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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Armenia**

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## **I. National report preparation process**

1. Recommendations of the Universal Periodic Review played a significant role in further promotion of human rights in the country. Armenia underwent its first review in May 2010, resulting in 165 recommendations, of which 158 were accepted accounting for 95.76 percent of the total number of recommendations.
2. Armenia has prepared, on its own initiative, and submitted to the UN a mid-term report in 2013, covering the implementation of recommendations undertaken. For the purpose of preparing the report, an inter-agency commission was established by the Decision No 598-A of June 28 2011 of the Prime Minister of the Republic of Armenia with the involvement of all the interested ministries and agencies.
3. The UPR mid-term report should be viewed as a part of the second National Report submitted by the Republic of Armenia.
4. With a view to preparing the second National Report of the Republic of Armenia, an inter-agency commission was established; the activities thereof were co-ordinated by the Ministry of Foreign Affairs.
5. The representatives of all interested ministries and agencies, as well as the National Assembly and the judicial system were included in the composition of the Inter-agency Commission pursuant to the Decision No 223-A of 26 March 2014 of the Prime Minister of the Republic of Armenia. While preparing the report consultations were held with non-governmental organizations and civil society actors with the participation of international organizations accredited in Armenia. Most of them have prepared and submitted to the UN alternative reports indicating in more detail their standpoints with regard to human rights situation in the country.
6. Pursuant to the UPR procedure, following the submission of the first Report of the Republic of Armenia extensive work was carried out targeted at implementation of the recommendations received by the country, as well as the Armenian translation and dissemination of the three basic UPR reports<sup>1</sup>. With the co-ordination of the Ministry of Foreign Affairs of the Republic of Armenia and the support of the United Nations Development Program Office in Armenia, a booklet was published and disseminated containing relevant information on the UPR process, the three reports concerning Armenia and the recommendations thereof. The booklet also included the recommendations made to Armenia by the UN Human Rights Treaty Bodies in the recent years.
7. Elections took place in Armenia in the reporting period — parliamentary elections in May 2012, presidential elections — in February 2013; therefore, the report covers both the developments that occurred in the course of governance of the previous government and the National Assembly and the current initiatives.

## **II. Actions targeted at strengthening of human rights**

### **A. International conventions relating to human rights (Recommendations 93.1; 93.2; 93.3)**

8. Armenia has acceded to and ratified most of the UN human rights treaties; moreover the mentioned process is an ongoing effort.
9. Particularly, taking into account the recommendations made to the country following the first UPR, Armenia has ratified the following documents:

- The International Convention for the Protection of All Persons from Enforced Disappearance — on 5 October 2010, which has entered into force since 23 February 2011;
  - The Convention on the Rights of Persons with Disabilities — on 17 May 2010, which has entered into force since 22 October 2010.
10. The initial periodic reports of the Republic of Armenia on the implementation of the provisions of the aforementioned Conventions were submitted to the relevant Committees.
11. The International Convention on the Protection of Rights of All Migrant Workers and Members of their Families has been signed and its ratification is undergoing the required inter-agency procedures.

## **B. Constitution**

12. Based on the necessity of improving constitutional mechanisms guaranteeing fundamental human rights and freedoms, ensuring fully-fledged balancing of powers and raising the effectiveness of public administration, the Decree "On establishing a professional commission for constitutional reforms adjunct to the President of the Republic of Armenia" was approved by the Decree NH-207-N of the President of the Republic of Armenia on 4 September 2013, the objective thereof being the drafting of a Concept Paper for the constitutional reforms of the Republic of Armenia. The Concept Paper — which is currently under public consideration — has been submitted on 15 October 2014.

## **C. Office of the Human Rights Defender (Recommendation 94.4)**

13. The Law of the Republic of Armenia "On the Human Rights Defender" was adopted in 2003, thus confirming the establishment of a national institute of human rights in the country. Human Rights Defender was granted "A" status in October 2006, which implies full compliance with Paris Principles.

14. Funds allocated from the State Budget for the maintenance of the Staff of the Human Rights Defender are increased year by year with a view to ensuring proper implementation of the activities of the Office. In particular, for comparison, it can be mentioned, that the Human Rights Defender budget in 2010 amounted to AMD 125 million, the 2014 budget amounts to AMD 212 million, which is sufficient to ensure the full-fledged fulfillment of the functions of the Office. It is worth mentioning that as a result of amendments and supplements made to the Law of the Republic of Armenia "On the Human Rights Defender" in 2010, the employees of the Staff of the Human Rights Defender are considered to be state servants, thereby ensuring the stability of the Staff, as well as social guarantees for the employees. Pursuant to the Law of the Republic of Armenia "On remuneration for persons holding state positions" adopted on 12 December 2013, the relations pertaining to remuneration for the Defender and the Staff employees shall be regulated by the mentioned Law in accordance with which salaries have been raised since 1 July 2014, in some cases— up to 2 times (conditioned by the employment record, position held, the class rank).

15. The increased budget of the Defender's Office resulted in continuous operation of the Rapid Response Service and marz Offices of the Defender in Gavar, Kapan and Gyumri. Human Rights Defender of the Republic of Armenia publishes Annual Reports thoroughly addressing the activities carried out in the field of human rights. For instance, pursuant to the Report for the year 2013, the Office has rendered legal services to 6805 persons.

## **D. Human Rights Protection Strategy and Action Plan (Recommendation 93.9)**

16. The National Strategy for the Protection of Human Rights was approved by the Executive Order of the President of the Republic of Armenia on 29 October 2012, followed by the Action Plan deriving from the Strategy, which was approved by the Government of the Republic of Armenia on 27 February 2014.

