 94.20. Put in place measures to ensure full respect for the right to freedom of opinion and expression, and create a more amenable climate for investigative journalism (Canada); take all measures necessary to ensure full respect for freedom of expression, including freedom of the press, ensuring that no persons are deprived of their liberty solely for having exercised their freedom of expression, their right to peaceful assembly or their right to take part in the Government of their country (Sweden); ensure that civil society activists and journalists are able to carry out their work free from harassment or violence (United States of America);
- 94.21. Ensure a fair and transparent process for issuing broadcasting licenses and guaranteeing the independence of broadcasting regulatory bodies (Norway); take the measures necessary to bolster the independence of the National Audiovisual Commission as a regulatory body for the media (France); amend its broadcasting laws so as to ensure the real independence of the regulatory body for television and radio (Netherlands);
- 94.22. Establish a transparent process for the digitalization process to ensure space on the airwaves for independent and small regional media outlets (United States of America);
- 94.23. Ensure that, if the amended law decriminalizing libel is adopted, it is implemented in a way that protects freedom of expression (United States of America);
- 94.24. In line with the Government's commitment to protecting fundamental freedoms of its citizens, review its legislation and practices in order to guarantee the free exercise of the right to assembly and freedom of expression, without any limitations other than those permitted by international law (Mexico); fully respect and promote freedom of expression (Azerbaijan); guarantee freedom of expression and assembly for all political parties, media and human rights defenders (Switzerland);
- 94.25. Take concrete steps to meet obligations with regard to creating an environment that fosters freedom of expression, including respect for the independence of civil society organizations and the right to assemble (Norway);
- 94.26. Ensure, in its laws and regulations as well as in practice, that no

- arbitrary impediments are imposed with respect to exercising the right to freedom of assembly (Netherlands); ensure respect for the right to freedom of assembly, in line with its international obligations (Azerbaijan); respect – in law and in practice – the right of individuals to assemble peacefully (United States of America); implement the Law on Meetings, Rallies and Demonstrations in a transparent and proportional manner (Ireland);
- 94.27. Ensure the right to work of persons with disabilities, and establish effective mechanisms and strong legislative regulations to protect their economic, social and cultural rights (Kazakhstan).
95. The following recommendations will be examined by Armenia, which will provide responses in due course, but no later than the fifteenth session of the Human Rights Council, in September 2010:
- 95.1. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria);
- 95.2. Include in Armenia's legislation an explicit and comprehensive definition of discrimination against women, and improve legal provisions prohibiting discrimination against women (Austria); elaborate a specific definition of discrimination against women in Armenia's legislation (Ireland); define and prohibit in Armenian legislation, in an explicit and comprehensive manner, discrimination against women and gender-based violence, and adopt social awareness measures (Argentina);
- 95.3. End politically motivated prosecutions of individuals it deems opposition, and take steps to strengthen the rule of law, including respecting minimum guarantees as laid out in the International Covenant on Civil and Political Rights, equal protection of the law, and judicial independence (United States of America);
- 95.4. Waive the moratorium on granting licenses to radio and television broadcasters and the 2008 amendments to the Law on Television and Radio of 2000, and carry out legislative measures safeguarding the independence of the National Commission on Television and Radio and the Council on Radio and Public Television (Spain);
- 95.5. Guarantee freedom of peaceful assembly, and amend Article 9.4.3 of the Law on Meetings, Assemblies, Rallies and Demonstrations (Spain).
96. The recommendation below did not enjoy the support of Armenia:
- 96.1. Take measures to eliminate discrimination against Yezidis (Azerbaijan).
97. Armenia offered the following comment: Recommendation 96.1 cannot be accepted as it is inaccurate and does not correspond to the actual situation. There is no discrimination against any national minority residing in Armenia, including the Yezidis.
98. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.



## **B. Interim report of the Republic of Armenia prepared in accordance with the UN Universal Periodic Review as of December 2012**

### **To the Protocol Decision of the Sitting of the Government of the Republic of Armenia N 5 of 7 February 2013**

The interim report was prepared to present to the Working Group on Universal Periodic Review of UN Human Rights Council the process of implementing the recommendations made thereby in May, 2010

#### **PART I Ratification of international treaties**

##### ***Recommendation***

- 1.1 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty (Spain, France, Argentina, Iraq, United Kingdom of Great Britain and Northern Ireland). A/HRC/15/9 para(s) 93.1

##### ***Implementation process***

- The implementation process is ongoing and is at the stage of interagency coordination.

##### ***Recommendation***

- 1.2. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Azerbaijan, Argentina, Uruguay) as soon as possible. A/HRC/15/9 para(s) 93.2

##### ***Implementation process***

- It is ratified on 5 October 2010 and entered into force on 23 February 2011.

##### ***Recommendation***

- 1.3 Consider expediting (Brazil)/finalize the ratification of (Algeria)/ratify the Convention on the Rights of Persons with Disabilities (Brazil, Algeria) and the Optional Protocol thereto (Argentina, Iraq, Kyrgyzstan) as soon as possible (Greece)/ratify the Optional Protocol to the Convention (Azerbaijan). A/HRC/15/9 (Report of the working group of the year 2010) para(s) 93.3

##### ***Implementation process***

- The convention is ratified on 5 October 2010 and entered into force on 22 October 2010. A working group was established to bring the internal legislation in compliance with the mentioned convention. The state will deal with the ratification of the optional protocol, as soon as it finishes the approximation of the internal legislation to the provisions of the Convention on the Rights of Persons with Disabilities.

##### ***Recommendation***

- 1.4 Suggest that the Government proceed with ratifying (Cyprus)/accelerate the ratification of (Romania)/consider expediting the ratification of (Brazil)/ratify the Rome Statute of International Criminal Court (Austria, Greece, Uruguay), signed on 1 October 1999, to implement it in national law (United Kingdom

of Great Britain and Northern Ireland). A/HRC/15/9 para(s) 94.1

### **Implementation process**

- The process of ratification of Rome Statute of the International Criminal Court may be possible only when the existing discrepancies with the Constitution of the Republic of Armenia are eliminated.

### **Recommendation**

1.5 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria). A/HRC/15/9 para(s) 95.1

### **Implementation process**

- The ratification of the convention is in the center of attention of the Government of the Republic of Armenia, particularly, this issue is included in point 5.4.4 of the “Action plan for the years 2012-2016 of implementing policy concept of the Republic of Armenia on state regulation of migration” approved by the Decision of the Government of the Republic of Armenia 1593-N of 10 November 2011.

## **PART II Constitutional and legislative work**

### **Recommendation**

1.6 Work effectively in order to bring all laws into line with the revised Constitution (Finland). A/HRC/15/9 para(s) 93.4

### **Implementation process**

- After the constitutional reforms of the Republic of Armenia of 2005, several dozen acting laws were brought into line with the Main Law.

Currently, together with EU, the mechanism of legal guillotine is established, which will contribute to the repeal of unduly aggravating laws; an appropriate structure has already been established and is in force.

### **Recommendation**

1.7 Review the definition of torture in its national legislation so that it fully complies with that set out in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic); adopt a definition of torture fully in line with article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Ireland); adopt a definition of torture in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay). A/HRC/15/9 para(s) 93.5

### **Implementation process**

- Appropriate amendments were made to the Criminal Code of the Republic of Armenia with the view to bring the definition of torture in line with the definition given in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. All articles pertaining to the concept of “torture” in the Criminal Code were supplemented. The mentioned amendments are under consideration at the National Assembly.

### **Recommendation**

1.8 Provide a legislative basis for the OP-CAT National Preventive Mechanism, and ensure the institutionalized participation of civil society (Slovenia). A/HRC/15/9 para(s) 93.6

### **Implementation process**

- The law “On Human Rights Defender”, particularly Article 6.1 was supplemented with Article “Defender in the field of international law” on 8 April 2008 according to which the Defender is the independent preventive national mechanism stipulated by Optional Protocol of Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment By the order of Human Rights Defender of 11 July 2011, an Expert Council was established as a preventive national mechanism with the view to prevent torture. The Councils composed of the staff of Human Rights Defender’s office and representatives of various NGOs.

### **Recommendation**

- 1.9 Ensure the effective implementation of the minimum employment age set out in the Labour Code and of provisions prohibiting heavy and hazardous work for children (Holy See); A/HRC/15/9 para(s) 93.39

### **Implementation process**

- In accordance with the Law of the Republic of Armenia on State Labour Inspectorate and the statute of State Labour Inspectorate of the Republic of Armenia, the State Labour Inspectorate implements control and oversight to ensure the safeguards defined by the labour legislation of the Republic of Armenia for persons up to the age of 18. Thus, the mentioned issue is constantly monitored.

### **Recommendation**

- 2.1 Complete the reforms of the justice system and ensure the compliance

of domestic legislation with the revised Constitution and the new legislation on the judiciary (Poland). A/HRC/15/9 para(s) 93.29

### **Implementation process**

- The legislative and judicial reforms are of continuous nature. Thus, the second stage of legislative and judicial reforms is ongoing. On 2 July 2012, the President of the Republic of Armenia signed the Strategy of Legislative and Judicial Reforms for 2012-2016 that foresees the implementation of all those legal acts and measures that target at ensuring further completion of legislative and judicial reforms in Armenia.

### **Recommendation**

- 2.2 Include in Armenia’s legislation an explicit and comprehensive definition of discrimination against women, and improve legal provisions prohibiting discrimination against women (Austria); elaborate a specific definition of discrimination against women in Armenia’s legislation (Ireland); define and prohibit in Armenian legislation, in an explicit and comprehensive manner, discrimination against women and gender-based violence, and adopt social awareness measures (Argentina); A/HRC/15/9 para(s) 95.2

### **Implementation process**

- The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men”. The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were

organized before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organized with the view to raise the awareness on issues relating to gender and gender violence.

### **Recommendation**

2.3 Introduce changes to laws on drugs, given the increase in drug use in the country (Kyrgyzstan). A/HRC/15/9 para(s) 94.2

### **Implementation process**

- Emphasizing the coordination of combat against drug addiction and illegal circulation of drugs in the Republic of Armenia and with the view to protect the population of the Republic from negative effects of drugs and the harmful consequences thereof, “National programme for combat against drug addiction and illegal circulation of drugs in the Republic of Armenia during 2009 to 2012” was approved by the Executive Order of the President of the Republic of Armenia NK-162-Nof 25 September 2009. In addition to that, “Timeline of activities foreseen by national programme for combat against drug addiction and illegal circulation of drugs in the Republic of Armenia during 2010 to 2012” was approved by the Decision of the Government of the Republic of Armenia 892-N of 15 July 2010. Programme for 2013 to 2015 is also planned to be elaborated.

### **Recommendation**

2.4 Intensify efforts aimed at the adoption of the draft law “on ensuring equal rights and equal opportunities for men and women” (Brazil); ensure that the draft law “on ensuring equal rights and equal opportunities for men and women” is finalized in accordance with international protection standards and that it is adopted as soon as possible (Greece); continue its efforts to enact laws in the area of equality of opportunity and rights for men and women (Kuwait); A/HRC/15/9 para(s) 94.3

### **Implementation process**

- See the response to recommendation A/HRC/15/9 para(s) 95.2.

### **Recommendation**

2.5 In line with the Government’s commitment to protect fundamental freedoms of its citizens, review its legislation and practices in order to guarantee the free exercise of the right to assembly and freedom of expression, without any limitations other than those permitted by international law (Mexico); fully respect and promote freedom of expression (Azerbaijan); guarantee freedom of expression and assembly for all political parties, media and human rights defenders (Switzerland); A/HRC/15/9 para(s) 94.24

### **Implementation process**

The new law of the Republic of Armenia “On freedom of assembly” was adopted on 14 April 2011. The law provides for all those legal mechanisms that are required to exercise rights and freedoms foreseen by the Constitution and by international legal instruments. In accordance with the Law of the Republic of

Armenia “On dissemination of mass information” the journalists act freely based on the principles of legal equality, legality, freedom of speech and pluralism. In the course of his or her lawful professional activity, a journalist is protected by the legislation of the Republic of Armenia as a person executing public duties. In accordance with the Law of the Republic of Armenia “On freedom of information”, the main principles of ensuring provision of information are important safeguards for the exercise of the right to receive information. Such principles are: determination of a common procedure for registering, classifying and storing information; protecting the freedom to search and receive information; ensuring access to information and its publicity. In May 2010 the Republic of Armenia decriminalized libel. The new Electoral Code of the Republic of Armenia prescribes rules for the coverage of official campaign with regards to free air time, news coverage and paid advertisements. The public and private broadcasters are obliged to ensure non-discriminatory conditions and provide non-biased news programs. In 2012 OSCE/ODIHR office monitored the work of news media during the elections of National Assembly in the Republic of Armenia. A mention has been made in the final report of the observation mission thereon, particularly the following was noted: “The findings of monitoring of news media indicate that the news media have widely covered the elections. In general, the broadcasters were accessible for all major political parties. This enabled the voters to be informed of different political standings”.

### **Recommendation**

2.6 Guarantee freedom of peaceful assembly, and amend Article 9.4.3 of the Law

on Meetings, Assemblies, Rallies and Demonstrations (Spain).

### **Implementation process**

See the response to recommendation A/HRC/15/9 para(s) 94.24.

## **PART III General policy in the field of human rights**

### **Recommendation**

2.7 Strengthen the work of the institute of public defense by providing free legal aid to the population (Kyrgyzstan); A/HRC/15/9 para (s) 93.7

### **Implementation process**

- On 8 December 2011 the Law “On advocacy” was supplemented and amended according to which the concept of public defense was determined and provisions were introduced pertaining to free legal aid.

Last year considerable work was done to strengthen the capacities of Public Defender’s Office, particularly, the number of public defenders has doubled, as well as regional structures have been established. 2012-2016 Strategic Programme for Legislative and Judicial Reforms in the Republic of Armenia foresees elaboration of alternative mechanisms for ensuring the effectiveness of free legal aid.

### **Recommendation**

2.8 In line with Human Rights Council resolution 9/12, consider elaborating a national human rights programme and plan of action to strengthen the capacity of the State to promote and protect human rights (Brazil); complete within the envisaged time the comprehensive national

programme on human rights protection (Egypt); implement the comprehensive national programme on human rights protection efficiently and within the envisaged time (Bosnia and Herzegovina); continue to promote human rights cooperation based on its actual conditions (China); continue to improve the human rights situation in the country, in the light of the improvements made so far (Italy); A/HRC/15/9 para(s) 93.9

### **Implementation process**

- National Strategy on Human Rights Protection was approved in the year 2012 that refers to all fields of human rights, including political and civil, economic, social and cultural rights.

### **Recommendation**

2.9 Continue to carry out reforms in the country in order to fully ensure the protection of human rights and the rule of law in accordance with all relevant laws and codes, as stated in its national report (Lao People's Democratic Republic); A/HRC/15/9 para(s) 93.10

### **Implementation process**

- The legislative and judicial reforms are ongoing. 2012-2016 Strategy Programme for Legislative and Judicial Reforms was adopted, which foresees large-scale activities both with regard to judicial legislation, and penitentiary and criminal legislations and with regard to all those laws that are connected with human rights.

### **Recommendation**

3.1 Further its activities aimed at gender mainstreaming in Government policies (Egypt);

adopt a gender-specific approach in Armenia's policies and programmes (Greece). A/HRC/15/9 para(s) 93.11

### **Implementation process**

- The Decision "On approving Gender Policy Concept" was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

The decision "On approving 2011-2015 Strategic Programme for Gender Policy and 2011 Action Plan for Gender Policy" was approved at the sitting of the Government of the Republic of Armenia of 20 May 2011 within the framework whereof annual programmes together with their monitoring instruments are approved by the Government of the Republic of Armenia. The envisaged activities aim at promoting participation of women in all spheres of public life.

The new Electoral Code was adopted in 2011 according to which more gender sensitive mechanism for attracting women in the electoral process is stipulated. Standing committees on gender issues were established in governors' offices (Yerevan municipality) of the Republic of Armenia in 2011.

Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister



of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

### **Recommendation**

3.2 Carry on its work to implement a national programme for sustainable development that would contribute to the further improvement of the human rights situation in the country (Russian Federation). A/HRC/15/9 para(s) 93.12

### **Implementation process**

- Armenia plays an active role in the international process of sustainable development in the face of the international treaties ratified and the commitments assumed. The Republic of Armenia elaborated and adopted Rio +20 National Assessment Report which was presented at 2012 World Summit on Sustainable Development held in Rio de Janeiro. Urgent national issues of vital importance were reflected in the national assessment report.

### **Recommendation**

3.3 Expand the programme to prevent the spread of HIV/AIDS, in particular in remote areas (Kyrgyzstan); continue its efforts to promote public knowledge about HIV/AIDS, particularly among young people (Islamic Republic of Iran). A/HRC/15/9 para(s) 93.13

### **Implementation process**

The Republic of Armenia has been implementing ongoing national programmes on the response to HIV/AIDS since 2002, within the framework of which complex measures are implemented aimed at the prevention (including among adolescents and young people), treatment, care and support of HIV/AIDS. As a result of the projects implemented:

- Among children born to HIV-infected mothers who received prevention of mother-to-child transmission (PMTCT), no case of HIV infection has been administered since 2007.
- Antiretroviral therapy (ART) has been carried out since 2005. Currently, ART is accessible for all HIV/AIDS patients who have a prescription for treatment and have given their consent.
- No case of HIV infection through donated blood has been administered in the Republic since 2001.
- In general, the diagnosis and detection of HIV have improved, and the efficiency of epidemiological surveillance system has increased in recent years.
- HIV/AIDS-infected injection drug users (IDUs) have been provided with methadone substitute treatment since December 2009.
- Within the framework of the second National Programme on Response to HIV/AIDS Epidemic in the Republic of Armenia, numerous prevention and harm reduction programmes were implemented in 2007-2011 among population groups vulnerable to HIV, including those in penitentiary institutions and among young people.

2012-2016 National Programme on Response to HIV/AIDS Epidemic is currently under consideration. The programme envisages a large set of measures aimed at organizing advocacy campaigns on HIV/AIDS issues, disseminating HIV/AIDS-related issues in printed press, conducting trainings for the representatives of mass media on the peculiarities of dissemination of HIV/AIDS-related issues, developing and broadcasting television and radio programmes, social advertisements on HIV/AIDS issues, etc. The programme envisages as well to continue and expand the implementation of activities carried out within previous years.

The educational course “Healthy Lifestyle” has been introduced and is being instructed in the eighth to eleventh grades of general education schools based on the curriculum and educational materials recommended by the RA Ministry of Education and Science. Annually, 14 class hours are allocated to the course in each class. Such topics as Sexual Maturity, Reproductive Health, HIV/AIDS Prevention, Sexual Roles, as well as information on the fight against illicit drug trafficking and drug use among young people are included in the course. A teacher’s manual has been developed for the educational course Healthy Lifestyle, and training materials package (module, distribution materials) for the teachers of the mentioned course for the eighth and ninth grades has also been developed. The teachers instructing the subject are accordingly trained.

Information on the fight against illicit drug trafficking and HIV/AIDS is included in the topics of Globalization and Armenia: Positive Changes and Negative Trends of the Philosophy component of the twelfth grade subject of Social Sciences.

### **Recommendation**

3.4 Continue to work to protect the rights of the child (Kyrgyzstan). A/HRC/15/9 para(s) 93.14

### **Implementation process**

The 2004 - 2015 National Plan of Action on the Protection of the Rights of the Child in the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 1745-N of 18 December 2003. In accordance with the UN Convention on the Rights of the Child, in 2010 the Republic of Armenia submitted the third and fourth periodic reports on the protection of the rights of the child in the Republic of Armenia. In June 2010, the Ministry of Foreign Affairs of the Republic of Armenia and UNICEF signed the Action Plan of the Programmes Implemented in the Country between the Government of the Republic of Armenia and UNICEF for 2010-2015 which identifies the main directions of cooperation for the next years, aimed, in particular, at such issues as the protection of the rights of the child, his or her health, appropriate care, education, justice, and others. Currently, actions are being taken for the development of a new draft of the National Programme. The draft National Plan for the Protection of the Rights of the Child in the Republic of Armenia for 2012-2016 will include most actual problems and measures.

### **Recommendation**

3.5 Continue its efforts to address discrepancies in the enjoyment of rights by vulnerable groups, including children with disabilities, refugee children and children living in rural areas (Islamic Republic of Iran). A/HRC/15/9 para(s) 93.15

### **Implementation process**

- According to the RA law “On education”, “The education of children with special educational needs may be provided by the choice of parents both at general education institutions and special institutions through special programmes”. According to this provision of the law, actions have been taken aimed at organizing the instruction of children with special educational needs at general education schools and fully integrating them into the society. Currently, inclusive education is being practiced in 81 general education schools where around 2136 children with special educational needs study. According to the procedure approved by the RA government, the mentioned schools receive an additional allotment from the State Budget for organizing the education of children with special educational needs. Parents’ and resource rooms are available in schools where individual classes are organized for children with special educational needs based on an Individual Education Plan. Yerevan Medico-psychological Pedagogical (MPP) Assessment Centre was founded for the assessment of the educational needs of children. Eleven types of educational and methodical manuals and other educational materials were developed, printed and acquired within 2011 for organizing the education of children with special educational needs. Special general education institutions and schools practicing inclusive education have been provided with auxiliary materials.

The issues related to the enjoyment of equal rights by vulnerable groups in the Republic, including refugee children and children living in rural areas, are settled through ongoing

programmes implemented in the fields of the protection of children’s rights, education, regional development and others.

