

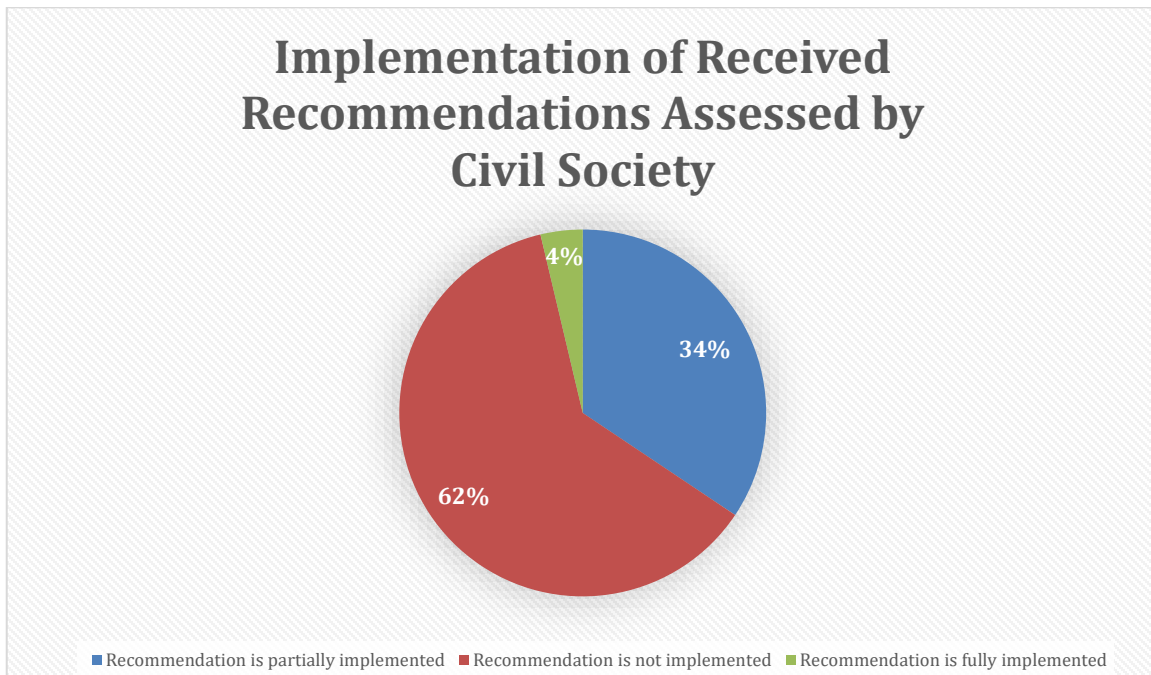
**UPR-ARMENIA  
IN MIDTERM REVIEW  
January 2015– March 2018  
Mid-Term Report by a Group of Civil Society Organizations**

(based on conclusions and/or recommendations of the Report of the Working Group on the Universal Periodic Review –A/HRC/29/11, 13 April 2015)

**Introduction**

Following the second cycle of UPR, a number of long-awaited reforms were announced by the Armenian government. Despite some modest progress, the overall reform process has been delayed due to the government’s lack of commitment, transparency, and determination to consider civil society recommendations. The government did not take sufficient steps towards implementing the recommendations received during the second UPR review of Armenia. Approval of the National Strategy for Protection of Human Rights and its Action Plan were a positive step forward, but the documents were adopted without consideration of the vast majority of civil society recommendations, including UPR recommendations.

The government did not perceive the UPR process as an opportunity for structural changes, but rather approached it solely from a technocratic law-changing perspective. As a result, no real and practical changes have been registered with regards to human rights and freedoms.



*Out of received 189 recommendations:*

Fully implemented – 7 recommendations (4 percent)

Partially implemented – 65 recommendations (34 percent)

Not implemented – 117 recommendations (62 percent)

In 2017, stipulated by constitutional amendments, a number of laws regulating the state institutions and the governance system were adopted. These laws defined the scope of authorities and accountability of each branch of power and regulated separation of powers. The premise of the 2015 constitutional reform was to ensure more accountable and less centralized governance by increasing the role of the National Assembly (parliament), enhancing and clarifying the tools and mechanisms of parliamentary oversight of the executive and regulating the accountability of the state institutions before the parliament. However, these laws combined with the constitutional requirement of stable majority formed by no more than three parties effectively helped to “migrate” the vast and unaccountable presidential powers into the parliamentary system, consolidated under the prime minister.