17. Action plan consists of certain activities the implementation of which will promote the strengthening of human rights in specific fields. The Action Plan is a comprehensive document which encompasses the policy carried out in the field of human rights primarily highlighting the issues concerning most vulnerable groups. In particular, a number of activities are envisaged by the Plan with respect to different state bodies aimed at ensuring the exercise of the human right to health, an adequate standard of living, work and many other issues.

18. All the stakeholders of the civil society and public administration system were involved in the long-term process of drafting of the document. The Human Rights Action Plan is viewed in its continuity and is expected to be updated and supplemented based on the necessity to involve certain issues.

## **III. Ensuring implementation of human rights: Progress and best practice**

### **A. New legislation**

19. The Law of the Republic of Armenia "On freedom of assemblies" was adopted in 2011 which guarantees the legal mechanisms for the freedom of assembly of a person — provided for by the Constitution of the Republic of Armenia and other international legal documents. In particular, provisions concerning communication of information on assemblies were further simplified.

20. The Laws of the Republic of Armenia "On the passport of the citizen of the Republic of Armenia" and "On identification cards" were adopted in 2011, which served as a basis for the operation of the next generation system of identification documents containing biometric data in Armenia.

21. The Law of the Republic of Armenia "On making amendments and a supplement to the Law of the Republic of Armenia "On political parties" was adopted on 9 February 2012. Specifically, the Law makes provision for enhancement of supervision over transparency of funding of political parties in Armenia.

22. The Law of the Republic of Armenia "On making amendments and supplements to the Law of the Republic of Armenia "On alternative service" (HO-31-N) was adopted by the National Assembly of the Republic of Armenia on 2 May 2013. The Law clearly differentiates between grounds for alternative military service and alternative labor service considering, as a standard, whether the religious belief or views of a person contradict the undergoing of military service in military units in general or they contradict only the bearing, keeping, maintaining or using of arms, etc.

23. The Law of the Republic of Armenia "On equal opportunities for women and men" was adopted on 20 May 2013, which was targeted at ensuring gender equality (more detailed information on the given issue is provided in the section concerning gender equality).

## **B. Judicial reforms (Recommendations 93.26; 94.17; 94.18)**

24. Actions taken towards bringing the criminal legislation of the Republic of Armenia in line with generally recognized norms of international law are stipulated as priorities in the 2012-2016 Strategic Program for Legal and Judicial Reforms in the Republic of Armenia approved by the Executive Order NK-96-A of the President of the Republic of Armenia of 30 June 2012. One of the key goals of the Program is to increase the effectiveness of criminal justice and the system of criminal punishments which is ensured mainly by drafting of a new Criminal Code of the Republic of Armenia.

25. There is a separate section (3rd) in the mentioned Program covering activities aimed at ensuring fair, effective judicial power accountable to the public, in particular, at improving the procedure for qualification tests for inclusion in the list of candidates for judges, introducing objective criteria and procedures for the performance evaluation and promotion of judges.

26. The Law of the Republic of Armenia "On the Justice Academy" has entered into force on 1 September 2013, one of the goals whereof is to shape the necessary skills for persons included in the list of candidacies for judges and prosecutors, as well as to expand the professional knowledge and ensure consistent development of working abilities of judges and prosecutors.

27. The Law of the Republic of Armenia "On making amendments and a supplement to the Judicial Code of the Republic of Armenia" was adopted on 19 December 2012, pursuant to which a system of material and social safeguards for activities of judges complying with international approaches, as well as an equal approach in ensuring social security of judges of different courts have been recommended.

28. The Law of the Republic of Armenia "On making amendments and supplements to the Judicial Code of the Republic of Armenia" was adopted on 10 June 2013, pursuant to which it was recommended to introduce a system for random distribution of cases among judges, which is aimed at ensuring objectivity, impartiality of the examination of cases.

29. The Law of the Republic of Armenia "On making amendments and supplements to the Law of the Republic of Armenia "On the profession of advocate" (HO-339-N) was put into effect on 1 January 2014 by virtue of points 3, 6, 11 of part 5 of Article 41 whereof free legal assistance is also provided, *inter alia*, to convicts, unemployed and the insolvent natural persons, who have submitted authentic data certifying the insolvency thereof.

## **C. Equal opportunities and non-discrimination**

### **1. Gender equality (Recommendations 93.11; 93.17; 93.21; 93.38; 93.41; 94.3; 94.10; 94.11; 94.12)**

30. Based on the principle of equality enshrined in the Constitution of the Republic of Armenia, women enjoy all the rights equal to men, enabling them to make equal contribution to the economic, social and cultural spheres of the country. Meanwhile, there exists a perception that achieving actual equality is a task requiring considerable efforts both by state authorities and the civil society.

31. In recent years extensive efforts have been made targeted at ensuring equal rights and opportunities for women and men. In particular:

- The Gender Policy Concept Paper was adopted by the Government of the Republic of Armenia by the Decision of 11 February 2010.

This Program document is a major contribution targeted at ensuring gender equality in the country, since it defines the primary directions of the state policy in relation to women and men and serves as a basis for the bodies of state authority and local self-government and civil society institutions in developing clear-cut activities aimed at ensuring gender equality.

- The Gender Policy Strategic Program for 2011-2015 and Gender Policy Action Plan for 2011 adopted by the Government of the Republic of Armenia on 20 May 2011, play a significant role in ensuring the implementation of the gender equality policy by the Government of the Republic of Armenia.