### **Recommendation**

- 3.6 Take measures to combat corruption (Azerbaijan). A/HRC/15/9 para(s) 93.31

### **Implementation process**

The Republic of Armenia implements its anti-corruption policy in accordance with own national legislation and international commitments. According to GRECO proposals the Criminal Code was supplemented and elaborated, new corpora delicti of corruption were added, the framework of current corpora delicti was expanded and Anti-corruption guidelines and a package of legislative amendments were developed, a Commission for Ethics was formed by the Prosecutor General’s Office.

### **Recommendation**

- 3.7 Carry out further activities aimed at supporting the rehabilitation and reintegration of remand prisoners and convicts by organizing professional training for them (Bosnia and Herzegovina). A/HRC/15/9 para(s) 93.34

### **Implementation process**

- The 2012-2016 Legislative and Judicial Reforms Programme addresses as well the formation of approbation service and will contribute to increasing the effectiveness of actions towards the correction of offenders and their reintegration into society. The RA cooperates with OSCE and other international organizations towards the development of this service and a probation institute in Armenia.

### **Recommendation**

3.8 Pursue the policy aimed at improving the position and participation of women in public life, and promote programmes for the protection of the rights of children (Algeria); consider further measures to improve and encourage women's participation in society, and ensure that such measures include benchmarks with timetables or increased quotas and that their implementation is closely monitored (Norway). A/HRC/15/9 para(s) 93.38

### **Implementation process**

See the response to recommendations A/HRC/15/9 para(s) 93.11 and 93.14.

### **Recommendation**

3.9 Continue to support children's homes (Kyrgyzstan). A/HRC/15/9 para(s) 93.45

### **Implementation process**

Care protection centers have been established which contribute to the deinstitutionalization of children's homes. Since 2008, the institute of foster families has as well been functioning within the framework of state funding. Boarding schools were transformed into boarding institutions and were transferred from the competence of the Ministry of Education into the competence of the Ministry of Labour and Social Issues.

In 2010, new buildings of two children's homes were commissioned, the construction works of which were carried out by means of the State Budget. The buildings are fitted with modern rehabilitation equipment. There is an annual increase in the amounts of money provided for children's nutrition and care in the childcare and protection institutions.

Meanwhile, the programme of deinstitutionalization of children's homes is in progress, referring children to boarding institutions of care and protection.

Eight similar institutions functioning in the Republic support families facing hardships in life, ensuring all the necessary conditions for children's nutrition, education, upbringing, and, in general, full development, without isolating them from the family environment.

### **Recommendation**

4.1 Continue to promote human rights education in school curricula at all levels (Djibouti). A/HRC/15/9 para(s) 93.48

### **Implementation process**

The subjects of Life Skills and Human Rights have been introduced in elementary and middle schools since 2001. The policy of development of the field of education in Armenia is, in its current phase, closely connected with the development trends of the international educational community. The reforms in the field are aimed at liberalization and humanization of education and the establishment of such values in the society as tolerance, freedom, justice and respect for others. To that end, education standards and programmes have been reviewed and new subjects and professions have been introduced at all levels of education. In particular, such subjects as Life Skills, Ecological Education, Social Sciences, Healthy Lifestyle, Me and the Environment have been introduced in the field of general education. Thematic units on fundamental human rights, gender equality, the rights of national minorities, tolerance, and civil society have been included in the curriculum of the subject of Social Sciences. The teacher's manual on Tolerance has been developed.

### **Recommendation**

- a. Ensure the integration of human rights into all school curricula, and train law enforcement officers in human rights (Libyan Arab Jamahiriya). A/HRC/15/9 para(s) 93.49

### **Implementation process**

Training courses are as well organized at the Law Institute of the Ministry of Justice of the Republic of Armenia for the servicemen of penitentiary institutions and compulsory enforcement officers, at the Judicial School of the Republic of Armenia - for judges and judicial servants, and at the Police Academy of the Republic of Armenia - for the police officers. See as well the response to recommendation A/HRC/15/9 para(s) 93.48.

### **Recommendation**

- b. Intensify measures to address factors driving women and girls into prostitution (Poland). A/HRC/15/9 para(s) 94.13

### **Implementation process**

Prostitution is an act prohibited by the RA law, for which administrative liability is provided for by the elements under Article 179 of the Administrative Offences Code of the Republic of Armenia, i.e. “being engaged in prostitution”. The proceedings conducted under Article 179 of the Administrative Offences Code of the Republic of Armenia were transferred, based on the amendments made to the mentioned Code on 7 February 2012, into the competence of the Police. The amounts of the fine prescribing liability for the offence provided for by the mentioned Article have as well been increased. If the amount of the fine provided for previously was defined in part 1 of the Article as “from fifty percent up to

the full amount of the minimum salary”, and in part 2 of the same Article –as “from the full amount of the minimum salary up to its two-fold”, currently, part 1 of the same Article provides for a fine in the amount of “the twenty-fold of the minimum salary”, and part 2 – in the amount of “the forty-fold of the minimum salary”. Taking into account the fact that prostitutes are considered as the most vulnerable group subject to human trafficking, the Police carry out regular registration to keep them in view. A unified database for coordinating the activities against prostitution and trafficking was created according to the Action Plan for Early Prevention of Prostitution and Trafficking in the Republic of Armenia, approved by the Head of the Police of the Republic of Armenia on 30 December 2006. In the first quarter of 2012, the Police organised around 850 meetings in communities for the purpose of improving the relations between the society and the police, during which the population was as well informed on the risk of human exploitation and its consequences.

## **Part IV Strengthening of Human Rights Infrastructure**

### **Recommendation**

- 4.4 Accelerate the process aimed at creating a national human rights institution in accordance with the Paris Principles.(Libyan Arab Jamahiriya). A/HRC/15/9 para(s) 93.8

### **Implementation process**

In 2003, the Law “On Human Rights Defender” was adopted which de facto confirms the establishment of the national institute for human rights.

According to Article 2 of the Law, the Human Rights Defender is an autonomous and independent official, who, according to the RA Constitution and laws, as well as to the well-established principles and norms of international law, carries out the protection of human rights and fundamental freedoms violated by state authorities, local self-government bodies and their officials. The RA Human Rights Defender was awarded status A in 2006, which means that his or her status complies with the Paris Principles.

### ***Recommendation***

4.5 Submit its periodic reports to the relevant treaty bodies and make responses to the letters of allegations and urgent appeals as well as to questionnaires on thematic issues in due course (Ukraine). A/HRC/15/9 94.6

### ***Implementation process***

Armenia has submitted to the UN treaty bodies all its periodic reports, the process of the revision of which is currently in progress. The RA communicates timely and detailed responses to all the reporters supervising the course of the reports.

### ***Recommendation***

4.6 Establish effective mechanisms to address the problems faced by street children (Kazakhstan). A/HRC/15/9 93.46

### ***Implementation process***

While performing their official duties, the officers of Juvenile Issues Service of RA Police pay particular attention to the early prevention of the crimes committed by juveniles, as well as to the issues of vagabond and beggar juveniles, those deprived of parental care

and others belonging to other risk groups by, among other activities, regular meetings and talks at general education schools and education institutions. The identified vagabond and beggar juveniles, those deprived of parental care, as well as those belonging to other risk groups are placed, where necessary, in the Children's Support Centre of the Fund for Armenian Relief where the juveniles receive medical, as well as moral and psychological support by the multi-professional board (psychologist, pedagogue, social worker). They are provided with temporary accommodation, food and clothing, and, where necessary – with appropriate documents. Many of them are placed in relevant education institutions with the support of the officers of juvenile issues and interested bodies. Support is often provided to the parents of the juveniles as well, ensuring jobs and temporary accommodation for their families. Part of the identified juveniles is sent back to their parents, establishing control and providing support for organizing the care and upbringing of the children.

The process of introduction of the system of alternative care at community level is currently being implemented in the Republic, including as well the activities envisaged by the 2004-2015 National Plan of Action for the Protection of the Rights of the Child, i.e. establishment of community centers. There are 18 day care centers under state or non-state control in different communities of the Republic, one of the objectives of which is to carry out preventive activities among juveniles having committed a crime or other offences. The abovementioned centers are unprecedented with regard to the fact that here, the policeman, the social worker, the psychologist and the volunteers involved in the activities of



the centre carry out joint and extensive activities with the offender juveniles. The main task of the centers is to move the offender juveniles to an environment where morality, human appreciation and self-consciousness is a priority.

### **Recommendation**

4.7 Invite the Special Rapporteur on the independence of judges and lawyers (Hungary, Germany); consider extending an invitation to the Special Rapporteur on the independence of judges and lawyers (Uruguay). A/HRC/15/9 94.7

### **Implementation process**

The Republic of Armenia extended an open invitation to all special UN procedures, as well as to the Special Rapporteur on the Independence of Judges and Lawyers in April 2006.

### **Recommendation**

4.8 Push forward further reforms that will guarantee in practice the separation of powers and, in particular, the independence of the judiciary, including through the training of judges (Greece); make additional efforts to strengthen the judicial system, carrying out its reform and the training of judges (Bosnia and Herzegovina). A/HRC/15/9 94.17

### **Implementation process**

Measures aimed at raising the efficiency of the system of criminal justice and criminal punishments, ensuring an independent judiciary accountable to public, as well as those aimed at implementing reforms in the system of the practice of the profession of advocate are envisaged according to 2012-2016 Strategic Programme for Legislative and Judicial

Reforms. Extensive legislative amendments are as well envisaged with a precise agenda and a list of responsible bodies, inter alia, part of these amendments has already been launched. The training of judges is permanently being ensured by the Judicial School (the Judicial School is a legal entity having the status of a non-profit state non-commercial organization), in accordance with the developed training programme. The Judicial School regularly organizes and conducts training courses which are compulsory for judges. The training programmes consist of a total of at least 80 academic hours and not more than 120 academic hours annually. The training programmes are designed so that they result in guaranteeing and strengthening the impartiality and skillfulness of judges. The training includes lectures, seminars, moot courts, disputes, discussions of adopted judicial acts, as well as didactic materials encouraging self-education, videotapes, audio lectures and other modern educational methods. In addition to the abovementioned, it is worth mentioning that the Code of Conduct of Judges has been established by Decision No 01-Nadopted on 23 April 2010 by the RA General Council of Judges, according to Rule 6 of which “The judge is obliged to take measures aimed at enriching his or her knowledge and ensuring ongoing improvement of his or her skills and personal qualities, using for that purpose all the training opportunities under the supervision of judges”. Based on the quoted rule, judges improve their knowledge on an ongoing basis during the whole term of their office, participate in the educational events organized for judges, including the training courses of the Judicial School.

### **Recommendation**

- 4.9 Ensure that the visit by the Working Group on Arbitrary Detention, which has been agreed upon in principle, is also given priority and that it takes place in the near future (Norway). A/HRC/15/9 94.8

### **Implementation process**

The members of the Working Group on Arbitrary Detention visited Armenia within the period of from 6 to 15 September 2010.

### **Recommendation**

- 5.1 Further strengthen the capacities of the Office of the Human Rights Defender and enhance its cooperation with civil society (Greece), in order to enable better protection of human rights in Armenia (Egypt); strengthen the role of the Human Rights Defender institution to allow the Defender to increase his monitoring and expand his work to the regions (Finland); establish a special section with sufficient powers and resources within the Ombudsperson's office, or task a deputy with addressing child issues exclusively (Hungary); provide the Office of the Human Rights Defender with the human and financial resources necessary to complete its tasks as a national preventive mechanism, and strengthen the guarantees against the ill treatment of imprisoned persons so that all those in the police force will receive a strong message emphasizing that ill treatment is illegal (Switzerland). A/HRC/15/9 para(s) 94.4

### **Implementation process**

According to the amendments made to the Law of the Republic of Armenia "On Human Rights Defender" in 2010, the monthly

payroll fund of the Defender's staff is determined by the product of the 3.6-fold of the basic rate of remuneration of judicial servants and the number of public servants and persons ensuring technical maintenance in the Defender's staff. Memoranda of Understanding have been signed between the Defender's Office and NGOs for implementing joint activities in the field of human rights. The Human Rights Defender opened 6 regional offices in different marzes of Armenia within the last years, namely, in the marzes of Shirak, Gegharkunik, Tavush, Lori, Vayots Dzor and Syunik.

The staff of the Human Rights Defender includes the Department of Protection of Vulnerable Groups and Cooperation with Non-Governmental Organizations, which is as well specialized in the issues of protection of the rights of juveniles, including, in particular, a lawyer on children's issues.

### **Recommendation**

- 5.2 Urgently submit the overdue reports to treaty bodies (Hungary). Carry out the submission of its pending report to the Human Rights Committees soon as possible (Spain); submit its overdue report under ICCPR (Austria). A/HRC/15/9 para(s) 93.16

### **Implementation process**

See the response to recommendation A/HRC/15/9 para(s) 94.6.

The RA second periodic report was submitted to the Human Rights Committee in 2010 and reviewed by the latter at the 105th session of the Committee on 16-17 July 2012, resulting in adoption of relevant recommendations for Armenia.

## **Recommendation**

5.3 Create an inter-ministerial mechanism to accord due attention to the recommendations of international mechanisms, including those emanating from the universal periodic review, with the participation of civil society (Mexico); establish an effective and inclusive process with independent non-governmental organizations to follow up on the universal periodic review recommendations (Norway). A/HRC/15/9 para(s) 94.5

### **Implementation process**

An Interagency Commission was established on 28 June 2011 according to Decision No 598-A of the Prime Minister of the Republic of Armenia, aimed at ensuring the fulfillment of obligations undertaken by the Republic of Armenia in the field of Human Rights, including within the framework of General Periodic Review Mechanism.

## **PART V Equality and non-discrimination**

### **Recommendation**

5.4 Continue to hold awareness-raising campaigns within Armenian society about the rights of national minorities, with the aim of further enhancing tolerance and non-discrimination in all spheres of public life (Cyprus); A/HRC/15/9 para(s) 93.50

### **Implementation process**

The issues on raising awareness of rights of national minorities remain under continued focus of the Government of the Republic of Armenia. The project “Tolerance” being implemented particularly in the general

education sector is one of the latest developments regarding this issue. This programme is designed to teach learners to be tolerant, collaborative, have respect towards one another. At the same time, information related to history, culture and religion of other people and nations was included in the courses World History, Armenian History and History of Armenian Church.

### **Recommendation**

5.5 Increase efforts to end discrimination towards women and provide adequate access to healthcare services for all women (Austria); A/HRC/15/9 para(s) 93.17

### **Implementation process**

There is no restriction in the Republic of Armenia, whether legislative or in practice, with regard to the accessibility to healthcare services for women on grounds of sex. Women benefit from the medical services on an equal footing with men.

Equality between men and women is a fundamental principle enshrined in the Constitution of the Republic of Armenia under Article 14.1, according to which any discrimination on grounds of sex is prohibited in the Republic of Armenia. Article 4 of the Law of the Republic of Armenia “On medical care and service provision to the population” enshrines the right of each person to receive medical care and service, irrespective of sex. In 1993 Armenia acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and in 2006 ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Gender Policy Strategic Action Plan for 2011-2015 was approved by Protocol Decision No 19 of 20 May 2011 of

the Government of the Republic of Armenia, the Healthcare Section of which prescribes implementation of measures aimed at accessibility of medical services provided to women during 2011-2015. In particular, the Action Plan envisages implementation of preventive programmes for early detection and prevention of breast cancer and cancer of genitals, an increase in the number of Rapid Response Services provided to mothers and newborns and implementation of a number of other measures. In addition, the National Strategy on Maternal and Child Healthcare for 2003-2015 has been implemented since 2003, which was approved by the Decision No 1000-N of 8 August 2003 of the Government of the Republic of Armenia, as well as a number of healthcare programmes approved by the RA Government (reproductive health, combating tuberculosis, palliative care, combating malignant neoplasm, etc.) aimed at accessibility, efficiency and quality improvement of healthcare services provided to women (on the equal footing with men). Currently, there exists a wide spectrum of healthcare organizations in the Republic of Armenia. Armenia is one of the countries, where medical institutions providing medical care are generally operating even in the smallest rural settlements. -In Armenia there are 614 therapeutic obstetric facilities providing medical care and services to women, 255 ambulatory/outpatient medical organizations, 85 outpatient clinics (of which - 32 in Yerevan, 53 in marzes), 101 female consultative rooms and units, 50 medical centers, among which there are also obstetric-gynecological inpatient divisions, 11 independently operating birth centres, 4 of which in Yerevan and 7 in marzes. In accordance with currently available data, women attendance to ambulatory/outpatient

and inpatient medical institutions is higher compared to that of men.

### ***Recommendation***

5.6 Initiate awareness-raising campaigns in schools to further promote the rights of women (Romania); A/HRC/15/9 para(s) 93.22

### ***Implementation process***

- Within the scope of the Gender Policy Strategic Action Plan for 2011-2015 in the Republic of Armenia, steps are taken towards laying the educational and methodological groundwork for teaching the basic knowledge of gender, as well as introducing criteria for gender expertise of academic literature.

Thematic topics on gender issues were included in the module of training courses for teachers engaged in teaching at elementary schools. The Action Plan envisages incorporation of topics of basic knowledge of gender into the module of training courses for directors and deputy directors of general education schools, as well as for teachers engaged in teaching Social Studies.

Topics on gender issues were included in the 4th grade textbook “Me and the Environment”.

Teacher’s manual “Teaching Tolerance” was elaborated, in which topics on gender issues were also introduced. Thematic units on fundamental rights, gender equality, tolerance and civil society were incorporated in the syllabus of Social Studies.

Particular importance is attached to the elements of teaching gender issues in the system of higher education. Specific courses designed to cover gender policy, equality of rights between men and women are organized

at a number of higher education institutions of the Republic.

### **Recommendation**

5.7 Establish measures in order to provide for equality of rights and opportunities between women and men and the elimination of discrimination against women, including through legal reforms; and devote priority attention to effectively eliminating all forms of violence against women, especially domestic violence, inter alia, by establishing a national mechanism for the advancement of women, and to addressing the issue of violence against women (Uruguay); take measures to eliminate discrimination against women, especially domestic violence (Azerbaijan); A/HRC/15/9 para(s) 94.9

### **Implementation process**

See response as regards A/HRC/15/9 para(s)95.2 and A/HRC/15/9 para(s) 93.11 recommendations.

### **Recommendation**

5.8 Ensure the right to work of persons with disabilities, and establish effective mechanisms and strong legislative regulations to protect their economic, social and cultural rights (Kazakhstan). A/HRC/15/9 para(s) 94.27

### **Implementation process**

For the purposes of promoting employment opportunities for people with disabilities, the “State Employment Service” Agency, in accordance with the Law of the Republic of Armenia “On employment of population and social protection in case of unemployment”, implements a number of programmes, going

in particular, as follows: “Vocational training, rehabilitation of working abilities of non-employed job seekers with disabilities”, “Compensation paid to the unemployed persons for the expenses incurred at relocation to another work place and those of non-employed job seekers with disabilities”, “Financial support to the unemployed persons and non-employed job seekers with disabilities for state registration of entrepreneurial activities”, “Partial compensation of salary to the employer in case of employing persons uncompetitive in the labour market”, “Organizing occupational training at the employer’s office for the unemployed and non-employed job seekers with disabilities having a profession, yet lacking professional experience”, “Adjusting job places to the needs of non-employed job seekers with disabilities at the employer’s office.” The draft Law of the Republic of Armenia “On protection of rights of persons with disabilities and ensuring their social inclusion” is currently being elaborated aimed at protecting the rights of persons with disabilities.

### **Recommendation**

5.9 Continue to ensure equal rights for women in society (Belarus); A/HRC/15/9 para(s) 94.10

### **Implementation process**

See response as regards A/HRC/15/9 para(s)95.2 and A/HRC/15/9 para(s) 93.11 recommendations.

## **PART VI Right to life, liberty and personal security**

### ***Recommendation***

6.1 Take additional measures for the elimination of cruel and inhuman treatment through the training of law-enforcement officers (Bosnia and Herzegovina); A/HRC/15/9 para(s) 93.19

### ***Implementation process***

- Officers of various subdivisions of law-enforcement bodies undergo training on human rights. In particular, classes are designed for this discipline at the Prosecutor's School; specific courses are organized for judges, pamphlets are published. Police Ethics academic discipline was included in the list of disciplines taught at the Police Academy of the Republic of Armenia. In addition, police officers are regularly enrolled in courses held on similar topics in a number of foreign countries. These topics are also included in the syllabi of practical classes held at subdivisions.

### ***Recommendation***

6.2 Ensure the proper and thorough investigation of torture cases in prison facilities and at police stations (Slovenia); ensure that all allegations of torture and inhuman or degrading treatment are investigated promptly and that perpetrators are brought to justice. A/HRC/15/9 para(s) 93.20

### ***Implementation process***

- Thorough information on the process of implementing mentioned activities is provided in report on Prevention of Torture and Inhuman or Degrading Treatment or

Punishment compiled by the Delegation of the European Committee for the Prevention of Torture (CPT) within the scope of periodic visit in May 2010, which was disclosed upon the request of the Armenian authorities. The report is available at <http://www.cpt.coe.int/documents/arm/2011-24-inf-eng.pdf>

### ***Recommendation***

6.3 Ensure that allegations of the ill treatment of persons detained by the security/police forces are investigated and that perpetrators are held accountable (Canada); investigate cases of police abuse to prevent impunity and put an end to ill treatment by police (Azerbaijan); ensure a system for registering the complaints of victims of torture or ill treatment, in particular persons in detention or military conscripts (Czech Republic); A/HRC/15/9 para(s) 93.26

### ***Implementation process***

Within the meaning of Article 92 of the RA Constitution and Article 15(4) of the RA Judicial Code, legal standings expressed in the decisions of the RA Cassation Court shall be binding upon other judicial instances of Armenia. In the decision on the case of A. Gzoyan, the Court of Cassation of Armenia documented, that the courts should apply to the Prosecutor with a motion on instigating criminal proceedings pursuant to Article 184(1) of the RA Criminal Procedure Code when revealing evident elements of crime during an examination of a case within their proceedings. In other words, if judges reveal evident elements of ill-treatment during the examination of a criminal case within their proceedings, they shall be obliged to apply



to the Prosecutor with a motion on instigating criminal proceedings pursuant to Article 184(4) of the RA Criminal Procedure Code. It is clearly stipulated in Article 17 of the Constitution of the Republic of Armenia that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. Arrested, detained persons and those deprived of liberty shall have the right to humane treatment and respect for dignity. Violence is also prohibited by the Law of the Republic of Armenia “On Police”, as well as the by the Law “On confining arrested and detained persons”. The latter also stipulates the procedure for submission of complaints by arrested and detained persons. In accordance with Chapter 7 of the Decision of the Government of the Republic of Armenia “On adopting internal regulations for the places of confinement functioning in the system of the Police of the Republic of Armenia” No 574-N of 5 June 2008, the administrative servicemen of the places of detention, in the course of their daily rounds, should collect proposals, applications and complaints in written and verbal form submitted by arrested persons. At the same time, the questions addressed by citizens during “Direct interaction ”established by the RA Police, are deliberated and examined in a prescribed manner, and, if necessary, official investigations are conducted. About 33 official investigations were conducted by the RA Police within the course of six months in 2012 into cases involving abuse by police officers, violence and ill-treatment in respect of citizens and arrested persons.

