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Republic of Armenia

STATEMENT

by H.E. Mr. Ashot Hovakimian, Deputy Minister of Foreign Affairs

at the Human Rights Council 29 session, item 6

Consideration of UPR outcomes

Geneva, 25 June 2015

Mr. President,

Ladies and Gentlemen,

We are here to present Armenia's position on recommendations received during the consideration of the Second national report of Armenia within the framework of the Universal Periodic Review. Armenia supports the UPR process as an effective tool commending states to improve their human rights situation and as an instrument for assessment of positive developments and challenges pertaining in this sphere. Countries concluded the second cycle of the review process get a possibility to comprehensively estimate all aspects of this mechanism. I would like to particularly note the practice of submission of mid-term reports. I strongly believe that the UPR format provides an opportunity for building consensus among Member States on main principles on protection and promotion of human rights.

I would like express my appreciation to all delegations participating in the interactive dialogue, especially those who contributed to improvements and

positive developments in Armenia, as well as to Government's human rights reform initiatives.

Recommendations received by Armenia have been thoroughly analyzed and discussed with relevant authorities and members of the inter-ministerial working group. We have presented our position regarding recommendations in the Addendum submitted to the Secretariat. Armenia has received 189 recommendations, out of which 155 were supported, 20 were supported partially, 4 were not supported, and 10 were rejected. Indeed, some recommendations consisted of more than one part, and in case that one part is accepted, while the other - not, these recommendation are listed as noted. I assume that such practice should not be used in the future, and every recommendation should be clearly presented.

The partially accepted recommendations are those that are supported in principle - the Government supported the idea and reasoning behind, however, it was not in a position to accept. Our position regarding the recommendations 120.1-120. is based on the Article 15 of the Constitution of Armenia: "Everyone shall have the right to life. No one may be sentenced or subjected to the death penalty". In other words, death penalty as a type of punishment has been abolished in Armenia. With the purpose of protecting the right to life, as enshrined in the Constitution, the death penalty - as an exclusive type of punishment - has been eliminated from the general part of the Criminal Code, which entered into force on 1 August 2003. The Constitutional Court - systematically scrutinizing the main law of Armenia, as well as studying the content of the international treaties which my country is a party to - has found that Armenia, as a factor for guaranteeing the rights to life, rejects death penalty as a sanction and provides for the abolition of the death penalty as a rule.

The process of incorporation of the constitutional requirements of respect for and protection of the right to life is underway and many changes have been reflected in Armenian laws regulating the activity of law enforcement and other state bodies within the framework of judicial reforms. Therefore, the ratification of the international treaties is linked with appropriate legislative changes and finalizing the judicial reform. Similarly, the implementation of recommendations 120.15-120.22 is linked to the Constitutional reform.

The recognition of rights under legal norms, including those provided for in acts of supreme legal power - would be of a mere declarative nature in the absence of norms and guarantees called to assure the effective protection of these rights.

Regarding recommendations 120.6 and 120.23 there is a need for additional study and receiving of opinions from different ministries and agencies.

Implementation of recommendation 120.14 will be possible after the implementation of legislative and practical changes in the field of guaranteeing the whole implementation of Convention on the Rights of Persons with disabilities.

We have not supported recommendations with inappropriate content or those which are factually inaccurate. We have rejected 10 recommendations. The reasons of this rejection have been presented in the Report of the Working Group, as well as detailed in the Addendum to the Report.

Mr. President,

I would like to deliberate in more detail the further steps aimed to ensure the implementation of Armenia's second cycle UPR on thematic issues.

The protection of human rights is by nature a continuous process and there is always room for improvement. Despite the progress in this regard, we recognize that there is still a lot to be done for the comprehensive implementation of our human rights agenda.

I would like to reiterate the great importance that my Government attaches to the implementation of the **judicial reforms**.

One of the main targets after the Constitutional amendments of 2005 was "The 2012-2016 Strategic Program for legal and judicial reforms of the Republic of Armenia" and the list of measures deriving from that Program aimed at ensuring fair and efficient judicial power accountable to the public.

Since the entry into force of the Law "On making amendments and supplements to the Judicial Code of Armenia" on 3 July 2014, the system of tests in criminal, civil and administrative fields of specialization was introduced, which has improved the fairness of the selection of judges.

Among the legislative amendments adopted in the area of promotion of judges, the Law "On making amendments and supplements to the Judicial Code of the Republic of Armenia" adopted on 21 June 2014 should be mentioned. The system of regular evaluations of judges has since been introduced, which is carried out based on qualitative and quantitative criteria.

As a result, the powers of the Ethics Commission of the Council of Court Chairpersons of Armenia and the Disciplinary Commission of the Council of Justice were transferred to the Ethics and Disciplinary Commission of the General Assembly of Judges of Armenia.