32. The Decision "On the procedure for monitoring the state policy programs on ensuring gender equality and for information exchange" was submitted for the approval of the Government of the Republic of Armenia with a view to ensuring the comprehensive accountability of the Government in the process of achieving gender equality.

33. As regards combating violence against women and domestic violence, it is worth mentioning that:

- By the Decision of the Prime Minister of the Republic of Armenia No 213-A of 30 March 2010, an Interagency Commission on Combating Gender Violence was set up, and the individual composition of it was approved.
- The Government of the Republic of Armenia approved the "National Program Against Gender-based Violence". By the Decision of the Prime Minister of the Republic of Armenia No 605-A of 30 July 2010, the rules of procedure of the Interagency Commission on Combating Gender Violence were approved. "The Strategic Program Against Gender Violence 2011-2015" was drawn up on the initiative of the Ministry of Labor and Social Affairs and approved upon the Decision of the Government of the Republic of Armenia in 2011, which defines the core directions of the state policy for reduction of gender violence. These documents are implemented in three directions: early prevention, prevention, support.

34. To achieve the goals predetermined by the strategic Program each year, the Government of the Republic of Armenia shall approve annual/yearly programs for the gender policy. The measures included therein are aimed at prevention of gender violence, protection of persons subjected to gender violence and prosecution of persons using gender violence. With the view of improving the services provided to the persons subjected to violence and arranging protection of the persons subjected to gender violence and the services provided thereto in a more efficient manner, the Ministry of Labor and Social Affairs of the Republic of Armenia, by support of US Agency for International Development, implemented the "Program on Enhancing the Quality of Services to Women Victims of Domestic Violence in Armenia" during 2012-2013.

35. Currently the only shelter in the Republic of Armenia is run by the "Women's Support Centre", however both the Ministry of Labor and Social Affairs, and any other civil society partner can refer victims of domestic violence to that shelter. The Ministry of Labor and Social Affairs of the Republic of Armenia cooperates with the specialized non-governmental partner organizations involved in the fight against domestic violence through the exchange of information, arrangement of training courses, coverage, elaboration of documents, etc. "Women's Support Centre", "Women's Rights Centre", Tufenkian Charitable Foundation are such partner organizations. Memoranda of Mutual Understanding on cooperation have been signed between "Women's Support Centre" and Tufenkian Charitable Foundation on domestic violence.

- Taking into account that legal and judicial reforms are underway in the Republic, the Government of the Republic of Armenia has assigned the Ministry of Justice and the

Ministry of Labor and Social Affairs of the Republic of Armenia: "to ensure the inclusion of the manifestations of domestic violence, as well as effective mechanisms for responding thereto and preventing thereof" while making amendments to a number of legal acts within the framework of the mentioned reforms; in addition, it was assigned to discuss the possible new measures with the NGOs and include them in already functioning social assistance and protection programs.

- Further, the draft Law of the Republic of Armenia "On social assistance" was elaborated, wherein victims of domestic violence and trafficking were included in the list of "persons in a difficult life situation" and relations pertaining to the provision of assistance thereto were prescribed respectively. The draft was approved by the Government of the Republic of Armenia and submitted to the National Assembly of the Republic of Armenia in the prescribed manner.

36. With a view to ensuring participation of women in political life and more extensive involvement thereof in the Government at managerial positions, gender sensitive quotas were established in the new Electoral Code of the Republic of Armenia adopted on 26 May 2011, that are aimed at increasing the representation of women in the legislative power. In particular, Article 108 of the Code prescribes: "...the number of representatives of each sex must not exceed the 80% of each integer group of five candidates (2-6, 2-11, 2-16 and subsequently till the end of the list) starting from the second number of the electoral list of a political party, of an alliance of political parties and of each of the parties included in an alliance for the elections to the National Assembly under the proportional electoral system. 25 candidates shall be included in the electoral list presented by a political party, an alliance of a political party for the elections to the National Assembly under the proportional electoral system. The number of candidates included in the electoral list of a political party may not exceed the three-fold of the number defined by this Code for the number of mandates of deputies of the National Assembly under the proportional electoral system. Other persons not being members of a political party may also be included in the electoral list of that political party".

37. The Law of the Republic of Armenia "On ensuring equal rights and opportunities for women and men" — adopted by the National Assembly of the Republic of Armenia on 20 May 2013 — plays a significant role in establishment of gender equality, the main purpose whereof is to ensure equality among women and men in all spheres, legal protection from discrimination, support in shaping of civil society.

38. At institutional level, the issues of ensuring gender equality are co-ordinated by the Women's Council adjunct to the Prime Minister of the Republic of Armenia, the primary objective whereof is to assist the implementation of the political decisions of the Government of the Republic of Armenia aimed at anchoring of the gender equality at all levels of management, within the whole territory of the Republic of Armenia and within all areas of social and economic life (Rules of Procedure of the Council approved by the Prime Minister of the Republic of Armenia of 1 March 2012).

39. Significant efforts are made towards establishment of bodies in charge of introduction of gender policy at marz and community levels, in particular:

- ensuring development, implementation and co-ordination of targeted state gender policy programs at marz (regional) level was stipulated in the statutory objectives of the Divisions for the Protection of the Rights of a Family, Women and Children established within marzpetarans (regional administration) of the Republic of Armenia and Yerevan Municipality;

- Standing Committees dealing with gender-related issues were established within marzpetarans of the Republic of Armenia and Yerevan Municipality, the activities whereof contribute to the implementation of the state gender policy at marz level;
- Training courses have been regularly held with a view to raising the level of gender sensitivity within the above-mentioned institutions.

40. Activities have been continually carried out aimed at coverage and awareness raising of the key issues of the sphere.