Moreover, inadmissibility of any evidence obtained through ill-treatment is enshrined in law.

For the purposes of increasing the efficiency of examination of statements on tortures

of arrested and detained persons, as well as for improving the prosecutorial control in this field, the RA Prosecutor General’s Office has undertaken the procedure for adoption of draft law on making amendments and supplements to the Law of the Republic of Armenia “On confining arrested and detained persons”. The draft law prescribes that, when being admitted to confinement institutions, arrested and detained persons should undergo mandatory medical examination organized by the administration of the institution, the findings of which serve as a basis for compiling a protocol recording a bodily injury, location and nature thereof, statements of the arrested or detained persons on the consequences under which they got the injuries. The protocol is signed by the medical worker having conducted the medical examination and also by the arrested or detained person. Results of the medical examination are recorded in personal file in a prescribed manner. A copy of protocol is provided to the arrested or detained person, the body conducting criminal proceedings, as well as prosecutors conducting preliminary investigation and inquest, exercising control over the lawfulness of applying punishments and other coercive measures.

### ***Recommendation***

6.4 Strengthen fair-trial safeguards, including the non-admissibility before the court of any evidence obtained through torture or ill treatment (Czech Republic); A/HRC/15/9 para(s) 93.32

### ***Implementation process***

Within the meaning of Article 92 of the RA Constitution and Article 15(4) of the RA Judicial Code, legal standings expressed in the

decisions of the Court of Cassation of Armenia shall be binding upon other judicial instances of Armenia.

In the case of S. Grigoryan, the Court of Cassation of Armenia presented a legal standing that the admissibility of the evidence obtained through torture and other ill-treatment forms is seriously questioned. The Court of Cassation of Armenia reflected on this issue in the decision of the case of A. Sargsyan and presented a legal standing going as follows: 'facts, obtained through essential violation of the procedure for conducting investigative or procedural actions, cannot be used as evidence, especially if these resulted in the essential violation of rights of participants of legal proceedings, influenced or may influence the authenticity of the obtained facts. Thus, the rights and legal interests of persons should be ensured when conducting procedural actions aimed at compilation and examination of evidence. Otherwise, the fact, obtained in the result of procedural actions conducted, loses its legal force, persuasive effect and cannot be incorporated into all pieces of evidence of a certain criminal case and may not serve as a ground for accusation irrespective of the importance of this evidence to the case.'

### ***Recommendation***

6.5. Make every possible effort, both at home and at the international level, to raise awareness about the issue of genocide and to combat impunity, with the aim of preventing the recurrence of any acts of genocide (Cyprus); A/HRC/15/9 para(s) 93.18

### ***Process of implementation***

The Republic of Armenia is actively engaged

in raising awareness on genocide among international organizations and combating impunity. In 1998, on the initiative of Armenia, the UN Commission on Human Rights adopted the Resolution Dedicated to the 50th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, and in 1999 and 2001 the Resolution on the Prevention and Punishment of the Crime of Genocide.

On 28 March 2008, in the 7th session, the UN Human Rights Council adopted by consensus a resolution on Prevention of Genocide initiated by the Republic of Armenia. The Republic of Armenia is expected to propose this Resolution also during March session of the Human Rights Council to be held in 2013.

### ***Recommendation***

6.6 Continue efforts to prevent and combat the sexual exploitation of children (Brazil); A/HRC/15/9 para(s) 94.14

### ***Implementation process***

See also response as regards para(s) 93.24 recommendation.

### ***Recommendation***

6.7 Follow up the implementation of national mechanism for the advancement of women and addressing violence against women (Islamic Republic of Iran); continue efforts aimed at combating domestic violence (Kyrgyzstan); consider devoting priority attention to the elimination of all forms of violence against women, in particular domestic violence, by establishing comprehensive measures, including specific legislation (Brazil); take additional measures to eliminate the phenomenon of domestic violence against women

(Ukraine); ensure that the authorities and police services put in place appropriate measures to eradicate domestic violence, beginning with the adoption and implementation of the draft law on domestic violence to which the Armenian delegation referred (Switzerland); A/HRC/15/9 para(s) 93.21

### **Implementation process**

See also response as regards A/HRC/15/9 para(s) 95.2 and A/HRC/15/9 para(s) 93.11 recommendations.

### **Recommendation**

6.8. Take immediate steps to make domestic violence — including psychological abuse; beatings; rape, including marital rape; and sexual assault — a criminal offence (United Kingdom of Great Britain and Northern Ireland); A/HRC/15/9 para(s) 93.23

### **Implementation process**

- 2011-2015 Strategic Action Plan to Combat Gender-Based Violence was approved during the sitting of the Government of the Republic of Armenia convened on 17 June 2011. Protocol Decision No 23 on approving the Strategic Action Plan and 2011 Action Plan was elaborated and the draft Law of the Republic of Armenia “On domestic violence” was submitted to the Government.

Stated corpus delicti are prescribed in the Criminal Code of the Republic of Armenia. See also response as regards A/HRC/15/9 para(s) 95.2, A/HRC/15/9 para(s) 93.11 recommendations.

### **Recommendation**

6.9 Continue its efforts with regard to the trafficking in human beings, through the elaboration of the third national action plan for 2010-2012, and take further steps to improve assistance to the victims of trafficking (Bosnia and Herzegovina); reinforce measures aimed at punishing and preventing the trafficking in persons and supporting victims (Argentina); fulfill its intention to develop and adopt a national programme for 2010-2013 to counter the trafficking in persons, and actively cooperate in the international arena on that issue (Belarus); actively pursue efforts to prevent trafficking, including through information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and to ensure protection and assistance for the victims of trafficking, with full respect for their human rights (Germany); strengthen research on the occurrence of child trafficking and regional cooperation with countries to which Armenian children are trafficked (Poland); build on its existing legal framework by devoting additional resources to providing assistance to victims of trafficking (Canada); establish special services and reintegration programmes for victims of trafficking (Poland); A/HRC/15/9 para(s) 93.24

### **Implementation process**

The Third National Action Plan for Combating Trafficking in Human Beings in the Republic of Armenia for 2010 – 2012 was adopted back in September 2010. An independent monitoring on the implementation of the Plan is currently being conducted, the outcomes

of which will serve as a basis for developing the next tri-annual Plan for 2013-2015. In November 2008 the Government of the Republic of Armenia approved the National Referral Mechanism for Victims of Trafficking. The main aim of the Mechanism is to provide an effective way to refer victims of trafficking to services in terms of professional support, medical and psychological care, counseling, facilitate access to education or training. Support to victims of trafficking is offered both by specialized NGOs and by respective authorized public administration body. This support entails in-kind contribution, medical care, psychological and legal counseling, inclusion in various social projects, provision of shelter. Allocations from the State Budget of the Republic of Armenia have been made since 2009 for implementing measures aimed at combating trafficking, inter alia for the psycho-social rehabilitation of the victims. Medical care to the victim is provided free-of-charge under state funding. In December 2010 an amendment was made to the Law of the Republic of Armenia “On employment of population and social protection in case of unemployment” providing for the inclusion of the ‘victims of human trafficking’ group in the list of groups uncompetitive in labour market as defined by law. This provides additional guarantees to victims in order to be involved in specific employment programmes. Latest amendments and supplements to the Criminal Code of the Republic of Armenia were made in 2011 resulting in the aggravation of punishment, which makes the act committed grave or particularly grave crime; property confiscation and deprivation of right to occupy certain positions or carry out certain activities were also envisaged. Making use of services of a person being exploited was also criminalized. A separate article envisages

trafficking and exploitation of a child or a person being deprived of the possibility of realizing the nature and significance of his or her act or to control it as a result of mental disorder. Armenia acceded to all international and regional legal instruments regarding the combat against trafficking. Armenia achieves active cooperation within the scope of international organizations.

As to the targeted awareness raising invulnerable groups, in particular among children, this issue remains under continued focus of Armenian authorities and is prescribed in the National Plan, within the scope of which numerous relevant projects are carried out in general education schools, higher education institutions, as well as in special institutions for childcare. This process is an ongoing effort.

No cases of exploitation of children from Armenia outside the country have been registered.

### **Recommendation**

- 7.1 Adopt legislation and measures to prevent violence against women and children, including through the strengthening of its monitoring mechanism (Indonesia); A/HRC/15/9 para(s) 94.11

### **Implementation process**

See also response as regards A/HRC/15/9 para(s) 93.23 recommendation.

### **Recommendation**

- 7.2 Strengthen measures to ensure an effective fight against domestic violence; in particular, introduce the crime of domestic violence in to its criminal code as a matter of priority and ensure that effective support and protection is available

for victims of domestic violence (Czech Republic); A/HRC/15/9 para(s) 94.12

### **Implementation process**

The Criminal Code of the Republic of Armenia interprets violence as a type of crime irrespective of the person towards whom it is applied.

The Draft Law “On combat against domestic violence” is currently being elaborated. See also response as regards A/HRC/15/9 para(s) 93.23 recommendation.

### **Recommendation**

7.3 Intensify efforts to prevent and combat violence against children, including corporal punishment (Brazil); adopt specific legislation punishing violence against children, including the prohibition of corporal punishment; move forward in taking the measures necessary for the registration of the highest possible number of births; support educational policies aimed at enabling girls to continue their education and eliminating stereotypes regarding gender roles; initiate awareness-raising programmes, particularly in rural areas, in order to change the tendency to value child labour more than education, and encourage access for minority children to education in their mother tongue (Uruguay); adopt legislation and measures to prevent violence against women and children, including through the strengthening of its monitoring mechanism (Indonesia). A/HRC/15/9 para(s) 93.25

### **Implementation process**

- Violence against minors is considered as an aggravating circumstance according to the Criminal Code.

Large part of the measures foreseen by the timetable for the development of legal acts, approved by the Government of the Republic of Armenia, aimed at registering births and deaths in the Republic of Armenia as well as registering the children having been omitted from registration, has been implemented and the Draft Law of the Republic of Armenia “On family violence” has been elaborated.

See also the response to Recommendation A/HRC/15/9 para(s) 93.23.

The parental education programme implemented in model centers operating in the territory of the Republic of Armenia has been continued, aimed at the enrichment of pedagogical and healthcare knowledge of the parents of children attending or not attending kindergartens. Manuals for the development of children aged 4-6 have been published, which are addressed also to the parents. The programme also helps women and men to have correct understanding of their role in the upbringing of children, to recognize common responsibility, rights and obligations, to realize the importance of education, as well as — to create safe environment for the development of a child.

### **Recommendation**

7.4 Continue its efforts to bring its penitentiaries and detention centres into compliance with international human rights standards (Canada); ensure in practice regular access to all places of detention, including police stations (Czech Republic). A/HRC/15/9 para(s) 93.33

### **Implementation process**

The general conditions for holding arrestees under custody have been considerably improved with the adoption of the Law of the

Republic of Armenia of 6 February 2002 “On holding arrested and detained persons”. Particularly, the arrestees have been granted rights that were previously non-available, for example, that to receive information on their rights and obligations in a language they were supposed to understand, to apply to mass media and international organizations in case of violation of the rights thereof, to have visits with the advocate and close relatives, to be examined by the doctor selected thereby, to receive legal assistance, to communicate with external world, to participate in civil-law transactions.

Moreover, the rights and obligations of the arrestees have been posted in every cell and front office. According to the measures deriving from the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe respective amendments and supplements have been made to the Law of the Republic of Armenia of 8 July 2005 “On holding arrested and detained persons”, as of which wider rights have been granted to the Human Rights Defender, the 2.5 sm of living space designed for each arrestee has been increased to 4 sq m. According to the Law of the Republic of Armenia “On holding the arrested and detained persons”, prosecutorial oversight has been established over the activities of police holding facilities, as well as the procedure for the judicial, departmental and public supervision has been established. To this end, “The rules of procedure of the Group of Public Observers in police holding facilities of the Police System of the Republic of Armenia” has been approved upon the Order of the Head of the Police of the Republic of Armenia No 1-N of 14 January 2005. The composition of the Group of Public

Observers has been approved upon the Order No 368-A of 10 March 2006, which has been regularly changed. The Group is considered as a supervisory body dealing with issues on maintenance of the rights and freedoms of persons held in police holding facilities within the Police. The Group exercises oversight through submitting reports to the Head of the Police of the Republic of Armenia or the deputy thereof and the general public on the basis of carrying out visits to police holding facilities. The reports or the sections thereof are published and presented to the general public together with the commentaries of the Police. The observation missions of the Human Rights Defender of the Republic of Armenia, the International Committee of Red Cross, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and other organizations regularly carry out visits to police holding facilities.

‘See also the responses delivered by the Republic of Armenia to the report drawn up as a result of regular visit carried out by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Republic of Armenia in May 2010. <http://www.cpt.coe.int/documents/arm/2011-25-inf-eng.pdf>

## **PART VII Administration of justice and rule of law**

### ***Recommendation***

7.5 Implement the recommendations of the OSCE/ODIHR trial monitoring report, and provide for an independent and credible investigation into the 10 deaths following the events of 1 March 2008 (United



Kingdom of Great Britain and Northern Ireland); intensify efforts to present the cases in court in order to clarify, provide for reparations and punish those responsible (Spain); follow up on the recommendations set out in the March 2010 report of the OSCE Office for Democratic Institutions and Human Rights regarding shortcomings in Armenia's justice system (Netherlands). A/HRC/15/9 para(s) 93.27

### **Implementation process**

Several criminal cases have been instituted with regard to the events of March 1-2, which have been transferred to the court. Upon the delivered criminal judgments, 10 persons out of 27 have been subjected to imprisonment for 1 to 5 years; the punishment imposed on 17 there from has not been applied conditionally in accordance with Article 70 of the Criminal Code of the Republic of Armenia, they have been placed on probation.

An extraordinary session of the National Assembly was convened on 19 June 2009 at the initiative of the President of the Republic of Armenia, during which the proposal here of regarding the announcement of amnesty was considered. Guided by the point 1 of part 1 of Article 81 of the Constitution of the Republic of Armenia, an amnesty was announced. Under the amnesty, 307 persons were released.

The implementation of recommendations of the report of the ad hoc committee mandated by the National Assembly of the Republic of Armenia has been in the centre of attention of the authorities of the Republic of Armenia, particularly, a body supervising the implementation of recommendations of the report was established which appeared to be the Committee on State and Legal Affairs of the National Assembly.

A separate section is allocated for the measures, aimed at ensuring an independent judicial system accountable to the public, under 2012-2016 Strategic Programme for Legal and Judicial Reforms in the Republic of Armenia wherein it is foreseen to introduce objective criteria and procedures for the assessment and promotion of judges, to reform the procedures and grounds for subjecting the judges to disciplinary liability by guaranteeing the objective, fair, effective and accountable nature of judicial proceedings, to bring the number of judges into balance according to the number of population and the workload of judges, to improve the system of objective (random) distribution of cases among the judges, to improve the use of information and communication technologies in courts by ensuring swift circulation of cases from the court of one instance to the court of another instance and many other measures.

### **Recommendation**

7.6 Implement the recommendations of the ad hoc committee mandated by the National Assembly, and conduct an independent and transparent investigation into the excessive use of force leading to the punishment of those responsible (Poland); A/HRC/15/9 para(s) 93.28

### **Implementation process**

See the response to the Recommendation A/HRC/15/9 para(s) 93.27.

### **Recommendation**

7.7 Take the measures necessary for the in-service training of the judges regarding judicial improvements on issues of human rights (Turkey); set up training programmes on human rights for police

officers (Italy); strengthen human rights education provided to the police, prison staff and the military (Czech Republic). A/HRC/15/9 para(s) 93.30

### ***Implementation process***

During upcoming two years it is foreseen to establish a Justice Academy instead of the Judicial School for the preparation and training of staff for the judiciary and to regulate the activities thereof by relevant laws; the law-drafting activities have been already launched. As regards the prison staff, all the penitentiary officers undergo mandatory trainings in “Legal Institute of the Ministry of Justice of the Republic of Armenia” SNCO, including in relation to human rights. The Judicial School of the Republic of Armenia has implemented training programs relating to human rights both within the framework of the training conducted at School (twice a year) and jointly with a number of international organizations. The judgments of the European Court of Human Rights based on individual Articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as the judgments rendered against the Republic of Armenia have been taught within the framework of trainings implemented in the Judicial School.

Courses on the introduction to human rights and legal mechanisms for the protection thereof have been held within the Bachelor’s and Master’s Degree programmes of the Legal Department of the Police Educational Complex of the Republic of Armenia within the framework of the subjects on “Human rights and the police”, “Issues of human rights theory”. During the educational process particular attention has been paid to certain judgments rendered by the European Court

of Human Rights which are related with the legal solutions to the relations between a human being-citizen and a police officer.

### ***Recommendation***

7.8 Ensure the swift, transparent and effective prosecution of violence against journalists (United States of America); effectively investigate the cases concerning attacks against journalists, opposition members and human rights defenders (Azerbaijan); ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice (Norway). A/HRC/15/9 para(s) 94.15

### ***Implementation process***

The cases of attacks against journalists have been condemned by high-ranking political actors, including the President of the Republic of Armenia and the Prime Minister, and criminal proceedings have been instigated in respect of any such case. No cases of attacks against opposition members and human rights defenders have been registered.

### ***Recommendation***

7.9 Undertake effective measures to ensure the independence of the judiciary (Italy); ensure the full independence of the judiciary (Azerbaijan); strengthen measures to ensure the full independence of the judiciary (Uruguay); Make efforts to ensure the implementation of legislative provisions on the impartiality and transparency of the judicial system, including by allocating sufficient funding (Sweden); A/HRC/15/9 para(s) 94.16, 94.18

### **Implementation process**

In accordance with Article 94 of the Constitution of the Republic of Armenia, the independence of courts is guaranteed by the Constitution and laws. The powers of courts, the organisation and rules of procedure thereof is defined by the Constitution and laws. When administering justice, a judge is independent, obeys only the Constitution and laws, the guarantees for the activities thereof as well as the grounds and procedure for subjecting him or her to liability are defined by the Constitution and laws. A judge may not be detained, involved as an accused, as well as no claim on subjecting to administrative liability through judicial procedure may be instituted there against without the consent of the Council of Justice. A judge may not be arrested except for the cases where the arrest is carried out at the time of committing a crime or shortly thereafter. In such cases the President of the Republic and the Chairpersons of the Court of Cassation are immediately informed of the arrest (Article 97 of the Constitution of the Republic of Armenia).

In accordance with Article 11 of the Judicial Code of the Republic of Armenia, a judge is independent in course of administering justice and exercising other powers provided for by law. When administering justice and exercising other powers provided for by law, a judge is not accountable to anyone, including is not obliged to give any explanations except for the cases provided for by law. Interference, not provided for by law, with the activities of a judge is prohibited. Such act is criminally prosecuted. It also results in disciplinary liability for state servants up to dismissal from the position or service occupied as prescribed by respective laws regulating state service. A judge is obliged to immediately inform the

Ethics Commission of the Council of Court Chairpersons of the Republic of Armenia of the interference, not provided for by law, with his or her activities in respect of administration of justice and exercise of other powers provided for by law. If the Ethics Commission finds that an interference, not provided for by law, with the activities of a judge has taken place, it is obliged to apply to relevant bodies with a motion of subjecting guilty persons to liability. During the term of office and after the termination of the powers thereof, a judge may not be interrogated as a witness with regard to the case examined thereby.

### **Recommendation**

8.1 End politically motivated prosecutions of individuals it deems opposition, and take steps to strengthen the rule of law, including respecting minimum guarantees as laid out in the International Covenant on Civil and Political Rights, equal protection of the law, and judicial independence (Spain). A/HRC/15/9 para(s) 95.3

### **Implementation process**

There are no politically motivated prosecutions in the Republic of Armenia. In order to ensure rule of law and independence of the judiciary, the Republic of Armenia continuously undertakes steps by implementing legislative reforms and establishing additional guarantees. See also the response to Recommendation A/HRC/15/9 para(s) 94.16, 94.18.

### **Recommendation**

8.2 Strengthen efforts to establish a system of juvenile justice in compliance with international standards, and take specific measures to protect the rights of children and persons in detention or in prison (Czech

Republic); A/HRC/15/9 para(s) 94.19

### **Implementation process**

- One specialized judge examining juvenile cases is available in each court. Peculiarities for the liability of juveniles are defined in the Criminal Code of the Republic of Armenia, peculiarities for the cases with the participation thereof are defined in the Criminal Procedure Code of the Republic of Armenia, and peculiarities for serving punishment thereby are defined in the penitentiary legislation of the Republic of Armenia.