Though with the constitutional reform the National Assembly elects the president and prime minister of the republic, the judges of the Constitutional Court and the ruling party have the final say in all the mentioned appointments without counter-balance. All these constitutional changes have made the position of the prime minister with super powers and lack of sufficient accountability.

More importantly, the prime minister:

- proposes high ranking officials for security, military and law enforcement bodies; the president appoints them with no power to reject.

- oversees security, military and law enforcement bodies without any direct constitutional obligations of accountability to the National Assembly.
- oversees the National Security Services and the activities of the police.
- leads the Security Council, which does not include a representative from the National Assembly.
- proposes the heads of the Investigative Committee and the Special Investigation Service and appoints their deputies.

According to Article 159 of 2015 Constitutional Amendments, the bodies of the state administration system are ministries, as well as other bodies subordinate to the Government, the Prime Minister and ministries. While the amendments regulate the system of the government accountability, it is uncertain how and to what extent the state administrative bodies, subjected to the prime minister, are to be accountable to the National Assembly. The legislation does not even clearly determine whether the bodies subordinated to the government are part of or placed within the government.

This legislative uncertainty bars the National Assembly from exercising effective and efficient parliamentary oversight of their activities. Moreover, the concentration of power in the hands of a single political force renders the parliamentary oversight void. With the new regulations, the National Assembly has no power in the process of appointing the above-mentioned officials. These bodies do not present annual reports to the National Assembly for approval and the National Assembly does not have real authority or effective oversight mechanisms over these bodies.

The ambiguities and loopholes of the constitutional amendments paved the way for the creation of the situation where the prime minister appears to have broad powers without the balance of accountability and where the National Assembly lacks sufficient role in governance and oversight.

Since 2013, numerous political and civic activists were subjected to political persecution based on their political views and activities. Throughout 2013-2017, there has been a significant increase in the number of peaceful assemblies and their participants due to a number of social, legal and political problems in the country, while police violence during peaceful assemblies increased disproportionately. The police launched numerous administrative proceedings on citizens with a view to prevent further political and civic activism. Mass media and human rights defenders reported about police violence towards the participants of peaceful assemblies, disproportionate and unwarranted use of physical force and special means, unlawful detentions, violence against reporters, and intimidation of the family members of the activists. The criminal cases instituted in connection with those incidents were subsequently terminated, while the police officers, who had committed violence against the participants of peaceful assemblies, were subject to only disciplinary measures and fines.

A number of cases against political and civic activists were filed. Criminal proceedings were instituted with political motives. Severe and disproportionate criminal punishments, such as 2-9 years' prison terms, were imposed against the defendants. Blatant violations of the fair trial standards were registered during the court proceedings, including undue sanctioning of defense attorneys and imposing disciplinary measures against them. All the above mentioned violations meet the standards set out in the PACE Resolution no. 1900 (2012), giving grounds to state that there are political prisoners in Armenia.

## Methodology

Since 2009, Open Society Foundations–Armenia (OSFA) has been involved in organizing the process to contribute and assess Armenia’s progress on implementation of recommendations in the framework of the Universal Periodic Review (UPR). The tracking process over the implementation of recommendations is significant in assessing Armenia’s performance in compliance with international human rights standards.

The present assessment is a participatory process based on collaboration and consensual decision making, where each participant had an equal opportunity of voice. It started with a series of issue-based civil society discussions to assess Armenia’s performance in compliance with its commitments undertaken within the framework of the UPR. Following an in-depth analysis of issues and concerns in consultations with civil society actors, benchmark indicators for each recommendation were developed to track performance results in each thematic area. The benchmark indicators were updated for each review of the UPR. The latest updates were in November 2017 and March 2018.