41. The Department of Family, Women and Children Issues functioning within the Ministry of Labor and Social Affairs also plays a significant role in gender equality and promotion of women, which acts as a key operational liaison in terms of development and implementation of the policy of the Republic of Armenia concerning these issues.

42. The Human Rights Defender's Office of the Republic of Armenia — which employs Defender's Adviser on women issues — also attaches great importance to the issues of ensuring women's rights.

## **2. Equal opportunities for persons with disabilities (Recommendation 94.27)**

43. The draft Law of the Republic of Armenia "On protection of the rights of persons with disabilities and their social inclusion" was elaborated — based on the UN Convention on the Rights of Persons with Disabilities ratified by the Republic of Armenia in 2010 — pursuant to Article 9 whereof, any form of discrimination on the basis of disability shall be prohibited and Articles 10, 23 and 24 prescribe provisions on ensuring of accessible environment, creating of adequate conditions to access— on an equal basis with others — public transport, other cultural, sports, tourism, leisure venues. The draft Law was submitted to the National Assembly of the Republic of Armenia following the approval of the Government of the Republic of Armenia on 28 August 2013.

44. The Concept Paper for introduction of the comprehensive personality assessment model of definition of disability based on the principles of International Classification of Functioning of the World Health Organization was approved by the Decision of the Government of the Republic of Armenia of 9 January 2014. The Concept Paper makes provision for reviewing the standards for definition of disability and introducing a new model based on comprehensive needs and capacity assessment of a person, within the framework thereof all the factors affecting person-environment interaction must be taken into account. Mechanisms for defining the disability status must be aimed at promotion of the rehabilitation potential and working activity of a person.

45. With a view to promoting employment of persons with disabilities, the Law of the Republic of Armenia "On employment" adopted on 11 December 2013 prescribes a quota for compulsory provision of jobs for organizations, irrespective of the form of ownership. An option of phased introduction of the quota is recommended as a result of comprehensive analysis and assessment of risks and impacts of possible application of the quota. In particular, the quota requirement is established:

- for state organizations having one hundred and more workers — to the tune of at least three per cent of the total number of workers (starting from 1 January 2015);
- for non-state organizations — to the tune of at least one per cent of the total number of workers (starting from 1 January 2016).

46. The mechanisms for provision of state support to organizations for the purpose of ensuring adherence to the quota requirements are also provided for by the Law of the Republic of Armenia "On employment". Where an organization fails to adhere to the quota

requirement, it makes a deduction for any job subject to quotas — at the three hundred-fold of the minimum wage.

47. Administrative liability is envisaged for violation of the quota requirement in regard of people with disability or of its alternative — the requirement for deduction. Therefore, it was recommended, to this end, to make a respective supplement to the Code of Administrative Offences of the Republic of Armenia. Failure to make a deduction gives rise to imposition of a default penalty upon the employer — to the tune of 0.15 per cent of the deduction amount payable — for each day the payment was overdue, but no more than the amount payable.

48. In case persons with disabilities have employment record prescribed by law, a disability working pension shall be set and paid, otherwise a disability social pension shall be set and paid, the amount of which makes 140% of the basic pension for the 1<sup>st</sup> group, 120% — for the 2<sup>nd</sup> group and 100% — for the 3<sup>rd</sup> group of disabled persons, and in case of a disability working pension, the years of the employment record shall be added as well.

49. Despite the volume of work performed there is still much to do in this field; the State is committed to ensure the continuity of those activities.

### **3. National minorities (Recommendations 93.47; 93.50; 93.51)**

50. Since 2012, the annual amount of AMD 10 million allocated to the national minorities by the Government of the Republic of Armenia has doubled amounting to AMD 20 million. The additional sum is distributed by the Decision of the Co-ordinating Council for the National Minorities as a grant provided to the best educational and cultural programmes.

51. In recent years extensive measures have been undertaken within the framework of preservation and development of education and culture of national minorities, in particular, considerable financial assistance has been provided for publication of *12 units of newspapers and magazines*, for publication of books in the languages of national minorities and for holding of other events (AMD 15.518.000 was allocated in 2011, AMD 14.987.700 — in 2012, AMD 13.488.000 — in 2013).

- A Program for development of education of the national minorities and its time-frame has been elaborated, pursuant to which every year textbooks are published to ensure the study of the language, literature and culture of the national minorities of the Republic of Armenia.
- "The model curriculum of general education school (grade) of the national minorities" has been approved, according to which 41 hours per week has been allocated for teaching of the native language and literature of the national minorities in the 1<sup>st</sup>-12<sup>th</sup> grades. The criterion and the Program for the 1<sup>st</sup>-12<sup>th</sup> grades of Kurdish and Assyrian languages have been approved.
- Textbooks in Assyrian for the 1<sup>st</sup>-4<sup>th</sup> grades, textbooks of Kurdish language for the 1<sup>st</sup>-4<sup>th</sup> grades have already been published, textbooks of Kurdish language for the 5<sup>th</sup>-7<sup>th</sup> grades will be published by the end of 2014, textbooks of Yezidi language for the 1<sup>st</sup>-10<sup>th</sup> grades have been published, and the textbook of Yezidi language for the 11<sup>th</sup> grade will be published in 2014.
- The textbook "Armenian studies-5" and textbooks of Mathematics for upper grades have been translated from Armenian into Russian and provided to the pupils of the schools of national minorities by the Ministry of Education and Science of the Republic of Armenia.