## **PART VIII Freedom of belief or religion, expression, participation in public and political life**

### **Recommendation**

8.3 Take the legislative and administrative measures necessary to fully guarantee freedom of religion in the country, in particular to prevent any form of discrimination or undue obstacles in the registration of associations of religious minorities (Mexico); fully ensure freedom of religion for all, without discrimination (Azerbaijan). A/HRC/15/9 para(s) 93.35

### **Implementation process**

The state body for religious affairs authorized by the Government of the Republic of Armenia, i.e. the Department for National Minorities and Religious Affairs of the Government of the Republic of Armenia, that delivers, in accordance with law, expert opinion to religious communities expressing the willingness of being registered, has never hindered the process of submission of documents by the

religious groups that apply for being granted state registration. Moreover, the process of state registration of religious organizations is rather transparent, without undue documentation troubles and is carried out within reasonable time period. At present about 70 religious organizations are registered at the State Registry of the Republic of Armenia where the most various religious movements and directions are represented therein.

At the request of religious organizations, the state authorized body also supports to reach an agreement with state bodies in respect of certain matters as well as acts as a mediator for settlement of issues and disputes arising among religious organizations of Armenia.

At the end of 2010 and in the beginning of 2011, the Ministry of Justice of the Republic of Armenia developed and put into circulation drafts providing for amendments to the new law in the field of religion as well as to other several laws which were communicated to the Venice Commission. It should be emphasized that in all these cases the process has been organized on the basis of publicly open and transparent principles, wherein all the interested parties were involved. Currently public discussions are ongoing and the Ministry of Justice of the Republic of Armenia coordinates not only the recommendations, viewpoints submitted by the Armenian organizations and citizens but also the comments and recommendations of prominent international bodies.

### **Recommendation**

8.4 Put in place measures to ensure full respect for the right to freedom of opinion and expression, and create a more amenable climate for investigative journalism (Canada); take all measures

necessary to ensure full respect for freedom of expression, including freedom of the press, ensuring that no persons are deprived of their liberty solely for having exercised their freedom of expression, their right to peaceful assembly or their right to take part in the Government of their country (Sweden); ensure that civil society activists and journalists are able to carry out their work free from harassment or violence (United States of America); A/HRC/15/9 para(s) 94.20

### **Implementation process**

Since the independence, the Republic of Armenia has taken respective steps to ensure freedom of speech.

One of the laws adopted on 8 October 1991 by the Republic of Armenia was the Law “On press and other mass media”. In 2003, the Law “On mass media” was adopted. The Law of the Republic of Armenia “On television and radio” adopted on 9 October 2000 closely relates with freedom of information the Article 4 whereof stipulates that the right to free choice, production and dissemination of television and radio programmes is guaranteed in the Republic of Armenia and the censorship of television programmes is prohibited.

As regards the preparation of investigative journalists, it is a purely financial issue and will be implemented in case of availability of appropriate funds.

See also the response to Recommendation A/HRC/15/9 para(s) 94.24.

### **Recommendation**

8.5 Ensure the implementation of the judgment of the European Court on Human Rights that found the Government’s denial of a license to A1+ broadcasting

company to be in violation of Armenia’s human rights obligations (Netherlands); A/HRC/15/9 para(s) 93.36

### **Implementation process**

- The Republic of Armenia has fully upheld the judgment of the European Court of Human Rights (reference to CMCECM/ResDH(2011)39 Resolution of 10 June 2011).

### **Recommendation**

8.6 Ensure a fair and transparent process for issuing broadcasting licenses and guaranteeing the independence of broadcasting regulatory bodies (Norway); take the measures necessary to bolster the independence of the National Audiovisual Commission as a regulatory body for the media (France); amend its broadcasting laws so as to ensure the real independence of the regulatory body for television and radio (Netherlands). A/HRC/15/9 para(s) 94.21

### **Implementation process**

- The law on television and radio is undergoing amendments for the purpose of ensuring the independence of the conduct of competitions. The non-governmental organizations play a big role in this process. The National Commission on Television and Radio has conducted 25 competitions in result of which 25 licenses were granted. The competitions were held in accordance with the Law of the Republic of Armenia “On television and radio” by fully ensuring the transparency of the process. NCTR independence is ensured by the Constitution of the Republic of Armenia and laws. The non-governmental

organizations play their role in the process of appointing NCTR members, which provide recommendation letters thereto for the participation in the competition.

### **Recommendation**

8.7 Establish a transparent process for the digitalization process to ensure space on the airwaves for independent and small regional media outlets (United States of America). A/HRC/15/9 para(s) 94.22

### **Implementation process**

- In accordance with the Law of the Republic of Armenia “On television and radio” the validity period of the licenses of all regional, community TV companies has been extended till 1 January 2015, i.e. during the process of digitalization such companies freely carry out broadcasting.

### **Recommendation**

8.8 Ensure that, if the amended law decriminalizing libel is adopted, it is implemented in a way that protects freedom of expression (United States of America). A/HRC/15/9 para(s) 94.23

### **Implementation process**

- Based on the application of the Human Rights Defender of the Republic of Armenia the Constitutional Court of the Republic of Armenia adopted Decision No 997 of 15 November 2011 whereby the framework and nature of legal liability in case of insult and slander have been clearly defined.

### **Recommendation**

8.9 Waive the moratorium on granting licenses to radio and television broadcasters

and the 2008 amendments to the Law on Television and Radio of 2000, and carry out legislative measures safeguarding the independence of the National Commission on Television and Radio and the Council on Radio and Public Television (Spain); A/HRC/15/9 para(s) 95.4

### **Implementation process**

- Following the adoption of the Law of the Republic of Armenia “On television and radio” on 10 June 2010 (entered into force on 28 June 2010) 25 competitions for licensing of television broadcasters with the aim of carrying out on-air broadcasting through digital broadcasting network were announced and conducted in July 2010. On 29 April 2009 the Law of the Republic of Armenia “On making amendments and supplements to the Law ‘On television and radio’” was adopted which establishes a new procedure for the formation of the National Commission on Television and Radio. According to the new procedure members of the National Commission of Television and Radio may be deemed to be persons having professional experience in the fields of journalism, economics, religion, law, television and art. The appointment of members is carried out on a competitive basis.

### **Recommendation**

9.1 Take measures to ensure free and fair elections in the future (Sweden); implement recommendations issued by the Office for Democratic Institutions and Human Rights of OSCE to improve the holding of the next general elections, in 2011, and the presidential elections in 2013 (France); A/HRC/15/9 para(s) 93.37



### **Implementation process**

- The recent elections conducted in the Republic of Armenia were the elections of the National Assembly held in May 2012, which were assessed by the international observation mission as “elections that were held under reformed legal framework and were considered in the light of competitive, active and mainly peaceful electoral campaign”. The process of implementing the recommendations and assignments of OSCE/ODIHR are constantly monitored by the Government of the Republic of Armenia. As regards the presidential elections 2013, a working group has been established upon the order of the President of the Republic of Armenia for the implementation of the recommendation of OSCE/ODIHR observation mission, which comprises the Minister of Justice, the Deputy Minister of Foreign Affairs of the Republic of Armenia, the Chairperson of Standing Committee on State and Legal Affairs of the National Assembly, the Chairperson of the Central Electoral Commission, the Deputy Prosecutor General, the Chairperson of the Administrative Court, the Deputy Head of Police and other high-ranking officials. The administration of activities of the Group has been assigned to the Head of Staff to the President of the Republic of Armenia. The mentioned Group has prepared a comprehensive action plan underlining the points of recommendations the implementation whereof is feasible prior to the conduct of presidential elections 2013. The information on the mentioned activities has been widely disseminated among different international organizations.

### **Recommendation**

- 9.2 Take concrete steps to meet obligations with regard to creating an environment that fosters freedom of expression, including respect for the independence of civil society organizations and the right to assemble (Norway). A/HRC/15/9 para(s) 94.25

### **Implementation process**

The guidelines “On conducting negotiations while maintaining public order and ensuring public security”, “On the actions of the officers of police subdivisions engaged in maintaining public order, on the use of physical force, special measures and firearms thereby during mass disorders”, “Actions of the Police during assemblies” have been developed which establish the principles and practical rules on the exercise of the powers of the Police.

### **Recommendation**

- 9.3 Ensure, in its laws and regulations as well as in practice, that no arbitrary impediments are imposed with respect to exercising the right to freedom of assembly (Netherlands); ensure respect for the right to freedom of assembly, in line with its international obligations (Azerbaijan); respect – in law and in practice – the right of individuals to assemble peacefully (United States of America); implement the Law on Meetings, Rallies and Demonstrations in a transparent and proportional manner (Ireland). A/HRC/15/9 para(s) 94.26

### **Implementation process**

See the response to Recommendation A/HRC/15/9 para(s) 94.24.

## **PART IX Right to social security and appropriate lifestyle**

### ***Recommendation***

9.4 Continue its efforts in these fields to improve access to education and health and to promote the rights of women and children (Lebanon); continue to implement programmes aimed at guaranteeing quality education and health services to its population, at all levels (Cuba); A/HRC/15/9 para(s) 93.41, 93.42,

### ***Implementation process***

- Giving importance to the role of pre-school education aimed at creating equal starting conditions for the comprehensive development and school education of children, in 2008 the Government of the Republic of Armenia approved the “2008-2015 Strategic Programme for Pre-School Education Reforms” which is intended to extend the inclusion of senior pre-school age group (those aged 5 years) up to 90% by 2015 through the introduction of cost effective educational services. Within the framework of the Programme the priority is given to poor families and to the communities where no pre-school establishments (PSE) are operating. Having regard to the main provisions of the strategic programme about 3600 children have been additionally involved in pre-school programs only during the last three years. For the purpose of ensuring the continuity of the implementation of pre-school programmes, since 2011 funds have been provided in the State Budget of the Republic of Armenia in respect of current expenditures for the organization of one-year education of children of senior

pre-school age as of the amount of annual sum allocated for each learner according to the weighted student-funding formula. For this purpose appropriate funds will be hereinafter allocated from the State Budget of the Republic of Armenia as of years.

In 2008 a separately operating system of high schools was introduced. High school is the main circle ensuring pre-vocational education where the correct professional orientation and further learning success of learners greatly depend on the activities thereof. Three-year school programme will enable to ensure the readiness of school graduates to enter the job market and possibility of receiving appropriate professional education in compliance with the inclinations and abilities thereof.

The uniform examination system of school graduation and university admission has been introduced, which has facilitated the transition of learners from school to university. In the field of general education shift has been made to the twelve-year education system, new subject criteria and programmes have been approved. An extensive training programme for teachers has been implemented aimed at the application of new programmes, criteria, assessment system, modern teaching methods and information technologies. The application of modern information and communication technologies in the field of general education has commenced as a new means of teaching and studying. Therefore, internet access of schools and equipment thereof with computers has been improved.

See also response to Recommendations A/HRC/15/9 para(s) 93.4 and 93.43.

## **Recommendation**

9.5 Continue to enhance and expand access to and the affordability of health-care services, with a specific emphasis on rural and remote areas, as well as most vulnerable groups (Egypt); guarantee access to health care for vulnerable social groups and populations in rural and remote zones (Algeria); improve the quality of primary health care, especially in rural areas (Kuwait); continue efforts to improve access to health care for all, particularly those in the most vulnerable categories, persons with disabilities and rural populations (Libyan Arab Jamahiriya); A/HRC/15/9 93.43

### **Implementation process**

- The development of the field of primary health care is one of the priorities of health care system of the Republic of Armenia, it should be mentioned to this regard that primary health care services are free for all groups of population of the Republic of Armenia. With the aim of developing the field of primary healthcare about 147 primary healthcare rural establishments have been repaired/constructed during 2000-2011. Repaired/constructed dispensaries have been fitted with standard compilations of medical devices, accessories, furniture and computer equipment. Until present 1655 family doctors and 1770 family nurses have undergone professional training. With the aim of continuous development of the health care system of rural settlements of the Republic of Armenia construction/repair of a number of medical dispensaries, fitting with equipment and furniture are expected during 2012-2014.

Moreover, within the framework of Modernization Programme for Hospital System of Marzes, from December 2009 up to now modernization works have been carried out for 8 medical centers of marzes,, including capital repair of buildings, fitting them with modern medical devices, accessories and furniture, as well as staff training and various consulting works aimed at introduction of modern principles and systems of management of medical organizations. As regards the increase of access to hospital and other services, the disabled, socially unprotected and other vulnerable groups in the Republic of Armenia enjoy the right to receive medical aid guaranteed by the State and the State takes steps aimed at enhancing the categories enjoying this right.

With the aim of guaranteeing and improving the quality of health care services the Government of the Republic of Armenia adopted a comprehensive programme of measures (Protocol Decision No 40 of 14 October 2010 of the Government of the Republic of Armenia) within the framework whereof quality assessment boards have been established aimed at improving the quality of primary health care medical organizations.

## **Recommendation**

9.6 Continue its efforts to reduce maternal and infant mortality, saving mother and child (Holy See); A/HRC/15/9 para(s) 93.44

### **Implementation process**

- Measures aimed at health care of mother and children constitute one of the priority issues of the Government. Reduction of maternal and infant mortality constitutes one of the priorities of healthcare system

of the Republic of Armenia, therefore, number of measures are being carried out aimed at healthcare of mother and child, that is to say —at the reduction of maternal and infant mortality.

In 2008 the state certificate system of obstetrics was introduced and a rapid response service was established in the Republic of Armenia, in course of the activities whereof during 2010-2011 the maternal mortality was reduced significantly and birth traumatism of mother and child — by about 20%, as compared to 2009. In 2010 three cases of maternal mortality were registered, whereas in 2011 — four cases. In 2006-2008 three-year average rate of maternal mortality constituted 28,2/100 000 as regards live birth, whereas in 2009-2011 the same rate constituted 15,7, i.e. was reduced by 1,7 times. According to the data of preliminary report of the survey on demographic and health issues of 2010 the rate of pregnant women having visited a doctor at least once has increased by 6% and has reached 99%, whereas stationary child delivery rate has reached 99,4%.

In 2011 the state certificate system of child health was introduced as a result whereof the attendance rate for hospital medical aid has increased by 18%. The financing of hospital medical aid for children from the budget has been doubled, i.e. in 2011 it constituted 6,38 billion drams as compared with 3,16 billion drams in 2011.

The 2013-2015 Strategy on Improvement of Hospital Medical Aid for Children was approved upon the Decision of the Government of the Republic of Armenia No 27 of 4 July 2012, as a result of implementation whereof a reduction in a number of child mortality rates is expected.

## **Recommendation**

9.7 Take measures to eradicate poverty (Azerbaijan). A/HRC/15/9 para(s) 93.40

## **Implementation process**

- Article 34 of the Constitution of the Republic of Armenia provides that everyone shall have the right to adequate standard of living for himself or herself and for the family thereof, including the right to housing as well as the right to improvement of living conditions.

With the aim of improving the standard of living and living conditions of the population and of ensuring the right to food within the Republic the Government of the Republic of Armenia has taken a number of measures, has adopted decisions, has developed relevant programmes.

Thus, “Food Safety Policy of the Republic of Armenia” was adopted in 2005, “Strategy for Sustainable Development of Agriculture of the Republic of Armenia”—in 2006.

With the aim of efficient organization of elaboration works on “Strategic Programme for Poverty Reduction”(SPRP) a coordination board of elaboration works on strategic programme was established upon the Decision of the Government of the Republic of Armenia No 267 of 15 May 2000.

In 2001 and 2003 the abovementioned board elaborated and the Government of the Republic of Armenia approved the “Interim Strategic Programme for Poverty Reduction” and “Strategic Programme for Overcoming Poverty”, which was revised in 2008 and renamed as “Sustainable Development Programme”. The “Sustainable Development Programme”, in addition to other actions, provides for the formation of assessment and

monitoring system, ensuring accountability, transparency and public awareness.

The National Statistical Service of the Republic of Armenia (NSS) carries out integrated surveys of household living standards or, that is to say, poverty analysis.

## **PART X Minorities, migrants, refugees and asylum seekers**

### ***Recommendation***

9.8 Ensure that children belonging to all minority groups have equal access to education (Austria); adopt measures to ensure access for minority groups, especially children, to education in their mother tongue (Azerbaijan); A/HRC/15/9 para(s) 93.47

### ***Implementation process***

- The Constitution of the Republic of Armenia was amended in 2005 wherein the fundamental rights and freedoms of a human and citizen are enshrined. In Article 14.1 the following provision on discrimination has been enshrined: “Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, ideology, political or other opinion, affiliation to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited”. In Article 39 the right to education has been enshrined: everyone shall have the right to education. Basic general education shall be mandatory. Secondary education in state educational institutions shall be free of charge. Every citizen shall have the right to free education on a competitive basis in state higher and other vocational education institutions, as

prescribed by law. The State shall—in the cases and under the procedure provided for by law — provide financial and other assistance to educational institutions implementing higher and other vocational education programmes and to learners therein.

In 1999 the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia “On education” which, based on the constitutional provisions, certainly directs the development of education system. State guarantees for the right to education have been enshrined in this Law according to which “The Republic of Armenia shall ensure the right to education, irrespective of national origin, race, gender, language, religion, political or other opinion, social origin, property status or other circumstances.”.

Within the communities of national minorities of the Republic of Armenia general education instruction and upbringing may be organized in their native language under the state programme and support, with mandatory teaching of Armenian.

The admission of a learner to a school of general education shall be carried out according to the “Procedure for admission, transfer of a learner to another educational institution and removal thereof” which is approved upon the Order of the Ministry of Education and Science of the Republic of Armenia. According to the existing procedure the admission to school of a child of a citizen belonging to a national minority shall be carried out at school (class) ensuring the instruction in the national (native) language of the child or providing a course in this language, whereas in case of non-availability thereof the choice of the language of instruction shall be made by the parents of children (learners).

According to the Constitution of the Republic of Armenia all citizens, irrespective of ethnic origin, may receive higher education free of charge on a competitive basis. That is to say, there is no any restriction envisaged by legislation in the field of higher education for the citizens representing national minorities.

At the same time upon the relevant decision of the Government of the Republic of Armenia of 2002 in individual cases (at schools in mountainous, highland, borderline rural settlements, in urban and rural schools providing classes in the languages of national minorities and in other cases) a class with less number of learners may be opened upon the authorization of the Ministry of Education and Science of the Republic of Armenia. This decision provides an opportunity to open classes, comprised only Yezidi children, in the communities with Yezidi population.

For the population of Russian and Slavic national origin at 44 schools of general education classes are available with the teaching of Russian language, wherein the teaching of general education subjects is carried out in the Russian language, except for the subjects of the Armenian language and literature, as well as the History of Armenia.

Yezidis and Assyrians residing in Armenia, have established a methodological base in the system of general education with the support of state authorities. In the National Institute of Education of the Ministry of Science and Education of the Republic of Armenia operate subject committees for “Iranian studies” and “Semitology”, which carry out an expert examination of education programmes, text-books, manuals drawn up in Yezidi, Kurdish and Assyrian languages.

A programme and a timetable for the development of education of national minorities

has been developed, according to which each year text-books are published in order to study the language, literature and culture of the national minorities of the Republic of Armenia.

The “Model curriculum of a school (class) of general education of national minorities” has been approved according to which 41 academic hours have been allocated per week for teaching the native language and literature of national minorities in 1-12 grades. The criteria and programme for 1-12 grades have been approved for Kurdish and Assyrian.

On the basis of preliminary applications submitted by communities of national minorities residing in Armenia funds are allocated from the State Budget for the publication of text-books. Due to the allocated funds the Assyrian text-books for the 1-st and 2-nd grades, the Kurdish “ABC book” and the Kurdish text-books for 2-nd to 4-rt grades have been published. The Yezidi text-books for the 1-st to 8-th grades have been developed and published, the text-book “Yezidi 9” has undergone expert examination. The Yezidi community has actively participated in the development works of these text-books, the specialists of Yezidi national origin of the National Institute for Education have been involved therein as well.

The cooperation in respect of the issues of teaching the Russian language is more comprehensive. The Ministry of Education and Science of the Republic of Armenia have translated the text-book “National Studies-5” and text-books of mathematics for senior grades into Russian and have provided them to the pupils of schools of national minorities.

The National Institute of Science of the Ministry of Science and Education of the Republic of Armenia conducts regular trainings of



teachers of Yezidi national origin, as well as teaching courses on the Armenian language have been organized for the representatives of the national minorities.

The Ministry of Science and Education of the Republic of Armenia has endorsed for publication of the textbook “Introduction to Aramaic and Assyrian studies” with the aim of introducing it into the higher education system. The process of developing and publishing the text-book is continuous and new textbooks will also be published in the nearest future. The subject “History of the Armenian Church” is taught at schools of general education, wherein information on the history, cultures and religions of other nations and nationalities has been included. “The Tolerance Programme” is being implemented in the field of general education by the support of the UNDP. A manual for the teacher teaching this subject has been developed for that purpose. The programme teaches tolerance, cooperation to learners, promotes conflict resolution etc..