## Thematic Areas / Sectoral Divisions for Assessment

The following thematic and sub-thematic areas were assessed in 2015 and 2017:

- I. **Justice** (Judiciary; Fair Trial and Rule of Law; Right to Life; Prohibition of Torture, Cruel, Inhuman and Degrading Treatment and Issues of Detention; Law enforcement; Elections; and Ratification of International Treaties);
- II. **Freedom of Expression** (Freedom of Assembly; Freedom of Association; Freedom of Media, Protection of Journalists, and Human Rights Defenders);
- III. **Gender Equality;**
- IV. **Non-Discrimination and Vulnerable Groups** (People with Disabilities; LGBT; Minorities; Refugees; Trafficking and Genocide);
- V. **Rights of the Child;**
- VI. **Social Security** (Right to Health; Right to Food; Right to Education; Labor Rights; Rights of Migrant Workers; Welfare State);
- VII. **Cross-Cutting** (Ombudsman; National Action Plan; Cooperation with Civil Society).

## Structure of the Document and Assessment Process

For each thematic area, scoring sheets were developed containing recommendations and benchmark indicators, to compare recommendations against reality or with the actual progress by authorities in the field. Every benchmark indicator was assessed based on a scale from 1 to 3. 1: recommendation fully implemented, 2: recommendation partially implemented, and 3: recommendation is not implemented / no action or progress.

## About recent National UPR mid-term workshop

On 25 October 2017, some 50 civil society representatives from Armenia, as well as officials from UN agencies and the EU delegation, participated in the National CSO mid-term workshop co-organized by OSF Armenia, UNDP Armenia and UPR Info. The purpose of the event was to measure the implementation levels of second cycle recommendations halfway between reviews. The meeting drew on previous UPR activities in Armenia and constituted the initial step towards developing a CSO UPR mid-term report. At the event, each thematic area was discussed in breakout groups consisting of civil society representatives with expertise in the relevant field. Each thematic group discussion was facilitated by OSFA staff members to take notes and register final scoring mark for each benchmark indicator. Towards the end of the meeting, each thematic group briefly presented the situation and challenges in each field and provided three recommendations to the Armenian government on how they can accelerate the implementation process. Representatives of UNICEF and European Union Delegations to Armenia attended the workshop. The current report summarizes the results of October 2017 consultations and their follow up conducted through March 2018.

## To note

In 2015, Armenia received 189 recommendations: accepted: 155; noted: 34. Armenia rejected the recommendations in paragraph 121 submitted by Azerbaijan, considering that the country that has submitted them: (a) has repeatedly rejected any cooperation with Armenia within the framework of the UPR, in particular as set out in Human Rights Council resolution 5/1, and (b) is conducting apparent propaganda of war and hatred against Armenians at the level of highest authorities of the country, involving all segments of the population. The following recommendations were issued by Azerbaijan:

- 121.1. Adopt comprehensive legislation on discrimination;
- 121.2. Closely monitor legal practice in relation to incitement to racial discrimination and prosecute perpetrators;
- 121.3. Prevent the use of torture and ill-treatment on suspects in police custody and prosecute those responsible;
- 121.4. Investigate cases of violence against children in closed institutions and prosecute perpetrators;
- 121.5. Establish mechanisms to identify children among asylum seekers and refugees involved in armed conflicts;
- 121.6. Criminalize the recruitment of children under the age of 18 years into armed forces;