Decision "On Approving the Statute of the Ethics and Disciplinary Commission of the General Assembly of Judges of the Republic of Armenia" adopted by the General Assembly of Judges of Armenia on 5 September 2014, among others, regulates relations pertaining to the procedure for holding sittings of the above-mentioned Commission, the decisions being taken and the adoption thereof.

Where the Council of Justice examines the matter of subjecting a judge to disciplinary liability, the judge shall be entitled to safeguards provided for by Article 19 of the Constitution of Armenia and Article 6.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

All the above-mentioned legislative changes are called to ensure the independence of judges, as well as to envisage the availability of more precise legal standards in the area of appointment, and promotion of judges, as well as subjecting them to disciplinary liability.

For the purpose of education and training of human resources for the judicial and prosecutorial systems the Academy of Justice has been established.

A system of publication of reports by the judiciary with regard to its activities and objective general criteria on distributing cases among judges was introduced based on findings of a study of international practice.

Another important area within the Government's human rights agenda is the implementation of the **principle of non-discrimination**. Among the recent steps initiated by the Government in this regard is the 2014 decision, whereby the Ministry of Justice has examined the compatibility of the Armenian legislation with the international legal norms on prohibition of discrimination, as well as the necessity of the adoption of standalone legislation on "Combating discrimination" in 2014. The Constitutional norms on non-discrimination envisaged the establishment of appropriate mechanisms for implementation. The relevant draft law should include the following notions: indirect discrimination, associated discrimination, persecution, incitement to discrimination and victimization. Public discussions were organized on 8 April 2015, regarding the need to develop a

standalone law against discrimination. Consequently, it has been decided to begin the elaboration of the said legislation.

The Law of Armenia "On Ensuring Equal Rights and Opportunities for Women and Men" adopted by the National Assembly in May 2013 ensures the equality between women and men in all spheres, including legal protection from discrimination.

With regard to national policies on preventing and combating domestic violence and violence against women, I would like to underline that the further development and implementation of the Government's programs in this area requires close cooperation and synergies in activities of the Government and NGOs. The 2011-2015 Strategic Program against Gender Violence was adopted, which defines the core directions of the state policy for reducing gender violence. These will be implemented in three directions: early prevention, protection and prosecution. As an evidence of the great importance that Armenia attaches to the UPR process, the Government has discussed the possibility of signing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Mr. President,

Ladies and Gentlemen,

I would like to stress that for the purpose of prevention of torture, inhuman or degrading treatment or punishment, comprehensive legislative reforms aimed at bringing the national legislation fully in line with the international best practice have already been implemented. Taking into account that previously the national legislation criminalizing torture did not contain crimes committed by officials and did not fully comply with the UN "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", the legal formulation of the *corpus delicti* of torture has been completely brought into compliance with the requirements of the Convention by the draft Law "On making amendments and supplements to the Criminal Code of the Republic of Armenia". It ensures that all officials engaged in the committal of acts containing *corpus delicti* of torture get a proportionate punishment, which will completely reflect the gravity of the act in accordance with Article 4 of the Convention.

The draft law envisaging amendments provides for punishment for such acts by imprisonment for a term of four to eight years with deprivation of the right to

hold certain positions or to engage in certain activities for a maximum term of three years. Moreover, in contrast to the existing legislation, which, for the cases of torture, prescribes private prosecution regime for institution of criminal cases under conditions of which existence of a complaint made by a victim for institution of a criminal case is required, the draft Law "On making an amendment to the Criminal Procedure Code of the Republic of Armenia" provides public prosecution regime for the cases of torture. In each similar case, there is an additional guarantee for ensuring that a criminal case has been instituted. The mentioned law was already adopted in its first reading by the National Assembly of Armenia on 7 May 2015. The final adoption will be in accordance with the work plan of the National Assembly.

Mr. President,

The comprehensive National Human Rights Strategy was approved by Presidential decree on 29 October 2012. The Strategy is a mechanism through which Armenia's obligations in the field of human rights are implemented. The Strategy is a tool which defines the tasks and the relevant programs for further implementation of UPR recommendations as well. With an aim of ensuring further implementation of the Human Rights Strategy, a Plan of Action was adopted in February 2014.

Ladies and Gentlemen,

Recommendations which have been accepted by Armenia become for us a guideline for further actions aimed at promotion and protection of human rights in our country. In the course of their implementation Armenia will continue its cooperation both with non-governmental and international organizations. We have already planned a joint discussion with the civil society representatives on further actions for ensuring implementation of adopted recommendations during which the CSOs will also present their UPR recommendations implementation ideas to the Government.

We are convinced that the successful and full implementation of the recommendations of the universal periodic review will further strengthen Armenia's human rights record, and will further promote democracy and rule of law.

Thank you.