

Responses to Recommendations

ARMENIA

Review in the Working Group: 06 May 2010
 Adoption in the Plenary: 22 September 2010

Armenia’s responses to recommendations (as of 13.01.2011):

| In the Report of the Working Group: | In the Addendum: | During the plenary: | Summary: |
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| 79 REC accepted (among which 52 are considered implemented or in the process of implementation); 1 rejected; 5 pending | Out of the 5 pending, 1 is accepted, 1 rejected, 2 partially rejected (underlined in red) and 1 is considered as implemented (-> accepted). | The President of the HRC asked for clarification on the two recommendations partially rejected. The delegation took note of them. | Accepted: 81 Rejected: 4 No clear position: 0 Pending: 0 |

List of recommendations contained in Section II of the Report of the Working Group A/HRC/15/9:

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:

A - 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);

A - 93.2 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Azerbaijan, Argentina, Uruguay) as soon as possible (Greece);

A - 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);

A - 93.4. Work effectively in order to bring all laws into line with the revised Constitution (Finland);

A - 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);

A - 93.6. Provide a legislative basis for the OPCAT National Preventive Mechanism, and ensure the institutionalized participation of civil society (Slovenia);

A - 93.7. Strengthen the work of the institute of public defence by providing free legal aid to the population (Kyrgyzstan);

A - 93.8. Accelerate the process aimed at creating a national human rights institution in accordance with the Paris Principles (Libyan Arab Jamahiriya);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 93.14. Continue to work to protect the rights of the child (Kyrgyzstan);

A - 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);

A - 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);

A - 93.17. Increase efforts to end discrimination against women and provide adequate access to health-care services for all women (Austria);

A - 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);

A - 93.19. Take additional measures for the elimination of cruel and inhuman treatment through the training of law-enforcement officers (Bosnia and Herzegovina);

A - 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);

A - 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);

A - 93.22. Initiate awareness-raising campaigns in schools to further promote the rights of women (Romania);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 93.31. Take measures to combat corruption (Azerbaijan);

A - 93.32. Strengthen fair-trial safeguards, including the non-admissibility before the court of any evidence obtained through torture or ill treatment (Czech Republic);

A - 93.33. 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 - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 93.40. Take measures to eradicate poverty (Azerbaijan);

A - 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);

A - 93.42. Continue to implement programmes aimed at guaranteeing quality education and health services to its population, at all levels (Cuba);

A - 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);

A - 93.44. Continue its efforts to reduce maternal and infant mortality, saving mother and child (Holy See);

A - 93.45. Continue to support children's homes (Kyrgyzstan);

A - 93.46. Establish effective mechanisms to address the problems faced by street children (Kazakhstan);

A - 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);

A - 93.48. Continue to promote human rights education in school curriculums at all levels (Djibouti);

A - 93.49. Ensure the integration of human rights into all school curriculums, and train law enforcement officers in human rights (Libyan Arab Jamahiriya);

A - 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);

A - 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);

A - 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:

A - 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);

A - 94.2. Introduce changes to laws on drugs, given the increase in drug use in the country (Kyrgyzstan);

A - 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);

A - 94.4. Further strengthen the capacities of the Office of the Human Rights Defender and enhance its cooperation with civil society, 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 - 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 nongovernmental organizations to follow up on the universal periodic review recommendations (Norway);

A - 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);

A - 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);

A - 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);

A - 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);

A - 94.10. Continue to ensure equal rights for women in society (Belarus);

A - 94.11. Adopt legislation and measures to prevent violence against women and children, including through the strengthening of its monitoring mechanism (Indonesia);

A - 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);

A - 94.13. Intensify measures to address factors driving women and girls into prostitution (Poland);

A - 94.14. Continue efforts to prevent and combat the sexual exploitation of children (Brazil);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 94.21. Ensure a fair and transparent process for issuing broadcasting licences 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 - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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:

A - 95.1. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria);

R - 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);

R - 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);

A - 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);

R - 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:

R - 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.

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