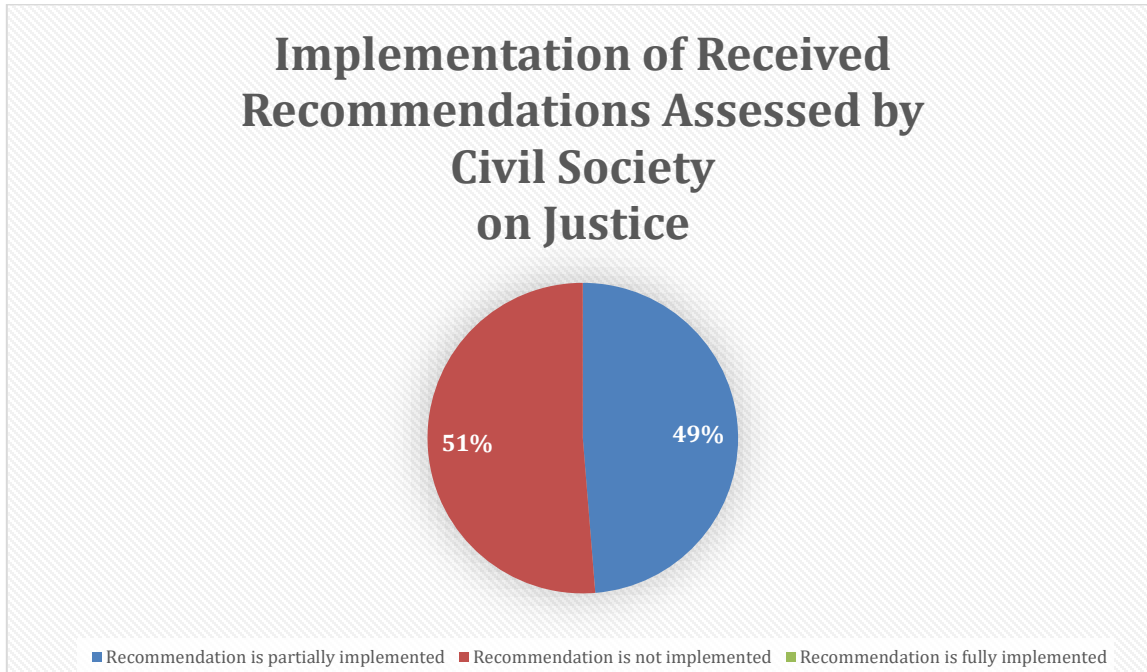
- 121.7. Ensure accountability within government structures;
- 121.8. Eradicate all limitations and restrictions on freedom of religion, including the revision of the school curriculum to reflect the freedom of religion of all children;
- 121.9. Ensure the protection of the rights of national minorities;
- 121.10. Ensure the full protection of the right to freedom of opinion and expression, to peaceful assembly and to freedom of association.

### **Contributors**

In the process of the Midterm report preparation, the following civil society organizations contributed to the Midterm report preparation:

Analytical Centre on Globalization and Regional Cooperation  
Armavir Civic Youth Center  
Armavir Development Center  
Armenian United Nations Associations  
Ashtarak Civic Youth Center  
Center for Rights Development  
Coalition to Stop Violence against Women  
Committee to Protect Freedom of Expression  
Disability Info NGO  
Ecological Right NGO  
Ecolur Informational NGO  
Gavar Civic Youth Center  
Goris Press Club  
Helsinki Citizens' Assembly–Vanadzor  
Helsinki Committee of Armenia Human Rights Defender NGO  
Hrazdan Civic Youth Center  
Ijevan Civic Youth Center  
Institute of Public Policy  
Journalists' Club Asparez  
Kapan Civic Youth Center  
Khoran Ard Intellectual Centre NGO  
Martuni Women's Community Council NGO  
Mission East  
New Generation Humanitarian NGO  
Non-Discrimination and Equality Coalition  
Open Society Foundations–Armenia  
Protection of Rights without Borders NGO  
Public Information and Need of Knowledge NGO  
Real World, Real People NGO  
Save the Children Armenia  
Sexual Assault Crisis Center  
Transparency International Anti-Corruption Center  
Union of Informed Citizens  
Vanadzor Civic Youth Center  
Victims of State Needs NGO  
Women's Resource Center NGO  
Women's Support Center NGO  
Yeghegnadzor Civic Youth Center.

- I. **Justice** (Judiciary; Fair Trial and Rule of Law; Right to Life; Prohibition of Torture, Cruel, Inhuman and Degrading Treatment and Issues of Detention; Law enforcement; Elections; and Ratification of International Treaties)



*Out of received 39 recommendations:*

Fully implemented – 0 recommendation (0 percent)

Partially implemented – 19 recommendations (51 percent)

Not implemented – 20 recommendations (49 percent)

#### Independence of Judiciary, Rule of Law and Fair Trial

The right of persons to a fair trial is seriously endangered in Armenia, as manifested in the administration of selective justice, as well as the politically-motivated criminal prosecution of political and civil opposition activists. The ECtHR judgments against Armenia attest to this, as the vast majority of them refer to the violations of citizens' right to a fair trial.<sup>1</sup> The courts' dependency on the executive power was displayed in numerous violations of procedural rules during the trials in the cases of the members of the "Daredevils of Sassoon" group and the cases of beating the defendants in the courtroom by police officers.<sup>2</sup> Furthermore, various measures were taken in an attempt to hinder the activities of lawyers that who had undertaken the defense of these defendants.<sup>3</sup>