- The National Institute of Education of the Ministry of Education and Science of the Republic of Armenia regularly conducts trainings for Yezidi teachers, as well as courses of the Armenian language have been held for the representatives of the national minorities.
- Subject commissions on "Iranology" and "Semology" operate within the Ministry of Science and Education of the Republic of Armenia for the purpose of assisting the educational needs of the Yezidis, Kurds and Assyrians, as well as conducting expert examination of curricula, textbooks and manuals in the relevant languages.

52. According to the 2012-2017 Program of the Government of the Republic of Armenia, it is envisaged to extend the possibility for the representatives of the national minorities to receive high quality basic education, as well as to create additional possibility for full-fledged manifestation of the culture of the national minorities.

53. Pursuant to the State Medium-Term Expenditure Program of the Republic of Armenia for 2014-2016, expansion of the possibility for the learners of the national minorities to receive education in their native language, as well as development of the culture of the national minorities are among priorities set in the field of general education. Two units of new textbooks are published every year for the schools of the national minorities, as well as regular trainings are held for the teachers of the schools of the national minorities.

54. The National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "On making supplements to the Law of the Republic of Armenia "On local self-government" on 19 June 2013. As a result of its implementation it is envisaged to carry out capacity building of local self-government bodies through establishing closer relationships between the latter and different population groups (including national minorities), develop participatory community institutions, establish democratic management culture as a separate level of public administration. One of the most important innovations of this Law is that the inhabitants of the community may also take the initiative of including a question in the sitting agenda of the Community Council of Elders (according to the Law in effect, the Head of the Community and the Community Council of Elders enjoy that right). Naturally, inhabitants representing national minorities also enjoy that right.

55. Pursuant to the Decision of the Government of the Republic of Armenia of 1 March 2012 "On approving the criteria for recognition of cultural spaces in the Republic of Armenia and the list of cultural spaces", it is envisaged to preserve folk traditions of the national minorities, study the evolution of their culture, intensify co-operation with relevant territorial and international institutions ensuring the broadest possible involvement of communities, groups — which create, preserve and transfer non-material cultural values — in activities aimed at preservation, development and dissemination of that heritage.

56. Public Radio Company has expanded the range of its listeners trying to satisfy the preferences of wider segments, different age groups and national minorities. In the context of the given policy, radio broadcasting hours of Greek-language programs have increased in 2014.

**4. Rights of persons deprived of liberty (Recommendations 93.5; 93.6; 93.19; 93.20; 93.33)**

57. A number of reforms have been carried out in the penitentiary institutions of the Republic of Armenia in close co-operation with supervisory bodies (SPT, CPT) established under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In particular:

- Every year, one third of penitentiary system officers undergo trainings on the referred topic in the Law Institute of the Ministry of Justice of the Republic of Armenia.
- By the supplement made to the Law of the Republic of Armenia "On the Human Rights Defender", an independent national preventive mechanism was established in 2008 as prescribed by the Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the activities required for full-fledged functioning of the mechanism have been included in a number of national programs, including in the Action Plan deriving from the National Human Rights Strategy. Chapter VIII of the draft Action Plan completely covers the programs envisaged for full exercise of the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Also, it is worth mentioning the activities included in the Plan aimed at establishment of the institute of the Military Ombudsman, as well as enhancement of marz Offices of the Human Rights Defender.
- The draft Law of the Republic of Armenia "On making amendments to the Criminal Code of the Republic of Armenia (K-1182-30.05.2011-PI-010/0) was submitted to the National Assembly of the Republic of Armenia in May 2011 — co-ordinated by the Ministry of Justice of the Republic of Armenia — the adoption of which is justified by the necessity of bringing the *corpus delicti* of torture stipulated by the Criminal Code of the Republic of Armenia in line with the standards of international law.
- Another action aimed at bringing the legislation of the Republic of Armenia in line with the international standards and ensuring its compliance with the provisions of the Convention, was also the drafting of a new Criminal Procedure Code, co-ordinated by the Ministry of Justice of the Republic of Armenia and submitted for the consideration of the National Assembly of the Republic of Armenia.
- It is expected that the first building of "Armavir" penitentiary institution will start to be used by the end of 2014 and work on the second block of the penitentiary institution designed for 400 persons will be completed by 2016.
- "Armavir" penitentiary institution is designed for 1200 convicts serving their sentence in "closed" and "semi-closed" regimes. Cells of the penitentiary institution are distributed in two building and there are 48 disciplinary cells in each of the two-storey buildings with four places in each. All the cells are furnished, the area of each cell is 16 square meters — not counting sanitary facilities — and an area of four square meters is intended for each convict. There are also eight disciplinary cells in the penitentiary institution equipped with sanitary facilities, with a separate bathroom and an exercise yard.
- The quarantine unit is located in the residential zone of "Armavir" penitentiary institution; upon entry to the institution the convicts undergo medical examination, document processing, then they stay in the quarantine unit for a period of up to seven days and transferred to the main cells. The quarantine unit consists of cells with two, four and six places — each equipped with its sanitary facilities. Psychologists and security officers work with convicts at these premises.
- There are exercise yards for convicts available in each section of "Armavir" penitentiary institution. A barber's shop, a library, rooms for leisure activities are made available for convicts in the penitentiary institution. The institution will also house different handicraft industries.

*Amnesty*

58. Based on the Decision No AJO-227-N of the National Assembly of the Republic of Armenia "On declaring amnesty on the occasion of the 20<sup>th</sup> anniversary of the declaration of independence of the Republic of Armenia" of 26 May 2011, 602 convicts have been released, the sentence of 450 convicts has been reduced (total number — 1052), 349 convicts have been released by the body conducting the criminal proceedings, 1301 convicts have been released by the unit executing alternative punishments, and the sentence of 130 convicts has been reduced (total number — 1431) as of 30 December 2013.