### ***Recommendation***

9.9 Continue the consistent and successful policy aimed at ensuring the rights of all national minorities residing in the country, as well as support for their social, educational, informational and cultural needs (Belarus); A/HRC/15/9 para(s) 93.51

### ***Implementation process***

Detailed information on the issues regarding the rights of national minorities is included in the reports of the Republic of Armenia on the implementation of the “Framework Convention for the Protection of National Minorities” of the Council of Europe. See the website of

the Council of Europe. [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_SR\\_Armenia\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Armenia_en.pdf)

### ***Recommendation***

10.1 Take adequate measures to better protect the fundamental rights of migrant workers and refugees living in Armenia (Djibouti). A/HRC/15/9 para(s) 93.52

### ***Implementation process***

Chapter 4 of the Law of the Republic of Armenia “On foreigners” totally covers the employment issues of foreigners in the Republic of Armenia. According to Article 22 of the Law foreigners may be engaged in labour activities within the Republic of Armenia on the basis of a work permit issued by the state authorized body. As the body concerned has not yet been determined by the Government of the Republic of Armenia, an employment contract concluded between foreigners and employers constitutes a sufficient ground for granting them a temporary residence status in Armenia and for enabling them to engage in labour activities in the Republic of Armenia.

The formation of the legislative framework regulating the field during 2010-2012 serves as an additional guarantee for the protection of the rights of refugees, 8 decisions and 3 departmental acts of the Republic of Armenia ensuring the implementation of the Law of the Republic of Armenia of 27 November 2008 “On refugees and asylum”.

The background features a complex geometric pattern of red and orange rectangles and triangles. A prominent dark red horizontal band runs across the center, containing the word 'ANNEXES' in white, bold, uppercase letters. The overall design is modern and abstract.

# ANNEXES



# **ANNEX 1. Concluding observations of the Committee on the Rights of the Child, 27 May – 14 June 2013**

## **Convention on the Rights of the Child**

1. The Committee considered the combined third and fourth periodic reports of Armenia (CRC/C/ARM/3-4) at its 1790th and 1791st meetings (see CRC/C/SR.1790 and 1791), held on 29 May 2013, and adopted the following concluding observations at its 1815th meeting, held on 14 June 2013.

### **I. Introduction**

2. The Committee welcomes the submission of the combined third and fourth periodic reports of Armenia and the written replies to its list of issues (CRC/ARM/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multi-sectoral delegation of the State party.

### **II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the adoption of the following legislative measures:
  - (a) The amendments and supplements to the Law on the Rights of the Child on 18 November 2009, 25 October 2010 and 23 May 2011;
  - (b) The Family Code on 9 November 2004, including provisions on protection of the rights and legitimate interests of children.
4. The Committee also welcomes the ratification of and/or accession to:
  - (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2005;
  - (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2005;
  - (c) The International Convention on the Rights of Persons with Disabilities, in September 2010;
  - (d) ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in January 2006;
  - (e) ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment, in January 2006;
  - (f) The Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, in March 2007;
  - (g) The Hague Convention No. 33 on Protection of Children and Cooperation in respect of Inter-country Adoption, in March 2007;
  - (h) Council of Europe Convention on Action against Trafficking in Human Beings, in April 2008.

5. The Committee also welcomes the following institutional and policy measures:
  - (a) The National Programme for the Protection of Children's Rights for 2013-2016;
  - (b) The Programme of State Support to Graduates of Child Care Institutions for 2004-2015;
  - (c) The Programme on deinstitutionalization of children for 2004-2015.

### **A. Main areas of concern and recommendations**

The Committee's previous recommendations

6. While welcoming the State party's efforts to implement the Committee's concluding observations of 26 February 2004 on the State party's second periodic report (CRC/C/93/Add.6), the Committee notes with regret that some of the recommendations contained therein have not been sufficiently addressed.

The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations (CRC/C/93/Add.6) that have not been implemented or sufficiently implemented, and in particular, it recommends that the State party:

- (a) Develop a comprehensive system for the analysis of data collected in order to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention;
- (b) Strengthen its efforts in disseminating information on the Convention and its implementation and develop systematic and ongoing training programmes

on the provisions of the Convention for all professional groups working with or for children.

### **Legislation**

7. The Committee notes the adoption of several child-related laws over the reporting period, in particular amendments to the Law on the Rights of the Child of 1996. It also notes that numerous legislative initiatives aimed at improving the situation of children's rights are pending approval by the Parliament. However, the Committee regrets that adoption of some of this draft legislation has been delayed for several years, which has impeded the full and effective realization of children's rights in many areas. The Committee is also concerned about the inadequate implementation and enforcement of existing laws and regulations in the area of children's rights.
8. The Committee recommends that the State party accelerate the adoption of legislative proposals in the area of children's rights that are in full conformity with the Convention, and urges the State party to ensure that the laws are fully and effectively implemented and include enforcement mechanisms.

### **Comprehensive policy and strategy**

9. The Committee notes the adoption of the National Programme for the Protection of Children's Rights for 2013-2016 and many other strategies and plans covering different areas of the Convention. However, the Committee regrets that the programme and strategies lack adequate financial resources and mostly rely on funding by international organizations. It also regrets that there is no regular assessment of

progress under such programmes and strategies.

10. The Committee urges the State party to provide all the necessary human, technical and financial resources for an effective implementation of the National Programme for the Protection of Children's Rights and other strategies and plans in the area of children's rights. It also recommends that the State party ensure regular assessment of the effectiveness of the National Programme and its implementation, as well as of other strategies and plans, in order to avoid any possible overlaps.

### **Coordination**

11. The Committee welcomes the establishment of the National Commission for the Protection of Children's Rights in 2005 as a coordinating body. However, the Committee regrets that the Commission is not very effective in its coordinating role. It is also concerned that the intersectoral coordination among ministries and the agencies at regional and local levels is not adequate.
12. The Committee urges the State party to take the necessary measures to provide the Commission with the required authority and adequate human, technical and financial resources so that it can effectively coordinate actions for children's rights among government entities as well as to improve intersectoral coordination among ministries, between national level institutions and those at regional and local levels, with particular attention to rural and the more disadvantaged areas.

### **Allocation of resources**

13. The Committee is concerned about the significant decrease in budget allocations, in particular in the areas of health and education (from 2.1 per cent in 2007 to 1.5 per cent in 2012 and from 3.2 per cent in 2010 to 2.5 per cent of GDP in 2012 respectively) and regrets the lack of information on a child rights based perspective in the budgeting process.
14. The Committee recalls its recommendations during its day of general discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States", and recommends that the State party:
  - (a) Increase substantially the allocations in the areas of health and education to adequate levels;
  - (b) Establish a budgeting process, which includes child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;
  - (c) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

### **Independent monitoring**

15. The Committee welcomes the establishment in 2011 of the focal point responsible for monitoring, protecting and promoting the rights of children in the Office of the Human Rights Defender. It is however concerned that the office lacks capacity and resources to carry out its mandate effectively. It is also concerned that the public, children in particular, do not seem



to be aware of the individual complaints mechanism of the Human Rights Defender's office.

16. Taking into account the Committee's general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party take measures to establish a child rights unit at the Office of the Human Rights Defender and provide it with necessary human, technical and financial resources. It also recommends that the State party take measures to inform the public, in particular children, of the individual complaints mechanism of the Human Rights Defender's office, via mass media and briefings in schools. In doing so, the Committee recommends that the State party seek technical cooperation on this from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### ***Non-discrimination***

17. The Committee is concerned at the prevalence of discrimination on the basis of gender. It is particularly concerned about sex-selective abortion in rural areas. The Committee also remains concerned at the de facto discrimination against categories of children in marginalized and disadvantaged situations, including children with disabilities, children living with HIV, children from poor families, children living in rural areas, children in street situations and children living in institutions.

18. The Committee urges the State party to enforce its legislation against discrimination on the basis of gender and take measures to prevent and ban sex-selective abortions. It also recommends that the State party ensure that its programmes address the situation of discrimination against categories of children in marginalized and disadvantaged situations, including children with disabilities, children living with HIV, children from poor families, children living in rural areas, children in street situations and children living in institutions. The Committee further recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

### ***Best interests of the child***

19. The Committee notes the inclusion of the "legitimate interests of the child" principle in the Family Code of 2004, but it considers that the "legitimate interests of the child" is not equivalent to "the best interests of the child" in its scope. In addition, the Committee regrets the lack of information on guidelines and procedures for ensuring that the right of the child to have his or her best interests taken into account as a primary consideration is applied consistently throughout the State party's policies, legislation and programmes.

20. The Committee draws the State party's attention to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party amend its legislation to better reflect the right established by the Convention. It also recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, and to disseminate these to the public, including traditional and religious leaders, courts of law, administrative authorities and legislative bodies.

### ***Respect for the views of the child***

21. The Committee notes that the right to be heard is included in a number of laws, but is concerned that children's views are not taken into account on a regular basis in all matters that affect them and regrets that the existing Youth Parliaments are not functioning effectively. The Committee is also concerned that consent to medical intervention for children under the age of 18 is given only by the child's representative.

22. The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard and recommends that it take measures to strengthen this right in accordance with article 12 of the Convention. In doing so, it

recommends that the State party:

- (a) Take legislative and policy measures in order to promote and facilitate the respect for the views of the child within the family, schools, care institutions and the courts in all matters affecting him or her;
- (b) Reactivate and strengthen the Youth Parliaments and encourage children's active participation in them;
- (c) Ensure that children's views are taken into account in cases of medical interventions as indicated in the Committee's general comment No 15 (2013).

### **C. Violence against children (arts. 19, 37 (a) and 39 of the Convention)**

#### ***Ill treatment and corporal punishment***

23. The Committee is concerned at the information that children in closed and partially closed institutions, in particular in Vanadzor Children's Home and at the Vanadzor Care and Protection Centre (Boarding school) No 1 are subjected to ill treatment and violence. It is also concerned that although both the Family Code and the Rights of the Child Act of 1996 have provisions against corporal punishment, there is a lack of enforcement mechanisms and the State party's legislation does not provide sanctions in cases of violation.

24. The Committee urges the State party to take urgent measures in closed or partially closed institutions, in particular in Vanadzor Children's Home and at the

Vanadzor Care and Protection Centre (Boarding school) No 1, to investigate the individual cases of violence as well as prosecute and punish perpetrators. Furthermore, it recommends that the State party prohibit the use of corporal punishment in all settings and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violation. It further recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child rearing and discipline, and accelerate the adoption of the draft Law on Domestic Violence.

### ***Freedom of the child from all forms of violence***

25. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2011) , and in particular:
- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
  - (b) Adopt a national coordinating framework to address all forms of violence against children;
  - (c) Adopt legislation to explicitly prohibit all forms of violence against children in all settings;
  - (c) Pay particular attention to the gender dimension of violence;

- (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

### ***Harmful practices***

26. The Committee notes with concern that girls in the Yezidi community are often married before the legal age of marriage in a traditional ceremony.
27. The Committee recommends that the State party fully enforce the age of marriage set out in law for all forms of marriage and develop and undertake comprehensive awareness-raising programmes on the negative implications of early marriage on the girl child's rights to health, education and development, targeting in particular parents and community leaders.

## **D. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

### ***Family environment***

28. The Committee welcomes the three-tier child protection system established on national, regional and local levels, but is concerned that child protection at the local level seems to be carried out to a large extent by volunteers without necessary qualifications and training. The Committee is also concerned that due to economic hardships and inability to cover the costs associated with schooling or the basic needs of children, some families are forced to enrol their children in boarding schools and children's homes.

29. The Committee recommends that the State party take measures to involve in child protection at the local level professionals with experience of working with children and provide training to volunteers for additional support in their work. It further recommends that the State party strengthen its support to families in situations of vulnerability, in particular, families living in extreme poverty through systematic, long-term policies and programmes to ensure access to social services and sustainable income opportunities. It further recommends that the State party prohibit placement of children in care institutions for financial reasons only and use placement only as a last resort in accordance with United Nations Guidelines for the Alternative Care of Children adopted on 20 November 2009.

### ***Children deprived of a family environment***

30. The Committee welcomes the decision by the Government which clarifies the criteria for admission to care institutions. However, the Committee remains concerned that:
- (a) Alternative family-and community-based care systems for children deprived of family environment are insufficient. There are only few foster families.
  - (b) Increasing numbers of children are being placed in institutional care, particularly those from families in vulnerable situations with at least one parent alive,
  - (c) Despite the criteria established, there are no safeguards and procedures for ensuring that institutional care is genuinely used as a measure of last resort;
  - (d) The assistance to children who leave care institutions remains insufficient.
31. Recalling the Guidelines for the Alternative Care of Children annexed to United Nations General Assembly resolution 64/142 of 20 December 2009, the Committee recommends that the State party:
- (a) Ensure sufficient alternative family and community-based care options for children deprived of family environment;
  - (b) Increase support to families in vulnerable situations with universal and targeted services by strengthening their parenting skills, and including them in social assistance programmes;
  - (c) Ensure that placement in institutional care is used only as a last resort and that adequate safeguards and clear needs-based and best interests of the child criteria are used for determining whether a child should be placed in institutional care;
  - (d) Provide maximum support to the children who leave care institutions in finding study and/or work opportunities and provide them with adequate accommodation.

### ***Adoption***

32. The Committee welcomes the enactment of the Adoption Act of 2010 and ratification of the Hague Convention No 33 on Protection of Children and Co-operation in Respect of Inter country Adoption. However, it is concerned about the shortcomings in their implementation. The

Committee is particularly concerned that:

- (a) Monitoring and review of the adoption process are not centralized and are carried out at regional (marz) level by the Family, Women and Child Protection units, while the decisions are taken by local courts;
  - (b) Criteria for selection of adoptive parents are too formal and are based on material conditions of potential parents and not on the parenting skills;
  - (c) The respect for privacy of parties involved in the adoption process is used to justify restrictions on monitoring the adoption process.
33. The Committee recommends that the State party establish effective mechanisms to implement the Hague Convention No. 33 and the Adoption Act of 2010, in particular:
- (a) Create a centralized system for review of the adoption process;
  - (b) Establish clear criteria and procedures for selection of adoptive parents based not only on the material conditions, but also on other conditions that enable the child to grow up in a healthy and sound environment with responsible parents and provide training and support services for adoptive parents before and following the adoption;
  - (c) Establish a system of monitoring each step of the adoption process by an independent body.

## **E. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

### ***Children with disabilities***

34. The Committee welcomes the adoption of the Law “On education of persons with special needs” in 2005 and amendments to the Law “On general education” in 2012, both of which provide for the inclusive education for children with special needs. However, the Committee is concerned that:
- (a) The number and proportion of children with disabilities in children’s homes are increasing due to lack of family support and alternative family and community based care options;
  - (b) Children with disabilities in regions (marzes) do not have access to adequate care and services, especially early detection and rehabilitation services;
  - (c) Children with disabilities remain in the care institutions even after they graduate as no other solution is provided to them and children with mental disabilities are often placed in mental health hospitals;
  - (d) Despite the increasing trend in inclusive education, a large number of children with disabilities who live in care institutions and rural areas, do not receive formal education;
  - (e) Services that are free of charge are of low quality which forces the parents of children with disabilities to pay additional fees to get, for example, quality prosthesis items or orthopaedic shoes.

35. In light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

- (a) Take measures for the deinstitutionalization of children with disabilities and provide them with alternative family and community-based care options;
- (b) Allocate adequate human, technical and financial resources for ensuring the availability of early detection and rehabilitation services for children with disabilities, especially for children in the regions (marzes);
- (c) Ensure that children with disabilities receive adequate support even after graduating from the care institutions, and ensure that children with mental disabilities are not placed in mental health institutions but are rather provided with adequate support and a place in the community;
- (d) Continue its efforts to include children with disabilities in the mainstream education system, and in doing so, pay particular attention to children with disabilities in care institutions and rural areas;
- (e) Take immediate measures to ensure that service providers do not take fees for services that are free of charge and establish regular control of the quality of services and products provided.

### ***Health and health services***

36. The Committee welcomes the Obstetric Care State Certificate Programme of 2008 and the Child Certificate programme introduced in 2011 aimed at improving maternal and child health. It also welcomes the 2011 National Concept and Action Plan for Enrichment of Wheat Flour and National Strategy on Food Security with an action plan for 2010 - 2015. Nevertheless, the Committee remains concerned that:

- (a) Significant disparities between urban and rural areas in access to health-care services exist as some services such as intensive neonatal health care are available only in the capital;
- (b) Despite the achievements in reducing the infant mortality, the neonatal and prenatal mortality rates remain high due to insufficient equipment in neonatal departments and inadequate training of staff.
- (c) Informal (under the table) payments are common especially in hospital settings, which creates obstacles in accessing free medical care;
- (d) There is a lack of qualified medical personnel who are experienced in the provision of Maternal and Child Health services both in terms of preventive health and outreach care as well as those needed to provide curative care in hospitals;
- (e) Despite the significant achievements in the area of nutrition, the problems of malnutrition among women and children still prevail especially in rural areas, and a high level of obesity is noted among children under 5 years of age.



37. The Committee urges the State party to:

- (a) Ensure equal access to all health-care services, in particular, provide equitable access to health care during pregnancy, at the delivery, including access to Emergency Obstetric Care and care for the newborn during the neonatal period, and adequate resources to provide emergency services and resuscitations in rural areas;
- (b) Provide health institutions with adequate supplies and equipment, especially in neonatal departments as well as training of staff;
- (c) Eliminate all informal fees for health-care services that are free of charge, and set up a confidential system for reporting and action in case of non-compliance;
- (d) Take measures to ensure that all health-care personnel responsible for health care for children are well qualified and well trained;
- (e) Continue the implementation of its action plans and strategies aimed at improving the nutritional status of pregnant women, infants, pre-school children and adolescents, especially in rural areas. This includes promoting healthy eating habits and refraining from overconsumption of sugary drinks and “junk food” which is contributing to a growing problem of obesity in children.

In doing so, seek financial and technical assistance from, inter alia, UNICEF and the World Health Organization (WHO), for implementing the above recommendations.

## ***HIV/AIDS***

38. The Committee notes as positive the introduction of the Prevention of Mother to Child HIV Transmission services. However, it remains concerned that awareness of HIV/AIDS is extremely low, especially among children in rural areas.
39. In light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party continue its Prevention of Mother to Child HIV Transmission services and undertake additional awareness-raising campaigns on HIV/AIDS among adolescent children, especially in rural areas. In undertaking the above, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and UNICEF.

## ***Breastfeeding***

40. The Committee is concerned that the implementation of baby-friendly hospital initiatives and the reassessment process have been discontinued since 2008. It is also concerned at the aggressive marketing practices of infant food companies and distributors and the weak enforcement of laws that regulate infant food marketing.
41. The Committee recommends that the State party:
  - (a) Undertake measures to resume its baby-friendly hospital initiatives and ensure its maternity hospitals meet the required standards and are certified as baby-friendly under the Baby-Friendly Hospital Initiative (BFHI);

- (b) Ensure regular monitoring of existing international marketing regulations relating to breast-milk substitutes and take necessary actions against those who violate these regulations and accelerate the adoption of the draft Law on Breastfeeding;
- (c) Promote proper infant and young child feeding practices through a health-care system in institutions and communities.

### **Standard of living**

- 42. The Committee regrets that the child poverty rate has increased due to the economic crisis, with children with disabilities being among the hardest hit. The Committee welcomes the existing benefit packages for families with children, but is concerned that only 54.3 per cent of extremely poor families and 4.1 per cent of poor families benefit on a regular basis, due to the inadequate family benefit formula and lack of awareness of the existing government support.
- 43. The Committee urges the State party to continue and strengthen its efforts to combat poverty and to ensure that benefit packages cover all families in vulnerable situations by facilitating their access to State support and raising awareness of the existing benefits, as well as to guarantee the right of all children to an adequate standard of living.

## **F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

- 44. The Committee welcomes that children belonging to minority groups have access to education and textbooks in their mother tongue. However the Committee remains concerned that:
  - (a) The poor infrastructure for schools, in particular pre-primary schools, including poor heating and poor water and sanitation remain a problem;
  - (b) The quality of education remains poor and there is a low demand for professional teachers;
  - (c) There is a high number of drop-outs from schools after the primary education;
  - (d) Study of the dominant religion in the country is a compulsory subject in the curriculum of schools.
- 45. Taking into account its general comment No. 1 (2001) on the aims of education , the Committee recommends that the State party:
  - (a) Invest in improving the school infrastructure, including access to heating, safe water and sanitation, in particular for buildings of pre-primary schools;
  - (b) Allocate adequate human, technical and financial resources for improving teacher training and establish strict qualification requirements for those working as teachers;

- (c) Undertake a study on the root causes of dropouts from schools and provide incentives for children to continue their education in secondary school;
- (d) Revise the curriculum of schools in order to reflect the freedom of religion of all children and eliminate the compulsory subject of the History of Armenian Church from the curriculum.

### **G. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

#### ***Unaccompanied, asylum-seeking and refugee children***

46. The Committee welcomes the adoption of the 2008 Law on Refugees and Asylum which provides basic safeguards for the protection of unaccompanied refugee and asylum-seeking children. However, the Committee regrets that the Law fails to meet minimum social and economic standards prescribed by the 1951 Convention on the Status of Refugees such as access to decent housing, public relief and naturalization. The Committee is also concerned that some refugee parents have been facing problems enrolling their children in schools due to the absence of documents from previous schools and translation of documents into Armenian. The Committee is further concerned that the State party's law on citizenship has gaps which gives rise to possible statelessness of children of foreign parents or children whose parents lost Armenian citizenship.

47. In light of its general comment No 6 (2005) on the treatment of unaccompanied and separated children outside their countries of origin, the Committee recommends that the State party amend its Law on Refugees and Asylum Seekers to provide basic safeguards and ensure its effective implementation. It also recommends that the State party ensure that all children regardless of their status have access to education and remove administrative barriers for the enrolment of refugee and asylum-seeking children. Further, the Committee recommends that the State party amend its legislation to ensure that no children under its jurisdiction can become stateless as a result of its regulations and practices.