The Constitutional Amendments seem to partially alleviate the judiciary's dependency on the President, as according to the changes, judges will be elected by the Republic of Armenia National Assembly or Supreme Judicial Council, and the President will then appoint the elected candidate. Nevertheless, taking into account the constitutional principle that guarantees a stable parliamentary majority,<sup>4</sup> the election of judges by the parliament can turn into a single-party decision. Moreover, the extant Judicial Code and the new draft Judicial Code still do not prescribe sufficient safeguards to protect judges from arbitrary decisions of the Supreme Judicial Council: one example of that is that judges may not appeal the disciplinary decisions rendered against them.<sup>5</sup> At the same time, The new Criminal Procedure Code allows the Court to fine attorneys for misconduct, which is a direct threat to the independence of the defense. Disciplinary actions against attorneys have been largely used in recent politically motivated cases to control their behaviour in the Courtroom often at the expense of the fair trial of the defendants.

In 2016, 2,392 out of the 2,563 motions of investigators to order pre-trial detention were granted by the national courts. The European Court of Human rights found that the use of generic formulae when imposing and extending

<sup>1</sup> For Instance, the ECtHR found a violation of Article 6 in the following cases: Harutyunyan V. Armenia (Application No. 36549/03), Galstyan V. Armenia (Application No. 26986/03), Chap Ltd V. Armenia (Application No. 15485/09), Asatryan V. Armenia (Application No. 3571/09); Manucharyan V. Armenia (Application No. 35688/11); Avetisyan V. Armenia (Application No. 13479/11); Vardanyan and Nanushyan V. Armenia (Application No. 8001/07).

<sup>2</sup> Armenia: Ill-Treatment Reports Mar High-Profile Trial; Human Rights Watch: <https://www.hrw.org/news/2017/07/09/armenia-ill-treatment-reports-mar-high-profile-trial>.

<sup>3</sup> Civil Society demands to stop hindering professional activities of lawyers: <https://goo.gl/qCUa8r>

<sup>4</sup> Constitution of the Republic of Armenia, 2015, Article 89; <http://www.legislationline.org/documents/id/19905>

<sup>5</sup> Kyiv Recommendations On Judicial Independence In Eastern Europe, South Caucasus And Central Asia, 2010: <http://www.osce.org/odihr/kyivrec?download=true>

detention is a recurring problem in Armenia. This was noted in a number of ECHR decisions against Armenia<sup>6</sup>. To illustrate, Andreas Ghukasyan, member of the “New Armenia” opposition movement, was detained on the grounds of fabricated charges and has been under detention for more than 12 months without an adequate justification of the measure.<sup>7</sup>

The mentioned numbers testify to the urgent need for reforms in the criminal justice system, including reforming the Criminal Procedure Code to include, inter alia, effective and mandatory utilization of alternative measures, such as bail, home arrest and personal surety; extending the mandate of the newly established Probation Service to cover also the pre-trial stage, and ensuring the independence of the medical staff of penitentiary institutions within the Ministry of Justice.<sup>8</sup>

### Right to Life; Prohibition of Torture, Cruel, Inhuman and Degrading Treatment and Issues of Detention; Law enforcement

The situation remains worrisome in terms of the effective investigation and subsequent prevention of torture and ill-treatment. Firstly, the legislation has not been amended to put in place effective measures to combat torture: despite the fact that the Republic of Armenia Criminal Code now defines torture in accordance with the international standards, ill-treatment and inhuman treatment have not been criminalized yet. Moreover, the legislative amendments still do not safeguard the effective investigation of torture. After the June 2015 amendments to the Republic of Armenia Criminal Code, the Republic of Armenia Special Investigative Service investigated 110 reports of torture; another 61 reports were investigated by June 2016.<sup>9</sup> However, the investigations did not result in any torture prosecution cases sent to court, and not a single official has been held liable.<sup>10</sup> In addition to law-enforcement agencies failing to carry out an effective investigation of the torture reports, the system has in all possible ways obstructed the filing of torture reports by the victims by bringing false allegation charges and using other methods of intimidations.<sup>11</sup> Several cases of torture and ill-treatment of inmates in politically motivated cases, one of them taking place in the court basement, remain unresolved. According to the annual report on Penal Statistics for 2015<sup>12</sup>, use of detention as a measure of restraint in Armenia has increased by 48% since 2005. The number of detainees in Armenia exceeds the European average, the numbers being, respectively: 129.7 detainees and 115.7 detainees per 100,000 of the population. The Report also revealed that the number of deaths in incarceration places in Armenia is the highest in Europe. Armenia spends second lowest per detainee per day and prison overpopulation remains an urgent issue.