59. Based on the Decision No AJO-080-N of the National Assembly of the Republic of Armenia "On declaring amnesty on the occasion of the 22<sup>nd</sup> anniversary of the declaration of independence of the Republic of Armenia" of 3 October 2013, 654 convicts have been released, the sentence of 958 convicts has been reduced (total number — 1612), 184 convicts have been released by the body conducting the proceedings, 1302 convicts have been released by the unit executing alternative punishments, and the sentence of 182 convicts has been reduced (total number — 1484) as of 3 February 2014.

*Actions aimed at ensuring the accountability of activities of the Police (Recommendation 93.26)*

60. One of the major accomplishments with regard to ensuring the transparency and accountability of activities of the Police is the establishment of the Police Disciplinary Commission of the Republic of Armenia. The Commission has been functioning for already two years. The Commission is composed of 11 members. Moreover, five of the members are the Police officers, one member is a representative of the Government of the Republic of Armenia, and the other five members are representatives of non-governmental associations.

**5. Refugees and asylum-seekers (Recommendation 93.52)**

61. Armenia received its first refugees in 1988; these were the refugees who had escaped the massacres of Armenians organized and carried out in the city of Sumgait, Azerbaijan on 26–29 February, 1988.

62. Massacres of Armenians were organized in Baku on 10-13 January 1990, resulting in the complete displacement of the Armenian population from Baku.

63. Armenian ethnic minority in Azerbaijan was completely depopulated in the period of 1988-1991. More than 20.000 people were forced also to flee certain parts of Shahumyan and Mardakert regions of Nagorno-Karabakh since they were occupied by Azerbaijan in June-August 1992.

64. Thus, as a result of the massacres of Armenians and the war against Nagorno-Karabakh by Azerbaijan, Armenia has received more than 400.000 refugees who were forced to flee from Azerbaijan.

65. According to the information provided by the Office of the UN High Commissioner for Refugees, until the year of 2005 Armenia was heading the list of countries with the largest number of refugees per 1000 people.

66. From the first days of arrival of the refugees, the Republic of Armenia adopted integration policy for refugees despite the social and economic difficulties the country was facing. The integration policy for refugees has been yielding tangible results since the year 2000, the year that marked the launch of activities of the Department of Migration and Refugees adjunct to the Government of the Republic of Armenia — a separate institution dealing with the issues of refugees. Currently it has been transformed into the State Migration Service of the Ministry of Territorial Administration.

67. The Republic of Armenia continues to fulfill its international obligations providing protection to foreign nationals and stateless persons who have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion in the country of their citizenship or previous country of permanent residence, as well as the persons who are unable to return to their country of origin by reason of military actions.

68. Persons seeking asylum in the Republic of Armenia are placed in a Special accommodation centre where they are provided with the conveniences necessary for residence (including provision of food) before a final decision on their asylum claim is made.

69. In the aftermath of the fighting in Iraq and Syria, a number of refugees from these countries were granted asylum in the Republic of Armenia. In particular, within the last two years more than 15.000 refugees have arrived in Armenia from Syria. Currently, the country faces the priority challenge of providing the refugees with the necessary housing.

#### **6. Fight against trafficking of human beings (Recommendation 93.24)**

70. Armenia has made a considerable progress in the fight against trafficking. The referred progress has been addressed in the US State Department reports of the last two years (2012, 2013) where Armenia has been included in the list of Tier 1 countries. Such a high standard proves that Armenia has made great efforts in the fight against this crime.

71. The Economics of Human Trafficking Research Group of the Philipps-University of Marburg has conducted an interested study and published a "3P" Anti-trafficking Policy Index, according to which Armenia has the third ranking position among 191 countries, sharing it with 11 other countries for the year 2013.

72. Organized fight against trafficking started earlier in 2002. Three national programs of action have been implemented, while the fourth national Program of action is currently underway. The actions are taken in three directions: early prevention, prevention, support. Trafficking in human beings, as a separate type of crime, was incorporated into the Criminal Code of the Republic of Armenia in 2003.

73. The Republic of Armenia currently operates two shelters, where the victims of trafficking, mainly women and children are referred to receive support. Both shelters are located in Yerevan. The operation of one of these shelters is managed by UMCOR non-governmental organization. It has been co-operating with the Ministry of Labor and Social Affairs of the Republic of Armenia since 2010, implementing the State Program on Psychological and Social Rehabilitation of Victims of Trafficking, within the framework whereof beneficiaries receive assistance on an annual basis.

74. Victims of trafficking are included in the list of socially disadvantaged and separate (special) groups of population entitled to receive free medical assistance and services guaranteed by the State under privileged conditions.

75. The Government of the Republic of Armenia has submitted to the National Assembly the draft law of the Republic of Armenia "On identification and assistance to the victims of trafficking or exploitation", the development whereof is based on the necessity of bringing the legislation of the Republic of Armenia into compliance with the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings and aims at defining by law the reflection period, ensuring the accessibility of compensation and legal aid for victims of trafficking, ensuring the provision of assistance to all victims of trafficking irrespective of the degree of their co-operation with the law-enforcement authorities, their nationality and citizenship.

## 7. Rights of the child (Recommendation 93.14; 93.15)

76. The review of the main directions stipulated by the policy of the 2014-2015 National Plan on the Protection of the Rights of the Child resulted in the adoption of the "Strategic Program for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016" and the "Timetable of Measures of the Strategic Program for the Protection of the Rights of the Child for 2013-2016" adopted by the Government of the Republic of Armenia on 27 December 2012, the main goal whereof is to ensure the well-being of the child in the family and society.