#### ***Economic exploitation, including child labour***

48. The Committee is concerned that significant numbers of children, including those below the age of 14, are dropping out of schools to work in informal sectors such as agriculture, car service, construction and gathering of waste metal and family businesses. It is particularly concerned about the increasing number of children involved in begging in the streets and in heavy manual labour such as labourers and loaders. It is further concerned that labour inspectorates are not effective in controlling child labour.

49. The Committee urges the State party to ensure that labour legislation and practices comply with article 32 of the Convention, including effective implementation of existing laws, strengthen and involve labour inspectorates and establish child labour reporting mechanisms. The

Committee further recommends that the State party ensure the prosecution of perpetrators of child exploitation with commensurate sanctions, and in doing so ensure that such reporting mechanisms are known to and accessible by children. The Committee also recommends that the State party seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization in this regard.

### ***Administration of juvenile justice***

50. While noting that every court in the State party has a judge specialized in dealing with cases of children and that issues of children in conflict with the law are regulated in the criminal legislation, the Committee remains concerned that:
- (a) There is no holistic juvenile justice system, including juvenile courts and comprehensive law on juvenile justice, with provisions for diversion mechanisms and efficient alternatives to the formal justice system;
  - (b) Children are detained during the pre-trial investigation for lengthy periods;
  - (c) Children may be subjected to 5 to 10 days of solitary confinement as a punishment;
  - (d) The Abovyan penitentiary institution where children are detained lacks basic hygienic supplies and beddings. Children in such institutions are not provided with proper education;
  - (e) There are no effective rehabilitation and reintegration programmes for children when they leave penitentiary institutions.
51. The Committee urges the State party to establish a clear timeline for considering its draft Criminal Procedure Code, which provides for the establishment of a holistic juvenile justice system, and ensure its full compliance with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007). In particular, the Committee recommends that the State party:
- (a) Establish a holistic juvenile justice system, including juvenile courts, on the basis of a comprehensive legal framework, as well as diversion measures to prevent children in conflict with the law from entering the formal justice system and to develop more alternatives to trial, sentencing and execution of punishment such as community service and mediation between the victim and offender in order to avoid stigmatization and provide for their effective reintegration;
  - (b) Ensure that the pre-trial detention of children is used as a last resort and for the shortest time possible;
  - (c) Take immediate measures to ban solitary confinement of children, which amounts to inhuman treatment;
  - (d) Take immediate measures that children in Abovyan and other prisons

are provided with all basic supplies, hygienic items and clean beddings and that children in prisons are provided with proper education;

- (e) Establish effective rehabilitation and reintegration programmes specifically targeting children who leave penitentiary institutions.

In doing so, make use, if relevant, of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and non-governmental organizations (NGOs), and seek technical assistance in the area of juvenile justice from members of the Panel.

### ***Child victims and witnesses of crimes***

- 52. While noting that the State party has some measures to protect child victims and witnesses, such as the presence of a legal representative and psychologists during interrogations, the Committee regrets that the efforts are insufficient and are not properly reflected in its legislation.
- 53. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

## **H. Ratification of international human rights instruments**

- 54. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

## **I. Cooperation with regional and international bodies**

- 55. The Committee recommends that the State party cooperate with the Council of Europe (COE) towards the implementation of the Convention and other human rights instruments, both in the State party and in other COE member States.

## **J. Follow-up and dissemination**

- 56. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Head of State, the National Assembly, relevant ministries, the Supreme Court, regional and local authorities for appropriate consideration and further action.
- 57. The Committee further recommends that the combined third to fourth periodic reports and the written replies by the State party and the related recommendations (concluding observations) be made widely available in Armenian and other languages of the country, including (but not exclusively) through the Internet, to the





public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

## **K. Next report**

58. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 22 January 2019 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages.

The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

59. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).



## **ANNEX 2. Concluding observations of the Human Rights Committee adopted at its 105th session, 9-27 July 2012**

### **International Covenant on Civil and Political Rights**

#### **Armenia**

1. The Human Rights Committee considered the second periodic report of Armenia (CCPR/C/ARM/2) at its 2903rd and 2904th meetings (CCPR/C/SR/2903 and 2904), held on 16 and 17 July 2012. At its 2917th meeting (CCPR/C/SR/2917), held on 25 July 2012, it adopted the following concluding observations.

#### **A. Introduction**

2. The Committee welcomes the second periodic report of Armenia, albeit somewhat overdue, and the information contained therein. It expresses its appreciation for the opportunity to renew its constructive dialogue with the delegation on the measures adopted by the State party during the reporting period to apply the provisions of the Covenant. The Committee thanks the State party for its written replies (CCPR/C/ARM/Q/2/Add.1) to the list of issues (CCPR/C/ARM/Q/2), which were supplemented by the oral replies provided by the delegation and additional information provided in writing.

#### **B. Positive aspects**

3. The Committee welcomes the ratification of:
  - (a) The Convention on the Rights of Persons with Disabilities, in September 2010;

- (b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), in September 2006;
- (c) The International Convention for the Protection of All Persons from Enforced Disappearance, in January 2011;
- (d) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in September 2006;
- (e) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2005 and on the sale of children, child prostitution and child pornography, in June 2005.

#### **C. Principal matters of concern and recommendations**

4. The Committee is concerned at the limited level of awareness of the Covenant and the Optional Protocol among the population, legal officials and lawyers, resulting in a restricted number of cases in which the provisions of the Covenant have been invoked, and in the absence of any individual complaint against the State party since the ratification of the Optional Protocol in 1993 (art. 2).

The State party should raise awareness among

judges, lawyers and legal officials of the rights set out in the Covenant, of their applicability under domestic law, and of the available procedure under the Optional Protocol.

5. The Committee is concerned about information questioning the vigilance of the national human rights institution in monitoring, promoting and protecting human rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

The State party should create the conditions necessary to ensure that the Ombudsman's Office, which serves as the National Human Rights Institution; fully and independently perform its mandate, in line with the Paris Principles.

6. The Committee is concerned about the lack of comprehensive legislation on discrimination. It is also concerned about violence against racial and religious minorities, including by civil servants and high-level representatives of the executive power, and about the failure on the part of the police and judicial authorities to investigate, prosecute and punish hate crimes (arts. 2, 18, 20 and 26).

The State party should ensure that its definition of discrimination covers all forms of discrimination as set out in the Covenant (race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status). Further, the State party should combat violence and incitement to racial and religious hatred, provide proper protection to minorities, and ensure adequate investigation and prosecution of such cases. Moreover, the Committee encourages the State party to strengthen its efforts to ensure the effective implementation of the laws

adopted to combat racial discrimination and to ensure the achievement of their objectives.

7. The Committee remains concerned about the high level of discrimination suffered by women, their reduced participation in public and political life, and the low level of their representation in decision-making posts in the public and private sectors. The Committee regrets that gender stereotypes still prevail on the role and responsibilities of women and men in the family and in society (arts. 2, 3, 25 and 26).

The State party should adopt specific legislation on the equality of men and women, thus recognizing officially the special nature of discrimination against women. A review should be undertaken of the effectiveness of the quota system for candidates standing for election. The State party should also enhance its efforts to eliminate gender stereotypes on the role and responsibilities of men and women in the family and in society.

8. The Committee is concerned about the persistence of high levels of violence against women, in particular domestic violence, and regrets that domestic violence still does not constitute an act specifically punishable under criminal law. The Committee is also concerned about the insufficient number of shelters for victims of domestic violence (arts. 2, 3 and 7).

The State party should adopt legislation criminalizing all forms of domestic violence. It should carry out focused awareness-raising campaigns to sensitize the population to these problems throughout the country. Local authorities, law-enforcement and police officials, as well as social workers and medical personnel should be trained on how to detect and adequately advise victims of domestic

violence. The State party should also ensure that a sufficient number of fully operational shelters for victims of domestic violence are available in all parts of the State party.

9. The Committee is concerned about the rising practice of sex-selective abortions reflecting a culture of gender inequality (arts. 2, 3, and 26).

The State party should adopt legislation to prohibit sex selection and tackle the root causes of prenatal sex selection through the compilation of reliable data on the phenomenon, the introduction of mandatory gender-sensitivity training for family planning officials, and the development of awareness-raising campaigns among the public.

10. The Committee is concerned at the discrimination and violence suffered by lesbian, gay, bisexual and transgender (LGBT) persons and rejects all violations of their human rights on the basis of their sexual orientation or gender identity (arts. 3, 6, 7 and 26).

The State party should state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or harassment of, or discrimination or violence against persons because of their sexual orientation or gender identity. The State party should prohibit discrimination based on sexual orientation and gender identity and provide effective protection to LGBT persons.

11. The Committee is concerned that the conditions under which the State of Emergency was declared in March 2008 were not clear. The Committee is concerned that the existing regulations on states of emergency do not guarantee the full respect for the rights protected in article 4 of the Covenant (art. 4).

The State party should ensure that its legislation and regulations concerning states of emergency fully comply with article 4 of the Covenant.

12. The Committee is concerned about the ongoing impunity for excessive use of force by the police during the events of 1 March 2008, despite efforts to investigate the fatalities (arts. 6, 7 and 14).

The State party should establish effective investigative procedures to ensure that law enforcement officers found responsible for excessive use of force during the 1 March 2008 events, including those with command responsibility, are held accountable and appropriately sanctioned. The State party should also guarantee that victims of these acts receive adequate compensation, and that they have access to adequate medical and psychological rehabilitation.

13. The Committee is concerned about the lack of accountability of law enforcement officers in case of excessive use of force, and the lack of an independent mechanism for investigating police abuse, despite the adoption of the 2010-2011 police reform programme (arts. 6 and 7).

The State party should implement effective selection, training, internal monitoring and independent accountability mechanisms for police forces to secure the full respect for human rights. It should ensure the conformity of its legislation and regulations with the exigencies of the right to life, in particular as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Further, the State party should guarantee the investigation and punishment of all abuses committed by members of law enforcement agencies.

14. The Committee is concerned about the absence of a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment in places of deprivation of liberty, as well as the low number of prosecutions of such cases (arts. 7 and 14).

The State party should establish an independent system for receiving and processing complaints regarding torture or ill-treatment in all places of deprivation of liberty, and should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and punished in a manner commensurate with its gravity.

15. The Committee is concerned about suspicious deaths in the Armenian Armed Forces under non-combat conditions and about the alleged practice of hazing and the existence of other mistreatment of conscripts by officers and fellow soldiers (arts. 6 and 7).

The State party should guarantee the elimination of hazing and other such mistreatment in the armed forces. The State party should ensure thorough investigation of all allegations of hazing and non-combat deaths in the military, the prosecution and punishment of the perpetrators, and the access of victims to compensation and rehabilitation, including through appropriate medical and psychological assistance.

16. The Committee is concerned that no statistical information and data on trafficking of persons are available to evaluate the scope of the phenomenon and to assess the efficiency of the programmes and strategies that are presently carried out (art. 8).

The State party should set up an official database on the number of cases of trafficking in

persons, their characteristics, their treatment by judicial authorities, and the remedies and reparations made to the victims. The State party should also establish a monitoring procedure to assess the result of the measures and strategies adopted to prevent and punish human trafficking.

17. The Committee is concerned about the situation of asylum seekers who are prosecuted and sentenced under article 329 of the Criminal Code solely due to their illegal entry, despite having identified themselves as persons seeking asylum (arts. 9 and 13).

The State party should ensure that no asylum seekers are penalized solely due to their illegal entry or stay without taking into account their need for international protection.

18. The Committee is concerned about the unresolved situation of the refugees and their families who fled to Armenia from Azerbaijan between 1988 and 1992 owing to the conflict in Nagorno-Karabakh as well as people internally displaced during this period, who now live in collective centres under extremely difficult conditions, with adverse effects on their physical and mental health (arts. 12 and 17)

The State party should carry out campaigns of information on the rights and entitlements of Armenian refugees from Azerbaijan including with regard to the existing simplified naturalization scheme, and enhance its efforts to improve living conditions of refugees and internally displaced persons, particularly with respect to housing and living conditions.

19. The Committee is concerned about the frequent use of pre-trial detention, and that detainees are not fully informed of their fundamental rights from the outset

of their deprivation of liberty. The Committee also regrets that detainees are frequently deprived of timely access to a lawyer and a medical doctor, of their right to notify a person of their choice, and that they are not brought promptly before a judge (art. 9)

In compliance with the 2002 Law on the Custody of Arrestees and Remand Prisoners, the State party should ensure that all persons deprived of liberty are informed of their fundamental rights from the outset of their deprivation of liberty, both orally and in writing, that they have immediate access to a lawyer and a medical doctor, and that they can notify a person of their choice. The State party should also guarantee that all persons deprived of liberty are brought promptly before a judge, in accordance with the provisions of the Covenant.

20. The Committee is concerned about the overcrowding and understaffing of prisons. The Committee also regrets the reduced application of alternative measures to detention by the courts (arts. 10)

The State party should pursue its efforts to improve conditions in places of detention and to reduce prison overcrowding, including through the application of alternative measures to imprisonment.

21. The Committee is concerned about the lack of independence of the judiciary. In particular, the Committee is concerned about the appointment mechanism for judges that exposes them to political pressure and about the lack of an independent disciplinary mechanism (art. 14).

The State party should amend its domestic legal provisions in order to ensure the independence of the judiciary from the executive

and legislative branch and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for the appointment and promotion of judges, as well as for the application of disciplinary regulations.

22. The Committee is concerned at allegations of persistent corruption among all branches of State institutions, especially the police and the judiciary that undermines the rule of law. In addition, the Committee is concerned at the lack of convincing results in the fight against high-level corruption and the resulting lack of public trust in the administration of justice (art. 14).

The State party should increase efforts to combat corruption in all branches of government, by investigating promptly and thoroughly all incidents of alleged corruption and punish those responsible.

23. The Committee is concerned at the limitations of the juvenile justice system, in particular the limited number of specialized judges, and the absence of information about special laws, procedures and court rooms. The Committee is also concerned at the absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders (arts. 14 and 24).

The State party should pursue its efforts to guarantee that the juvenile criminal justice system is provided with the necessary material and human resources. In this perspective, the State party should ensure that all professionals involved in the juvenile justice system are trained in relevant international standards, including the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council res. 2005/20). The State party

should also create specialized structures for the physical and psychological recovery and social reintegration of juvenile offenders.

24. The Committee is concerned about the limitations and restrictions on freedom of religion and belief, including the criminalization of proselytism (art. 18).

The State party should amend its legislation in line with the requirements of article 18 of the Covenant, including through the decriminalization of proselytism.

25. The Committee is concerned that the Alternative Military Service Act as amended in 2004 and 2006 still does not guarantee conscientious objectors a genuine alternative service of a clearly civilian nature. The Committee is also concerned that conscientious objectors, overwhelmingly Jehovah's Witnesses, are still imprisoned when they refuse to perform the military service and the existing alternative military service (arts. 18 and 26).

The State party should put in place a real alternative to military service, which is genuinely non-military, accessible to all conscientious objectors and neither punitive nor discriminatory in nature, cost or duration. The State party should also release all conscientious objectors imprisoned for refusing to perform the military service or the existing alternative to military service.

26. The Committee is concerned about information received on threats and attacks on journalists and human rights defenders (art. 19).

The State party should ensure the protection of journalists and human rights defenders

from threats and attacks, the immediate and thorough investigation of all allegations of such acts, the prosecution and sanction of perpetrators, as well as the access to reparation for the victims.

27. The State party should widely disseminate the Covenant, the text of the second periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations in order to raise the awareness of the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as of the general public. The Committee suggests that the report and the concluding observations be translated into the official languages of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to consult extensively with civil society and non-governmental organizations.

28. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations contained in paragraphs 12, 14 and 21 of the present concluding observations.

29. The Committee requests the State party to provide in its next periodic report, due by 27 July 2016, specific, up-to-date information on all the recommendations and on its compliance with the Covenant as a whole.



## **ANNEX 3. Concluding Observations Of The Committee Against Torture, 7 May–1 June 2012**

### **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Consideration of reports submitted by**

#### **Armenia**

1. The Committee against Torture considered the third periodic report of Armenia (CAT/C/ARM/3), at its 1064th and 1067th meetings (CAT/C/SR.1064 and 1067), held on 10 and 11 May 2012. At its 1085th and 1086th meetings (CAT/C/SR.1085 and 1086), held on 28 and 29 May 2012, it adopted the following concluding observations.
  - (a) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in September 2006;
  - (b) International Convention for the Protection of All Persons from Enforced Disappearance, in January 2011;
  - (c) Convention on the Rights of Persons with Disabilities, in September 2010;
  - (d) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in September 2006;
  - (e) Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2005, and on the sale of children, child prostitution and child pornography, in June 2005.
  - (f) Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of death penalty, in September 2003.

#### **A. Introduction**

2. The Committee welcomes the submission of the third periodic report by the State party, which follows the general guidelines regarding the form and contents of periodic reports. Nonetheless, it regrets the State party's delay of seven years in submitting the report.
3. The Committee welcomes the opportunity to examine compliance with the Convention with a high-level delegation from the State party. It appreciates the State party's extensive written replies to the list of issues (CAT/C/ARM/Q/3 and Add.1) and the additional information provided orally and in writing by the delegation.

#### **B. Positive aspects**

4. The Committee welcomes the ratification by the State party of a number of international and regional instruments, including:
  5. The Committee welcomes the legislative measures taken during the period under review, including:
    - (a) The adoption in 2008 of a law designating the Human Rights Defender as the national preventive mechanism provided for in the Optional Protocol

to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The enactment in March 2002 of the Law on the Custody of Arrestees and Remand Prisoners;

(c) The adoption in December 2004 of the Penitentiary Code.

6. The Committee further welcomes:

(a) The establishment in 2006 of public monitoring groups comprising governmental and non-governmental members;

(b) The standing invitation extended to United Nations special procedures in April 2006, and the visit by the Working Group on Arbitrary Detention in 2010.

7. The Committee welcomes the oral statement by the delegation that the State party will consider making the declaration envisaged under article 22 of the Convention, in order to recognize the competence of the Committee to receive and consider individual communications.

## **C. Principal subjects of concern and recommendations**

### ***Allegations of torture and ill-treatment in police custody***

8. The Committee is seriously concerned by numerous and consistent allegations, corroborated by various sources, of routine use of torture and ill-treatment of suspects in police custody, especially to extract confessions to be used in criminal proceedings (arts. 2, 4, 12 and 16).

As a matter of urgency, the State party should

take immediate and effective steps to prevent acts of torture and ill-treatment throughout the country. The Committee urges the State party to promptly, thoroughly and impartially investigate all incidents of torture, ill-treatment and death in custody; prosecute those responsible; and report publicly on the outcomes of such prosecutions. In addition, the State party should unambiguously reaffirm the absolute prohibition of torture and publicly warn that anyone committing such acts or otherwise complicit or acquiescent in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties.

### ***Hazing and ill-treatment in the armed forces***

9. The Committee remains concerned by allegations that suspicious deaths continue to occur in the Armenian Armed Forces under non-combat conditions and that the practice of hazing and other mistreatment of conscripts by officers and fellow soldiers continues, conducted by or with the consent, acquiescence or approval of officers or other personnel. While noting the information provided by the delegation, the Committee remains concerned about reports that investigations carried out into many such incidents have been inadequate or absent, including the investigations into the deaths of Vardan Sevan, Artak Nazerian, and Artur Hakobian. The Committee is further concerned at the reported absence of effective investigations into allegations of abuse, such as those made against Vardan Martirosian, and the inadequate punishments of those convicted for the abuses (arts. 2, 4, 12, 13 and 16).

The State party should reinforce measures to

prohibit and eliminate hazing in the armed forces and ensure prompt, impartial and thorough investigation of all allegations of hazing and non-combat deaths in the military. Where evidence of hazing is found, the State party should ensure prosecution of all incidents and appropriate punishment of the perpetrators, make the results of those investigations public, and provide compensation and rehabilitation for victims, including through appropriate medical and psychological assistance.

### ***Definition, absolute prohibition and criminalization of torture***

10. The Committee is concerned that national legislation criminalizing “torture” (article 119 of the Criminal Code) does not conform to the definition of torture in accordance with article 1 of the Convention, and that torture, as presently defined by the State party, does not include crimes committed by public officials, only by individuals acting in a private capacity, with the result that no public official has ever been convicted of torture by the State party. It is also concerned by reports that officials have closed cases of allegations of torture on the basis of reconciliation of the defendant with the victim. It is further concerned that current sanctions (a minimum of three years’ imprisonment and up to seven years’ imprisonment with aggravating circumstances) do not reflect the gravity of the crime. Finally, it is concerned that several individuals convicted of torture or ill-treatment under other articles of the Criminal Code have been granted amnesty (arts. 1 and 4).

While appreciating the delegation’s oral statement that it intends to amend the Criminal

Code, the Committee recommends that the State party ensure that the definition of torture is in full conformity with articles 1 and 4 of the Convention. The State party should also ensure that all public officials who engage in conduct that constitutes torture or ill-treatment are charged accordingly, and that the penalty for this crime reflects the gravity of the act of torture, as required by article 4 of the Convention. The State party should further ensure that persons convicted of torture or other acts amounting thereto under the Criminal Code are not subject to any statute of limitations, and that the authorities are obligated to investigate and punish persons for such acts regardless of assertions of reconciliation between the defendant(s) and the victim(s).

### ***Fundamental legal safeguards***

11. Notwithstanding the safeguards provided by law, in Government Decision No. 574-N of June 2008 and Chief of Police instruction 12-C of April 2010, and by the Court of Cassation in its December 2009 decision in the case of G. Mikaelyan, the Committee expresses its serious concern about reports received regarding the State party’s failure in practice to afford all detainees all fundamental safeguards from the very outset of their de facto deprivation of liberty, including timely access to a lawyer and a medical doctor and the right to contact family members. The Committee is concerned by reports that police officials do not keep accurate records of all periods of deprivation of liberty; do not afford fundamental safeguards to individuals in detention, particularly persons deprived of their liberty for whom a protocol of detention has not been drawn up; do not

effectively notify detainees of their rights at the time of detention; do not adhere to the three-day time limit for transferring people deprived of their liberty from a police station to a detention facility; and do not promptly bring detainees before a judge. The Committee also notes that the number of public defenders in the State party remains insufficient (art. 2).