77. With a view to returning children to the biological family and placement thereof with a foster family, the programs "Services of returning the children under the care of institutions providing twenty-four-hour child care and protection in the Republic of Armenia to their families (deinstitutionalization and prevention) and "Introduction of the institute of foster family" are implemented at the expense of the State Budget.

78. Aimed at ensuring the continuity of actions taken towards organization of the care and upbringing of children in the family, "The 2013-2017 Action Plan of reforms in the field of protection of children" was developed. One of the key priorities of the reforms is to create alternative services for the care and upbringing of children, which will enable to prevent the placement of children in twenty-four-hour care institutions.

79. The reforms in the field of protection of children are closely related to the System of integrated social services being introduced as prescribed by the procedure approved by the Decision No 952-N of the Government of the Republic of Armenia of 26 July 2012, pursuant to which the territorial subdivision of the state social security service, the territorial employment centre, the territorial body of social services and the medical and social expert examination commission have been located under the same roof as a territorial centre of integrated social services; there is a single reception ensuring the "one-stop-shop" principle.

80. With a view to providing housing for the graduates of orphanages, the persons deemed to be children deprived of parental care — as prescribed by the Law of the Republic of Armenia "On Social protection of children deprived of parental care" — are included in the list of socially disadvantaged and special groups entitled to a living space approved by the Decision No 894-N of the Government of the Republic of Armenia of 1 August 2013.

81. The draft Law of the Republic of Armenia "On encouragement of breastfeeding of children and turnover of infant food" and the draft laws on making amendments and supplements to other related laws have been adopted at the second reading and submitted to the National Assembly by the Lead committee with a proposal of considering and adopting them in full at the third reading. In consequence of adoption of the package of draft Laws the country will implement in full the proposal of the World Health Assembly to join the International Code of Marketing of Breast-Milk Substitutes ensuring the exercise of the right of a child to be fed by breast-milk considered as prerequisite for the healthy growth and development of a child.

82. With a view to improving legislative regulations aimed at the protection of children, supplements and amendments were made to the Criminal code of the Republic of Armenia in November 2013, pursuant to which violent sexual acts committed against a person under the age of eighteen by a parent or teacher or an employee of an educational or pedagogical or medical or upbringing establishment or other person charged with his or her upbringing or care, shall be stipulated as qualified *corpus delicti* and, as a consequence, incur more severe punishment.

## **D. Right to education**

### **Education of children with special needs (Recommendations 93.15; 93.41)**

83. The legislative framework of the Republic of Armenia ensures equal access to education, at the same time, issues concerning the education of children with special needs remain in the spotlight of the State. The Republic of Armenia is implementing a coherent policy of expanding inclusive education. As a result, the number of special schools has been reduced by half, and more than 2600 children with special needs currently attend inclusive schools.

84. The process of re-organization of two other special schools and transferring the learners to general education schools is currently in progress with the support of the UN Children's Fund. The US Agency for International Development (USAID) and UN Children's Fund (UNICEF) have signed a co-operation agreement to implement a five-year Program to support the Government of the Republic of Armenia in child care and protection system reforms. The Program is targeted at stopping the admission of children into special general education schools and child care establishments through improvement of alternative family-based care options and community-based services, as well as at returning the children from those establishments to family environment.

85. The draft Law of the Republic of Armenia "On making amendments to the Law of the Republic of Armenia "On general education" was developed based on a pilot project on common inclusive education system in one of the marzes of Armenia. The draft was adopted by the National Assembly of the Republic of Armenia at the first reading in 2012. The Law provides for a transition to common inclusive education re-organizing the existing special schools into psychological and pedagogical centers for inclusive education support.

86. Meanwhile, based on the methodology under World Health Organization International Classification of Functioning, new standards and set of instruments were developed for the assessment of the educational needs of children, according to which transition is made from the medical model of special needs assessment to the social model, contributing to the activity and participation of children.

87. With a view to ensuring equal access and maximum involvement in the primary and middle level vocational education in high schools, the National Assembly of the Republic of Armenia has approved at the first reading the amendments to the Laws of the Republic of Armenia "On education" and "On general education" in 2014, which provide for transition from a nine-year minimum education to a free twelve-year (including vocational) education.

## **E. Right to health (Recommendations 93.41; 93.42; 93.43; 93.44)**

88. According to the data of the National Statistical Service, during the period of 1990-2013 the child mortality rate has been reduced by 47% (in 1990 — 18.6%, in 2013 — 9.8%). According to the data provided by the WHO/UNICEF, during the period from 1990-2012 the child mortality rate (in 1990 — 46.1%, in 2012 — 15%) has been reduced by 67% or by 2/3, which is already in line with the target set for the Millennium Development Goal 4 to reduce the child mortality rate. Basically, the recorded unprecedented low child mortality rate below 10% (9.8%) was observed for the first time in 2013, which, according to the WHO classification implies that Armenia, previously in the list of countries with average level of child mortality (10–20%), is currently among the countries with low level of child mortality (below 10%).

89. The International Health (Sanitary) Regulations were adopted in 2005 and in 2007 have entered into force for Armenia and for all other members of the World Health Organization regulating the arrangement of medical, preventive and restrictive measures within the state borders and the mutual notification of incidents. Armenia is among the leading countries in the region in terms of introduction of the Regulations.

90. Taking into account the importance of ensuring accessibility of medical care and service for the rural population, as of 2012 the office of family doctors has been completely introduced in 250 rural institutions providing primary medical care and service. In 2012–2013, outpatient clinics in 17 rural communities have been reconstructed and re-equipped. Repair works in six rural outpatient clinics were launched in 2014.

## **IV. Challenges and limitations**

### **A. Propaganda of war and of racism against Armenia**

91. For many years Azerbaijan has been conducting apparent propaganda of war and hatred against the Armenians. Furthermore, this propaganda is conducted at the level of highest authorities of the country involving all segments of the population, among them scientists, the clergy and representatives of non-governmental organizations. The Azerbaijani highest authorities have declared the Armenians number one enemy.

92. The extreme manifestation of such racist propaganda was the case of Gurban Margaryan — an Armenian military officer, who was axed to death, while asleep, by an Azerbaijani military officer in 2004 during a training course within the framework of NATO's Partnership for Peace Program in Budapest. The further extradition of the murderer sentenced to life imprisonment in Hungary and the hero's welcome he was given in Azerbaijan are a striking illustration of the fact that today Azerbaijan advocates hate-speech, racism and other crimes on grounds of hatred.

93. The propaganda of war is a violation of the Charter of the United Nations and Article 20 of the UN Covenant on Civil and Political Rights, which Azerbaijan has ratified. Such propaganda dates back to 1988 when the policy of the Armenian massacres and ethnic cleansing implemented by the Azerbaijani authorities turned into blatant aggression and massive military actions against the self-determined Nagorno-Karabakh. Today the Armenophobic propaganda conducted by Azerbaijan is accompanied by regular violations of the ceasefire regime, which was signed between the Nagorno-Karabakh, Azerbaijan and Armenia in May 1994 and is still in force, as well as by attempts of subversive groups to penetrate into the Armenian territory, cases of torture and murder of civilians<sup>2</sup>. A striking illustration of the above-mentioned facts is the case of murder of Karen Petrosyan, a civilian inhabitant of a village near the Armenian border with Azerbaijan. Karen Petrosyan, finding himself by accident in the territory of Azerbaijan, was humiliated, tortured by high-ranking military officers of the Azerbaijani Army and was murdered on the next day. Azerbaijani authorities until today have not addressed these claims, despite the fact that various international organizations and states made statements calling for revealing the circumstances of the death of Karen Petrosyan, carrying out an unbiased investigation of these gross violations of fundamental principles of the international humanitarian law.

### **B. Blockade as violation of international law**

94. The blockade of Armenia by Azerbaijan and Turkey (since 1993) has a negative influence on the living standards of the population of the Republic of Armenia, especially its vulnerable groups and on their social and economic rights, including the right to

development, which is an apparent violation of the norms of the Charter of the United Nations, the international law, including the Convention on Transit Trade of Land-locked States.

95. As a consequence of the mentioned blockade every year Armenia suffers losses amounting to tens of millions, in particular, the blockade has serious adverse effect on the growth of export of goods from Armenia, the pricing policy of imported goods, as well as on the Government's efforts to eradicate poverty, in order to fulfill the Millennium Development Goals.

96. The studies by the World Bank have showed that if there was no blockade imposed on Armenia, the country would manage to settle issues of poverty eradication, its gross domestic product would increase significantly (by about 30 per cent) and the trade deficit would be reduced by half.

## **V. National priorities**

### **A. Genocide prevention (Recommendation 93.18)**

97. As a nation having survived the first genocide of the 20<sup>th</sup> century, considering genocide as a crime against humanity, the Republic of Armenia deems it as its moral obligation to prevent recurrence of such a horrific crime against any nation. The joint efforts made by states are the only way to achieve this.

98. The history of genocides is not only the past, but also the present concerning us all, regardless of origin, race or religion.

99. In execution of UPR 93.18 recommendation, the Republic of Armenia initiated in 2013 within the framework of the UN Human Rights Council a resolution on Prevention of Genocide which was the logical continuation of the previously adopted such resolution in 2008. The resolution, adopted by consensus, was co-sponsored by 62 member-states. One of the key points of the resolution was the addressing of human rights education issues. The education on genocide is one of the key factors for the prevention of genocide. The risks that lead to genocide, as well as cases of the past must be taught. This is a necessary condition for ensuring peace and guaranteeing human rights.

100. In execution of the provisions of the Resolution, a high-level panel discussion was held during the 25<sup>th</sup> session of the Human Rights Council with the participation of UN Member States, high level officials of the Council and other relevant stakeholders. The Republic of Armenia will continue its efforts on both national and international levels to prevent this crime against humanity.

### **B. Follow up of fulfillment of international obligations**

101. Armenia will pursue its efforts to guarantee the fulfillment of recommendations by the UN, as well as other international monitoring bodies particularly through ensuring the efficient performance of the Inter-agency Commission — the internal follow-up mechanism.

#### *Notes*

<sup>1</sup> The three mentioned basic UPR reports are: Armenia's National report, Compilation of UN

information, Summary of stakeholder's information.

- <sup>2</sup> The negotiation process over the settlement of the Nagorno Karabakh conflict is mediated by the OSCE Minsk Group Co-Chairs (Russia, the United States and France). The heads of the Minsk Group Co-Chair states regularly make statements emphasizing that all the parties to the conflict must be guided by three principles of international law, i.e., refraining from use of force or threat of use of force, territorial integrity, equal rights and self-determination of peoples. During the OSCE Ministerial Council in Athens all the OSCE participating States, including Armenia and Azerbaijan affirmed their commitment to settle the issue based on the three mentioned principles. Armenia supports the implementation of the right of the people of Nagorno-Karabakh to self-determination as a fundamental part of guaranteeing human rights.
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