In the context of the current legislation reform, including the amendment of the Criminal Procedure Code, the State party should take prompt and effective measures to ensure, in law and in practice, that all detainees are afforded all legal safeguards from the very outset of their deprivation of liberty. These include the rights to access to a lawyer, to an independent medical examination, to notify a relative, to be informed of their rights, and to be brought promptly before a judge.

The State party should take measures to ensure audio- or videotaping of all interrogations in police stations and detention facilities as a further preventive measure. The Committee encourages the State party to implement as soon as possible its plan to require police to create an electronic protocol of detention immediately upon the de facto deprivation of liberty of persons in police stations. The State party should ensure access to these records by lawyers and relatives of those detained.

The State party should increase the funding provided to the Public Defender's Office of the Chamber of Advocates to ensure the availability of effective legal aid.

### ***Investigations and impunity***

12. The Committee is deeply concerned that allegations of torture and/or ill-treatment committed by law enforcement officials and military personnel are not promptly,

impartially or effectively investigated and prosecuted. The Committee is particularly concerned by reports that the Office of the Prosecutor directs the police to investigate some claims of torture and ill-treatment allegedly perpetrated by police officers, rather than assign these complaints to an independent investigation service. In this regard, it is concerned that the Office of the Prosecutor does not regularly ensure that different prosecutors supervise the investigation of a crime and allegations of torture made against police officials by the suspected perpetrator of that crime. The Committee is also concerned that the Special Investigation Service has been unable to gather sufficient evidence to identify the perpetrators in a number of cases in which torture or ill-treatment by officials was alleged, leading to concerns regarding its effectiveness. The Committee is further concerned by reports that officials alleged to have committed torture or ill-treatment are not immediately suspended from their duties or transferred as appropriate for the duration of the investigation, particularly if there is a risk that they may otherwise be in a position to repeat the alleged act or to obstruct the investigation (arts. 2, 11, 12, 13 and 16).

The State party should:

- (a) Take concrete steps to ensure prompt, thorough and impartial investigations into allegations of torture and ill-treatment by law enforcement officials and military personnel leading to the prosecution and punishment of those responsible with penalties that are consistent with the gravity of the act committed;
- (b) Ensure that all investigations into

crimes involving public officials are undertaken by an independent and effective body;

- (c) Ensure that all officials alleged to be responsible for violations of the Convention are suspended from their duties while any investigation into the allegations is in progress.

The Committee urges the State party to provide information on the number of complaints filed against public officials alleging acts that constitute torture or ill-treatment under the Convention, as well as information on the results of investigations into those complaints and any proceedings undertaken, at both the penal and disciplinary levels. This information should describe each relevant allegation and indicate the authority that undertook the investigation.

### ***Deaths in custody***

13. The Committee is concerned at reports from the State party and non-governmental organizations on deaths in custody, including the deaths in police custody of Vahan Khalafyan and Levon Gulyan (arts. 2, 11, 12 and 16).

The Committee urges the State party to investigate promptly, impartially and effectively all deaths of detainees, assessing any liability of public officials, and to ensure punishment of the perpetrators and compensation to the families of the victims. The Committee requests that the State party provide comprehensive updated information on all reported cases of deaths in custody, including location, cause of death and the results of any investigations conducted into such deaths, including punishment of perpetrators or compensation to relatives of victims.

### ***Complaints, reprisals and protection of victims, witnesses and human rights defenders***

14. The Committee notes with concern reports that victims of and witnesses to torture and ill-treatment do not file complaints with the authorities because they fear retaliation. It also notes reports that human rights defenders, as well as journalists, have experienced threats and intimidation as a result of their work, and that the State party has taken few steps to ensure their protection (arts. 2, 11, 12, 13, 15 and 16).

The Committee urges the State party to establish an effective mechanism to facilitate the submission of complaints by victims and witnesses of torture and ill-treatment to public authorities, and to ensure in practice that complainants are protected against any ill-treatment, intimidation or reprisals as a consequence of their complaint. The State party should take all necessary steps to ensure that human rights defenders, as well as journalists, are protected from any intimidation or violence.

### ***Redress, including compensation and rehabilitation***

15. While noting that the State party has paid compensation to victims further to the European Court of Human Rights ruling of July 2011, the Committee regrets the lack of data provided by the State party regarding the amount of any compensation awards made by the courts to victims of violations of the Convention, including individuals who were denied fundamental safeguards or subjected to torture or ill-treatment in detention. The Committee

is concerned that the law does not provide means of reparation for victims of torture other than financial compensation. The Committee also notes the lack of information on any treatment and social rehabilitation services, including medical and psychosocial rehabilitation, provided to victims (art. 14).

The State party should strengthen its efforts to provide victims of torture and ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible. The State party should amend its legislation to include explicit provisions on the right of torture victims to redress, including fair and adequate compensation and rehabilitation for damages caused by torture, in accordance with article 14 of the Convention. It should provide the Committee with information about measures taken in this regard, including allocation of resources for the effective functioning of rehabilitation programmes.

### ***Coerced confessions***

16. The Committee is concerned by allegations that forced confessions are used as evidence in courts in the State party. The Committee is further concerned by reports that courts have failed to stay criminal proceedings in which the defendant has alleged that a confession was obtained through torture, and to request thorough investigations. The Committee is further concerned about the lack of information provided regarding cases in which the State party's courts deemed confessions to be inadmissible as evidence on the grounds that they were obtained through torture (art. 2, 11, 15 and 16).

The Committee urges the State party to

ensure that, in practice, statements obtained by torture are not invoked as evidence in any proceedings. The State party should ensure that, in any case in which a person alleges that a confession was obtained through torture, the proceedings are suspended until the claim has been thoroughly investigated. The Committee urges the State party to review cases of convictions based solely on confessions.

The Committee urges the State party to firmly combat any use of torture to extract confessions, and ensure that in practice confessions obtained through torture are never used as evidence in judicial proceedings. The State party should ensure that legislation concerning evidence to be adduced in judicial proceedings is brought in line with article 15 of the Convention and provide information on whether any officials have been prosecuted and punished for extracting such confessions.

### ***Independence of the judiciary***

17. The Committee is concerned by reports of the lack of independence of the judiciary, in particular by the fact that responsibility for appointing, promoting and dismissing judges rests with the President and executive branch. The Committee is further concerned that the State party's legislation provides for criminal liability against judges for adopting an unjust judgment or other judicial act (arts. 2, 12 and 13).

The State party should take measures to ensure the full independence and impartiality of the judiciary in the performance of its functions, and review the regime of appointment, promotion and dismissal of judges in line with the relevant international standards, including the Basic Principles on the Independence of the Judiciary, which provides, in part, that



judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.

### ***Violence against women, including trafficking***

18. The Committee is concerned by the reported extent of physical and sexual violence against women. Furthermore, it is concerned that women rarely report ill-treatment and violence against them to the police. The Committee is particularly concerned by reports that there are no State-funded shelters available for women victims of domestic violence, which is not criminalized in the State party. The Committee regrets that the State party did not provide information on reparation and compensation, including rehabilitation, provided for victims of violence against women. While noting favourably that various national action plans for combating trafficking in human beings have been adopted during the period under consideration, the Committee is concerned by reports that Armenia remains both a source and destination country for women and girls subjected to trafficking (arts. 2, 12, 13 and 16).

The State party should strengthen its efforts to prevent, combat and punish violence against women and children, in particular domestic violence, inter alia, by amending its criminal legislation to make domestic violence a separate crime, conducting awareness-raising campaigns and training on domestic violence for law enforcement personnel and for the public at large, and providing victims of violence with immediate protection and redress, in particular rehabilitation.

It should also create adequate conditions for victims of violence against women, including domestic violence and trafficking, to exercise their right to make complaints. It should thoroughly investigate all allegations of domestic violence and trafficking, and prosecute and punish all perpetrators.

The Committee recommends that State party ensure the implementation of the 2008 National Referral Mechanism for Trafficked Persons and provide services for victims of trafficking, including those relating to provision of shelter, access to professional medical and psychological assistance, and training programmes.

### ***Conditions of detention***

19. While welcoming current efforts by the State party to improve conditions of detention in prisons, including the refurbishing of some facilities and work on the construction of a new prison, the Committee remains concerned at continued reports of severe overcrowding, understaffing and inadequate food and health care. The Committee is concerned by allegations of corruption in prison, including among groups of prisoners in whose behaviour prison officials appear to acquiesce. It is also concerned by reports that some victims of violence or discrimination are singled out by such groups of prisoners for abusive treatment based on perceived sexual orientation or nationality. The Committee regrets that there has not been a significant increase in the implementation of alternative measures to detention by the courts, and also regrets the lack of a confidential mechanism for detainees to make complaints of torture or ill-treatment. The Committee notes the establishment

of public monitoring groups, consisting of representatives of non-governmental organizations, mandated to carry out monitoring of penitentiary institutions and police stations. However, the Committee is concerned that the Police Monitoring Group is not granted full access to police stations (arts. 2, 11 and 16).

The State party should continue to take effective measures to improve conditions in places of detention and to reduce overcrowding in such places. The Committee recommends that the State party increase its efforts to remedy prison overcrowding, including through the application of alternative measures to imprisonment in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and to provide the Committee with information on any probation service to be established in charge of alternative punishment, conditional release and rehabilitation.

The State party should take necessary measures to eliminate any form of violence or discrimination against detainees based on sexual orientation or nationality, including all abusive and discriminatory actions taken by prison inmates against other detainees. It should establish a confidential system for receiving and processing complaints regarding torture or ill-treatment and ensure that the system is established in all places of deprivation of liberty. The State party should further ensure that all complaints received are promptly, impartially and effectively investigated, and the perpetrators punished with appropriate penalties.

The State party should ensure that the Police Monitoring Group has access to all police stations, including the ability to conduct unannounced visits. It should also take effective

measures to keep under systematic review all places of detention, including the existing and available health services therein, and should take measures to eliminate corruption in prisons.

### *Post-electoral violence*

20. The Committee notes with concern that despite efforts made by the State party to investigate allegations of the use of excessive and indiscriminate force by police in responding to clashes between police and protesters following the February 2008 elections, the investigation by the Special Investigation Service into the 10 deaths that occurred during the clashes remains ongoing. The Committee is also concerned about persistent allegations that in the immediate aftermath of the violence, many individuals were arbitrarily detained, denied the right to access to a lawyer of their choice, and subjected to ill-treatment in custody, and that these allegations have not been adequately investigated (arts. 2, 12, 13 and 16).

The State party should expedite the investigation into the 10 deaths resulting from the violence following the February 2008 elections and ensure that any law enforcement official found to have used excessive or indiscriminate force is prosecuted and punished with sentences appropriate to the gravity of the crime, and that the families of victims are provided with redress, including compensation. The State party should also ensure that broader allegations of excessive and indiscriminate use of force, ill-treatment and denial of safeguards by the police in the aftermath of these elections are independently and effectively investigated. The State party should take measures to ensure that individuals believed

to have knowledge of the March 2008 events are effectively protected from reprisals and intimidation.

### ***Juvenile justice***

21. The Committee regrets the absence of juvenile justice, including juvenile courts. The Committee notes the establishment of a public monitoring group, consisting of representatives of non-governmental organizations, mandated to carry out monitoring of special boarding schools. However, the Committee is concerned about the reported practice of holding juvenile detainees in solitary confinement for up to 10 days as a disciplinary sanction at such special schools (arts. 11, 12 and 16).

The Committee encourages the State party to establish a juvenile justice system, and particularly to establish a specialized juvenile division or jurisdiction with judges with professional competence to deal with juvenile cases and other judicial staff, and ensure its proper functioning in compliance with international standards. The State party should closely monitor the situation of special schools to ensure that children are not subjected to intimidation, ill-treatment or violence. The State party should limit the use of solitary confinement as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review. Solitary confinement of juveniles should be limited to very exceptional cases.

### ***Effectiveness of the Human Rights Defender***

22. The Committee is concerned by the lack of adequate resources for the Human Rights Defender (ombudsman), who has been designated the national preventive

mechanism of Armenia, to carry out his mandate effectively. It is also concerned that some recommendations made by the Human Rights Defender to the authorities are not implemented (arts. 2 and 12).

The Committee recommends that the State party provide the resources necessary for the Office of the Human Rights Defender to carry out its double mandate as the ombudsman and national preventive mechanism of Armenia in an effective manner in accordance with the guidelines on national preventive mechanisms established by the Subcommittee on Prevention of Torture. The State party should ensure that law enforcement, prosecutorial, military and prison personnel cooperate with the Human Rights Defender and take steps to implement his recommendations.

### ***Alternative service***

23. While taking note of the draft law to amend and supplement the law on alternative military service, the Committee remains concerned by the State party's acknowledgement that it continues to hold many individuals in detention for evading military service, some of whom are reportedly conscientious objectors who objected to the alternative service on grounds that it is supervised exclusively by military personnel (art. 16).

The Committee recommends that the State party adopt the draft law on alternative military service and that it review the detention of all individuals imprisoned for refusing to perform the alternative service on religious grounds.

### ***Non-refoulement***

24. The Committee regrets the lack of information regarding safeguards against

torture in extradition and expulsion. Furthermore, it is concerned about the lack of information on any diplomatic assurances secured by the State party in its return of applicants for asylum to neighbouring countries and in the implementation of the reported extradition agreement between the National Police of Armenia and the Police of the Russian Federation, and data concerning the number of people extradited pursuant to that agreement. The Committee is concerned by reports that the State party issued extradition warrants without allowing those concerned to exercise their right to appeal in accordance with article 479, paragraph 2, of the Criminal Procedure Code and without complying with the normal procedures for extradition (art. 3).

The State party should refrain from seeking and accepting diplomatic assurances from a State where there are substantial grounds for believing that a person would be at risk of being subjected to torture. The State party should provide detailed information to the Committee on all cases where such assurances have been provided.

The Committee also recommends that the State party respect its non-refoulement obligations under article 3 of the Convention, including the right to appeal the issuance of an extradition warrant, as provided for in article 479, paragraph 2 of the Criminal Procedure Code.

### **Training**

25. The Committee welcomes the organization of human rights training programmes for law enforcement and military officials during the period under consideration. However, the Committee regrets the lack

of information on monitoring and evaluation of the impact of these training programmes in reducing incidents of torture and ill-treatment. The Committee also regrets the lack of information on training on the use of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in such training programmes (art. 10).

The State party should strengthen training programmes for law enforcement officials, military personnel and prison staff on the requirements of the Convention and assess the impact of such training programmes. The State party should ensure that relevant officials receive training on the use of the Istanbul Protocol to identify signs of torture and ill-treatment.

26. The Committee invites the State party to consider ratifying the other core United Nations human rights treaties to which it is not yet party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
27. The State party is requested to disseminate widely the report submitted to the Committee and the Committee's concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.
28. The State party is invited to update its common core document (HRI/CORE/1/Add.57), in accordance with the requirements of the common core document





contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6).

29. The Committee requests the State party to provide, by 1 June 2013, follow-up information in response to the Committee's recommendations relating to:
- (a) conducting prompt, impartial and effective investigations;
  - (b) ensuring or strengthening legal safeguards for persons detained;
  - (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment,

as contained in paragraphs 8, 11 and 12 of the present document.

30. The State party is invited to submit its next report, which will be the fourth periodic report, by 1 June 2016. To that purpose, the Committee invites the State party to accept, by 1 June 2013, to report under its optional reporting procedure, consisting in the transmittal, by the Committee to the State party, of a list of issues prior to the submission of the periodic report. The State party's response to this list of issues will constitute, under article 19 of the Convention, its next periodic report.

## **ANNEX 4. Concluding observations of the Committee on the Elimination of Racial Discrimination, 14 February – 11 March 2011**

### **CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

#### **Armenia**

1. The Committee considered the fifth and sixth periodic reports of Armenia (CERD/C/ARM/5-6), submitted in one document, at its 2071st and 2072nd meetings (CERD/C/SR.2071 and CERD/C/SR.2072), held on 28 February 2011 and 1 March 2011. At its 2086th meeting, held on 10 March 2011, it adopted the following concluding observations.

#### **A. Introduction**

2. The Committee welcomes the report of the State party, which is in conformity with the Committee's guidelines, as well as the supplementary information provided orally by the delegation. The Committee also welcomes the resumption of dialogue with the State party and finds encouraging the frank and constructive responses provided to the questions and comments raised thereby.

#### **B. Positive aspects**

3. The Committee welcomes the legislative, institutional and other measures taken by the State party since the examination of the combined third and fourth periodic reports of the State party in 2002, to combat racial discrimination and to promote tolerance and understanding among the various ethnic and national groups of

its population. In particular, it notes with interest:

- (a) The constitutional prohibition of discrimination on the grounds of, among others, race, colour, ethnic origin, genetic features and circumstances of personal nature;
- (b) The inclusion of the prohibition of racial discrimination in a number of laws regulating various aspects of public life, such as in the Law on Television and Radio;
- (c) The provision of the Criminal Code establishing ethnic and racial motives as circumstances aggravating liability and punishment;
- (d) The establishment of various instruments with capacity for dialogue and consultation with national minorities, such as the Coordinating Council for National and Cultural Organizations of National Minorities and the Committee on National Minorities of the Public Council, and the creation of the Department of National Minorities and Religious Affairs which, among others, implements the Government's policy on national minorities;
- (e) The efforts undertaken by the State party to promote the preservation, dissemination and development of the cultural heritage of national minorities and to provide education of national



languages and literature for minorities; and

- (f) The inclusion of human rights, issues concerning discrimination and intolerance as well as matters relating to national and racial minorities in the continuing and formal education programmes for the police.
- 4. The Committee welcomes the creation in 2004 of the institution of the Human Rights Defender which is fully compliant with the Paris Principles and has mandate to consider complaints concerning violations of rights contained in the Convention.
- 5. The Committee commends the State party for its active role with respect to the Durban Conference and the preparatory works leading to the Review Conference.
- 6. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in 2010 and the Optional Protocols to the Convention on the Rights of the Child in 2005, to the Convention against Torture in 2006 and to the Convention on the Elimination of All forms of Discrimination against Women in 2006.
- 7. The Committee also welcomes the ratification by the State party of human rights treaties prohibiting discrimination within the Council of Europe and the Commonwealth of Independent States.

### **C. Concerns and recommendations**

- 8. While noting that the State party's Constitution accords primacy to international instruments over domestic laws and that, according to the State party's statement, provisions of international treaties have

been invoked in courts, the Committee remains concerned that as many provisions of the Convention are not self-executing, the legislation of the State party does not currently give full effect to all articles of the Convention.

The Committee particularly draws the attention of the State party to the absence of a legal prohibition of organizations involved in activities promoting and inciting racial discrimination, as required by article 4(b) of the Convention. Moreover, the Committee regrets that it has not been given information on legal provisions relating to racial segregation. (arts. 2, 3 and 4)

The Committee urges the State party to continue to bring its legislation into line with the Convention and asks the State party to include in the next periodic report the relevant extracts of the laws covering the activities proscribed in articles 3 and 4 of the Convention, as well as information on any judicial decision relating thereto.

Moreover, the Committee encourages the State party to strengthen efforts to ensure the effective implementation of the laws adopted in recent years to combat racial discrimination and to monitor that they achieve the objectives for which they have been adopted.

- 9. The Committee notes the absence of complaints of acts of racial discrimination lodged with courts and other relevant authorities during the reporting period. (art. 6)

Recalling its general recommendation No. 31 (2005) on the functioning and administration of the criminal justice, the Committee is of the view that absence of complaints of acts of racial discrimination cannot be understood as absence of racism or racial discrimination

and that it can be the result of lack of awareness of their rights by victims, fear of reprisals, complex judicial procedures limiting the effective access to remedies by victims, lack of confidence in the judicial authorities or unwillingness of competent authorities to institute legal proceedings.

The Committee therefore calls on the State party to:

- (a) Raise awareness of what is understood by racial discrimination, as defined by article 1 of the Convention and the State party's Constitution, among the population in general and minorities in particular;
- (b) Inform the public, and particularly vulnerable groups, such as minorities, non-nationals, refugees and asylum-seekers, of legislation on racial discrimination and of avenues of redress available;
- (c) Consider reviewing the rules of proof in the State party's legislation by reversing or sharing its burden where complaints of racial discrimination are pursued under civil law, in view of the difficulty in substantiating claims of racial discrimination.

The Committee requests that the State party provide in its next periodic report updated information on complaints about acts of racial discrimination and on relevant decisions in penal, civil or administrative court proceedings.

10. While noting the relatively homogenous makeup of the population of the State party, the Committee still regrets the absence of reliable data on the actual composition of its population.

The Committee requests the State party, on the basis of the census to be held in 2011 and with respect to the principle of self-identification, to include in its next periodic report

up-to-date data on the composition of its population, including Assyrians, Azeris, Roma and other small ethnic groups. In this regard, the Committee refers the State party to paragraphs 11 and 12 of its reporting guidelines (CERD/C/2007/1) and to general recommendations No. 4 (1973) and No. 24 (1999) respectively on demographic composition of the population and on reporting of persons belonging to different races, national/ethnic groups. The Committee further requests data on women from those groups.

11. The Committee regrets that, while the political situation within the South Caucasus region has brought a substantial number of refugees to the State party and has displaced a sizable number of persons internally, little information on the situation of these groups has been provided in the State party's report and during the dialogue. (art. 5)

The Committee calls on the State party to include in its next report detailed information on the situation of refugees and internally displaced persons on its territory, particularly in relation to the effective enjoyment of rights under article 5 of the Convention, including an update on the housing problem.

12. While noting the extensive information provided in the State party's report on the legal provisions guaranteeing non-discrimination in the enjoyment of rights contained in article 5 of the Convention, the Committee regrets the lack of disaggregated statistical data regarding the de facto enjoyment by national minorities and non-citizens, of the rights protected under the Convention, as without such data, it is difficult to assess the socio-economic situation of different groups in the State party. (arts. 1 and 5)

Recalling the importance of accurate and up-to-date data on the socio-economic situation of the various groups of the population in understanding the situation of all ethnic groups and other vulnerable groups, and in identifying indirect discriminatory situations, the Committee calls upon the State party to provide data on the situation of all ethnic and vulnerable groups, including non-citizens, bearing in mind the Committee's general recommendation No. 30 (2009) on non-citizens, mainly in employment, education and housing.

The Committee also requests that the State party include in the report information on special measures adopted to secure to any disadvantaged group the equal enjoyment of the rights outlined in article 5. The Committee refers the State party to its general recommendation No. 32 (2009) on the meaning and the scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

13. While noting with interest the various mechanisms in place to support the dialogue with minorities, the Committee remains concerned that these mechanisms are of consultative nature and cannot substitute the participation of minorities in public life. The Committee further regrets the lack of information on participation of minorities in elected and public bodies. (arts. 2 and 5)

Recalling the State party's obligation of results in this area, the Committee is of the view that legal guarantees of equal right to be elected are not sufficient as regards political participation of minorities and reiterates its previous recommendation calling on the State party to secure due representation of minorities in the National Assembly and other

public bodies (A/57/18, para. 278), including by the adoption of special measures.

14. The Committee notes with concern the existence in the State party of a political organization which has called for the expulsion of some ethnic groups from the territory of the State party. The Committee also notes the information provided by the State party as regards the legal actions brought against the leader of the organization. (art. 4)

The Committee urges the State party to comply with its obligation to outlaw any organization which promotes or incites racial discrimination, as prescribed by article 4(b) of the Convention.

15. While commending the efforts undertaken by the State party in the area of education for national minorities, including the provision of education in their languages and courses on their native languages and literature, the Committee regrets that effective enjoyment of the right to education is not guaranteed for all children from national minorities and other vulnerable groups, such as refugees and asylum-seekers, and that very few of them achieve higher education despite the implementation of measures such as affording priority to candidates from national minorities who have passed the university entry exams. (art. 5)

The Committee encourages the State party to strengthen efforts to ensure effective access to education and calls on the State party to:

- (a) Expand the implementation of the sample curriculum of general education schools of national minorities and the training of national minorities' teachers;
- (b) Consider providing language support in

pre-school education in areas with compact minority population so as to facilitate the integration of minority pupils into mainstream education;

- (c) Increase efforts to promote access to higher education for children from national minorities and other vulnerable groups.

The Committee also requests the State party to provide detailed information, including disaggregated statistics on enrolment in primary, secondary and higher education of members of national minorities and other vulnerable groups in its next periodic report.

16. The Committee notes with concern that while the State party is aware of conservative customs determining relationships between men and women, and between adults and children, within the Yezidi and Kurdish communities, which impede the equal enjoyment and exercise of rights, its programmes and activities in favour of national minorities have failed to address these issues. (art. 5)

Recalling the State party's obligation to guarantee the right of everyone to equality in the enjoyment of human rights, the Committee calls on the State party to take account of the need to address discriminatory customs in its work with national minorities. In particular, the Committee calls on the State party to take account, when implementing the Gender Policy Concept Paper, of the double discrimination faced by women from minorities. In this regard, the Committee draws the attention of the State party to its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination.

17. The Committee takes note of racial incidents as reported by the Human Rights Defender and the media in the State

party. The Committee further notes that information on prevailing sentiment of suspicion towards foreigners among its population may be indicative of xenophobic attitude and prejudice. (art. 7)

The Committee calls on the State party to remain vigilant regarding any racial incidents and to pursue its policy of combating any manifestation of discrimination against individuals and groups. The Committee also calls on the State party to carry out preventive action including by conducting a study on its population's attitude towards foreigners and through education of the general public in a spirit of tolerance, understanding and respect for diversity. In this regard, while acknowledging the provision of human rights education in schools, the Committee encourages the State party to pay particular attention to the role of the media in human rights education.

18. The Committee recommends that the State party take account of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, in the preparation and implementation of the National Programme on Human Rights Protection. The Committee refers the State party to its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference.
19. The Committee recommends that the State party undertake and publicize adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent, as proclaimed by the General Assembly in its

resolution 64/169 of 18 December 2009.

20. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying the international human rights treaties to which it is not a party, in particular treaties whose provisions have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families..
21. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.
22. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148 and 63/243, in which the General Assembly strongly urges States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.
23. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report and the implementation of the Committee's recommendations.
24. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.
25. Noting that the State party submitted its core document in 1995, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).
26. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 13, 14 and 17 above.
27. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 8, 9, 12 and 15, and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.
28. The Committee recommends that the State party submit its seventh to eleventh







periodic reports in a single document, due on 23 July 2014, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. Noting that the combined fifth and sixth reports were six years overdue, the Committee

invites the State party to observe the deadlines set for the submission of its reports in the future. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).



## **ANNEX 5. Concluding observations of the Committee on the Elimination of Discrimination against Women, 19 January-6 February 2009**

### **Armenia**

1. The Committee considered the combined third and fourth periodic reports of Armenia (CEDAW/C/ARM/4) at its 871st and 872nd meetings, on 23 January 2009. The Committee's list of issues and questions is contained in CEDAW/C/ARM/Q/4, and the responses of the Government of Armenia are contained in CEDAW/C/ARM/Q/4/Add.1.
6. The Committee commends the State party on revisions made to the Constitution in 2005, and in particular the adoption of article 14.1 guaranteeing equality before the law.

### **Introduction**

2. The Committee expresses its appreciation to the State party for its combined third and fourth periodic reports.
3. The Committee commends the State party for submitting its written replies to the list of issues and questions posed by the Committee's pre-session working group and for the oral presentation and further clarifications given in response to the questions posed orally by the Committee.
4. The Committee commends the State party on sending a delegation, headed by the Deputy Minister of Foreign Affairs, and comprising representatives from various ministries and agencies.

### **Positive aspects**

5. The Committee commends the State party for acceding, in May 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

7. The Committee welcomes the establishment of the Human Rights Defender (Ombudsman) for Armenia in 2004 and the adoption of a series of national plans and programmes, particularly the adoption in 2007 of a "Plan on Combating against Human Exploitation (Trafficking) in the Republic of Armenia in 2007-2009".

### **Principal areas of concern and recommendations**

8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.

## Parliament

9. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

## Visibility of the Convention and its Optional Protocol

10. While commending the State party for the dissemination of booklets with information on the Optional Protocol to the Convention, the Committee remains concerned that the provisions of the Convention and its Optional Protocol as well as the Committee's general recommendations, the views adopted on individual communications and inquiries, are not sufficiently known across all the branches of the Government, including the judiciary law enforcement personnel and women themselves. It is further concerned that there is no case law where the Convention is used, and that no judicial cases on the elimination of discrimination on the grounds of sex and gender were brought to the Committee's attention.
11. The Committee encourages the State to promote knowledge and understanding of the Convention and gender equality through training programmes on the

Convention and its Optional Protocol as well as the Committee's general recommendations and the views adopted on individual communications and inquiries, in particular for the judiciary, the legal profession, the police and other law enforcement officials, including Government officials, and political parties. The Committee also recommends the design and implementation of awareness-raising campaigns targeting women, in order to raise their knowledge of their rights under the Convention and the communication and inquiries procedure provided by its Optional Protocol and thus enhancing their capacities to claim their rights.

## Legal status of the Convention, definition of equality, discriminatory laws

12. While noting that in accordance with article 6 of the State party's Constitution international legal instruments accepted by the State party are an integral part of its domestic legal system, the Committee regrets the absence of an explicit and comprehensive definition of discrimination against women, both direct and indirect, in line with article 1 of the Convention within the State party's legislation. The Committee is further concerned that the principle of equality between women and men has not been expressly articulated in the State party's legislation, in accordance with article 2, subparagraph (a) of the Convention. The Committee expresses concern at the lack of express and comprehensive legal provisions prohibiting discrimination against women, and at the State party's preference for gender-neutral policies

and programmes, which may lead to inadequate protection for women against direct as well as indirect discrimination, hinder the achievement of formal and substantive equality between women and men, and result in a fragmented approach to the recognition and enforcement of women's human rights.

13. The Committee urges the State party to enact appropriate national legislation containing prohibition of discrimination against women in line with article 1 and article 2, subparagraph (b) of the Convention, encompassing both direct and indirect discrimination. It calls upon the State party to accelerate the adoption of the proposed law on gender equality and to embody the principle of equality of women and men in the proposed law on gender equality, in line with article 2 (a). It also encourages the State party to raise awareness with respect to the nature of indirect discrimination and the concept of substantive equality among Government officials, the judiciary and the public. Furthermore, the Committee recommends that the State party adopts a gender specific approach in its policies and programmes.
14. The Committee reiterates the concern expressed in the Committee's previous concluding observations (A/57/38) and in the Committee on the Rights of the Child's concluding observations (CRC/C/15/Add.225) that the different minimum legal age for marriage, set at 18 for men and 17 for women, constitutes discrimination against women.
15. The Committee urges the State party to ensure that the minimum age of marriage is raised for women to 18, and to remove

any exceptions to this minimum age, in accordance with article 16 of the Convention and the Committee's general recommendation No. 21.

### Temporary special measures

16. While welcoming the amendment to the Election Code establishing a 15 per cent quota for women, and a minimum of one woman out of every 10 candidates, the Committee is concerned that the quota has been ineffective. The Committee is further concerned that no other temporary special measures have been utilized by the State party as a matter of general policy to accelerate the achievement of the de facto equality between women and men in all areas of the Convention or to improve the situation of women's rights, in particular with regard to women in the workplace and the participation of women in politics. The Committee is also concerned at the apparent lack of understanding of the concept of temporary special measures, as stipulated in article 4(1) of the Convention and further explained in the Committee's general recommendation No. 25.
17. The Committee encourages the State party to provide for specific legislation for the implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 in order to accelerate the realization of women's de facto equality with men in all areas. The Committee further calls upon the State party to expedite the process to amend the Election Code to raise the 15 per cent quota, and consider raising it beyond the proposed 20 per cent.

## National machinery for the advancement of women

18. While welcoming the establishment in 2002 of the Department of Women's, Family and Children's Issues (within the Ministry of Labour and Social Issues), the Committee regrets the lack of an adequate structure of a national machinery for the advancement of women in the State party. The Committee is further concerned at the lack of its visibility and political recognition and in particular its limited capacities to efficiently promote, coordinate, monitor and evaluate national gender equality programmes and policies. The Committee also notes with concern that the Human Rights Defender (Ombudsman) does not have a specific division dealing with gender equality.
19. In line with its previous recommendations (A/57/38), the Committee reminds the State party of its responsibility to fully ensure Government accountability for gender equality and women's enjoyment of their human rights in the implementation of the Convention. In this regard, the Committee refers to the guidance provided in its general recommendation No. 6 and in the Beijing Platform for Action on national machinery for the advancement of women, and urges the State party to enact a gender equality bill which would establish a national machinery for the advancement of women with necessary financial and human resources for coordination of the implementation of the Convention, the National Programme to Improve the Status of Women and to Enhance Their Role in Society in the Republic of Armenia for the Period 2004-2010, and for the effective

implementation gender-mainstreaming strategy in all governmental policy areas, including during the process of review of all new legislation by the Constitutional Court as well as within the budgeting process. The Committee also calls upon the State party to establish within the office of the Human Rights Defender (Ombudsman) a specific position charged with ensuring gender equality.

## Stereotypes, cultural practices

20. The Committee reiterates its concern about the deeply rooted patriarchal attitudes subordinating women and the strong stereotypes regarding their roles and responsibilities in the family and society expressed in its previous concluding observations (A/57/38). These attitudes and stereotypes present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in political life, the labour market, education and other areas.
21. The Committee calls upon the State party to take urgent measures, in particular in rural areas, to initiate change in the widely accepted subordination of women and the stereotypical roles applied to both sexes. Such measures should include awareness-raising and educational campaigns targeting, inter alia, community leaders, parents, teachers, officials and young girls and boys, in accordance with the obligations under articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party elaborate the role of the media in eradication of such stereotypes including by promoting non-stereotypical and positive

images of women and the value of gender equality for society as a whole.

## **Violence against women**

22. The Committee reiterates its concern that a lack of understanding and acknowledgment of the fact that gender-based violence against women, and in particular domestic violence, continues to be a significant problem in the State party as expressed in its previous concluding observations (A/57/38). The Committee also regrets that the State party's report makes no mention of this phenomenon. It is further concerned that there is no specific legislation addressing violence against women and that the Criminal Code does not define domestic violence as a separate crime and does not criminalize it as such. The Committee is further concerned that there is no dedicated governmental body or coordinating institution tasked with implementing measures to counter all forms of gender-based violence against women. While noting the establishment in 2002 of a shelter by the Centre for Women's Rights in collaboration with the police, the Committee is concerned at the lack of sufficient shelters for victims of violence. Furthermore, the Committee expresses its concern about the absence of data in regard to court cases on domestic violence and that there have been inexplicably very few court cases in the areas of sexual and other forms of violence against women. The Committee is also concerned about the lack of statistics provided on the incidence of various forms of violence against women, including the number of women murdered by their husbands, partners or ex-partners in cases of domestic violence,

and on the availability of support services for victims.

23. The Committee urges the State party to give priority attention to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address it in accordance with the Committee's general recommendation No. 19. The Committee requests that the State party enact, without delay, legislation specifically addressing domestic violence against women. Such legislation should ensure that violence against women and girls constitutes a criminal offence and a civil wrong; that perpetrators are prosecuted and adequately punished; and that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of adequate shelters and in all regions, in particular addressing the needs of rural women, women with disabilities, refugees and minority women. The Committee further recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising and zero-tolerance campaigns in regard to violence against women.

## **Trafficking and exploitation of prostitution**

24. While welcoming the measures taken by the State party to combat human

trafficking, including through amendments to the Criminal Code criminalizing trafficking in persons for both labour and sexual exploitation and the adoption of the 2007-2009 national action plan to combat human trafficking, the Committee is concerned about the growth in the phenomenon and the fact that there are insufficient measures to address the main causes of trafficking such as economic hardship and prevalence of the stereotypical gender roles and gender inequality. It is further concerned about the lack of protection for women at risk of trafficking, limited support and lack of shelters for the victims, and that the stigma these women are facing hampers their reintegration into society. The Committee regrets the very limited data with regard to the trafficking of women and teenagers for sexual exploitation and is particularly concerned by the absence of information regarding the outcome of the various measures taken in this regard.

25. The Committee calls upon the State party effectively to implement its national action plan to combat trafficking in persons for the period 2007-2009, to effectively enforce article 132 of the Criminal Code, and to take measures addressing the main causes of trafficking in order to further curb the phenomenon. The Committee recommends that the State party further expand its funding for shelters for victims of both gender-based violence as well as of trafficking, which it has initiated in 2009, and take all the necessary steps to ensure the rehabilitation and social reintegration of victims of trafficking.
26. In line with its previous concluding observations (A/57/38), the Committee

regrets the limited data on the scope of prostitution, including with regard to efforts to address the social and economic factors leading to prostitution as well as measures to support women who wish to leave prostitution. The Committee also notes with concern that women who engage in prostitution are subject to administrative liability in the form of fines imposed on them, thus revictimizing the victim while the clients are not subject to any sanctions.

27. The Committee urges the State party to include sex-disaggregated data and information on the exploitation of prostitution in its next periodic report. The Committee requests the State party to strengthen measures aimed at addressing the factors driving women and girls into prostitution, to put services in place for the rehabilitation and reintegration into society of women and girls involved in prostitution and to support women who wish to leave prostitution. The Committee also requests the State party to abolish the administrative liability imposed on women engaged in prostitution and to address the demand for prostitution.

### **Political participation and participation in public life**

28. The Committee remains concerned at women's very low participation in political and public life, especially with respect to their representation in decision-making bodies, including the National Assembly, the Government, the diplomatic services, regional and local municipalities and the high level of judiciary. The Committee also notes with concern incidents of



violence against women journalists and particularly women who are active during electoral campaigns, especially as such violence discourages women from participating actively in public life.

29. The Committee requests the State party to implement national awareness-raising campaigns about the importance of women's participation in public and political life, specifically in rural areas. It urges the State party to increase women's representation in political and public life, including at the international level. The Committee encourages the State party to review the use of temporary measures according to article 4, paragraph 1, of the Convention and in the Committee's general recommendations Nos. 25 and 23. The application of such measures to increase women's political representation should include the establishment of benchmarks with timetables or increased quotas. The Committee also requests that the State party ensure the safety of women in political life and encourage their participation in public affairs.

## Education

30. While noting that primary and secondary education in State educational institutions is free of charge, the Committee is concerned that, owing to a number of factors including significant poverty and social stereotypes concerning women's roles and responsibilities, there is a relatively high dropout rate especially of rural girls of ethnic minorities and underrepresentation of female students at doctoral level in institutions of higher education. The Committee is also concerned at the continuing concentration of women in

traditional female subjects. The Committee is further concerned at the low number of women in academia, as professors, senior lecturers and researchers, and at the decision-making levels in the area of education.

31. The Committee urges the State party to address the obstacles which hamper girls in continuing their education. The Committee recommends that seminars be held and awareness-raising activities undertaken with a focus on helping parents to understand the important role of education for girls; and special measures be implemented to allow girls and women who have dropped out of school to re-enter the education system in an age-appropriate classroom environment. It also requests the State party to continue to review all school textbooks to eliminate gender-role stereotypes, and to implement programmes encouraging girls to enter non-traditional study courses. The Committee urges the State party to adopt policies to increase the number of women holding positions in doctoral studies, at the highest levels of academia, as research specialists particularly in scientific fields and in decision-making positions at all levels of education.

## Employment

32. While welcoming the amendments to the Labour Code that establish, inter alia, equal rights of all parties regardless of sex, prohibiting forced labour and employment of children under 14 years of age, the Committee expresses serious concern about the persistence of both vertical and horizontal gender segregation within the labour market, and the

lack of concrete gender-specific legislative measures to implement the general equality undertaking. The Committee notes the high unemployment of women and the concentration of women in part-time work and lower-paying sectors, such as health care, education, agriculture and in the informal sector. It expresses particular concern at the persistence of the wage gap and lack of understanding of the concept of wage gap, as well as the low representation of women in top management positions and on boards of private companies as well as the lack of systematic effective measures to prevent sexual harassment against women in the workplace.

33. The Committee urges the State party to adopt policies and concrete legislative measures to accelerate the eradication of employment discrimination against women and to work towards ensuring de facto equal opportunities at all levels for women in the labour market including effective measures against sexual harassment against women in the workplace. The Committee further urges the State party to ensure that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men and implementing pay equity (equal pay for work of equal value, in line with the Committee's general recommendation No. 13 and the ILO Equal Remuneration Convention (No. 100). The Committee encourages the State party to continue its efforts to raise salaries in female-dominated sectors of the State budget economy. It also recommends that the State party make greater use of temporary special measures, in

accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, by applying numerical goals with timetables or quotas in respect of women's access and retention in vocational training, including for non-traditional jobs, and the promotion of women into the upper levels of the public sector.

## Health care for women

34. While noting the free access to health care, and the other various efforts made to improve reproductive health care for women, the Committee regrets that these plans and strategies have not been effective. The Committee remains concerned about the insufficient access to adequate general health-care services as well as reproductive health-care services for women especially those living in rural and remote areas and that the rates of abortion have in fact risen, so that it still seems to be one of the most widespread methods of family planning within the State party. The Committee is also concerned about the high rate of teenage pregnancies and regrets the lack of data in regard to number of deaths due to illegal abortions.
35. The Committee recommends that the State party continue to take measures to improve women's access to general health care, and to reproductive health-care services in particular. It calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that family planning and

reproductive health education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies of underage girls including the control of sexually transmitted diseases and HIV/AIDS.

### **Vulnerable groups of women**

36. The Committee notes the lack of information and statistics about vulnerable groups of women, particularly rural women, single mothers, women with disabilities, refugees and women belonging to ethnic and religious minorities who often suffer from multiple forms of discrimination, especially in regard to access to employment, health care, education and social benefits. The Committee also notes with concern the State party's maintenance of allegedly gender-neutral programmes in such areas as refugees or people with disabilities, which in fact do not meet the specific needs of women with disabilities or women refugees.
37. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of vulnerable groups of women in all areas covered by the Convention, and information on specific programmes and achievements. The Committee calls upon the State party to adopt gender specific policies and programmes that would cater to the specific needs of vulnerable groups of women.

### **Preparation of next report**

38. The Committee encourages the State party to establish an ongoing process of regular consultation and collaboration

with non-governmental organizations on matters relating to the implementation of the Convention. The Committee also recommends that ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality be ensured, including in regard to the follow-up to the Committee's concluding comments and in the preparation of future reports.

### **Beijing Declaration and the Platform for Action**

39. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

### **Millennium Development Goals**

40. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

### **Ratification of other treaties**

41. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the

enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to ratify the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

### Dissemination of the concluding observations

42. The Committee requests the wide dissemination in the State party of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to

women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

### Follow-up to concluding observations

43. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 and 23 above.

### Date of next report

44. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth and sixth periodic reports in a combined report in 2013.

## Notes

1. The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment of Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.