### Access to Healthcare in Prisons

Health and sanitary conditions in the penitentiary institutions are in a deplorable state. Medical service in penitentiary institutions is under the oversight of the Penitentiary Department of Ministry of Justice. Penitentiary institutions do not have sufficient and qualified medical staff, and up-to-date equipment to ensure quality health care for inmates.<sup>13</sup> The majority of prisoners with mental disability do not have access to professional health services compatible with their condition. Prison facilities are not accessible for prisoners with physical disabilities and limited mobility. State-funded medical services for the prisoners are confined to a list of limited diseases. Prisoners with severe health conditions continue to be kept in prisons, which amounts to ill-treatment.

Amendments to the Republic of Armenia Civil Code in December 2016 define the procedure and terms of compensating torture victims. However, real mechanisms for its implementation are not effective yet.<sup>14</sup> The Government has still not adopted a decision on the procedure of providing psychological assistance.<sup>15</sup>

### Elections

The new Electoral Code, along with other relevant legal acts, was adopted in 2016, which raised concerns by the civil society and the Venice Commission and OSCE/ODIHR on a number of issues. The respective amendments to the Criminal Code mark a notable regress, stipulating criminal responsibility for making a false statement on

<sup>6</sup> CASE OF ARA HARUTYUNYAN v. ARMENIA, Application N 629/11, 20 October 2016, paragraph 58

<sup>7</sup> Human Rights Watch; Armenian Activist Stuck in Detention: <https://www.hrw.org/news/2017/01/30/armenian-activist-stuck-detention>; EAP CSF ARMENIAN NATIONAL PLATFORM STATEMENT, 13 September, 2017, <https://eaparmenianews.wordpress.com/2017/09/21/issue-276/>

<sup>8</sup> [Assessment Reports on Armenia’s Compliance with GSP+ obligations: Report – Part I: On the progress of reforms on Human Rights and Justice” \(prepared by GSP+ Team in consultations with civil society under “FWC BENEFICIARIES 2013 – LOT 7: GOVERNANCE AND HOME AFFAIRS EuropeAid/132633/C/SER/multi”](#)

<sup>9</sup> CPT/Inf (2016) 32, Response of the Armenian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Armenia from 5 to 15 October 2015, <https://rm.coe.int/16806bf470>, page 14-16

<sup>10</sup> Official court statistics are available at <http://court.am/?l=lo&id=359>

<sup>11</sup> Partnership for Open Society Initiative’s Joint Submission to The CAT on The 4<sup>th</sup> Periodic Report of The Republic of Armenia Regarding the Implementation of the UN CAT, 2016; [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT\\_CAT\\_CSS\\_ARM\\_25742\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT_CAT_CSS_ARM_25742_E.pdf)

<sup>12</sup> Council of Europe Annual Penal Statistics: <http://wp.unil.ch/space>

<sup>13</sup> Partnership for Open Society initiative’s joint submission to the committee against torture on the 4<sup>th</sup> periodic report of Armenia regarding the implementation of the UN CAT, 2016; [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT\\_CAT\\_CSS\\_ARM\\_25742\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT_CAT_CSS_ARM_25742_E.pdf)

<sup>14</sup> Republic of Armenia Civil Code, Article 187.3.

<sup>15</sup> E-draft.am, Draft Decision of the Republic of Armenia Government, 19 April 2017, <https://www.e-draft.am/projects/168/about>

voting on behalf of another person. The new Electoral Code significantly cuts down on the rights of observers and reporters, but does not require mandatory testing of observers. The Electoral Code does not address the discriminatory provisions for absent voters. The Code allows voting electronically only for the families and staff of diplomatic missions, families and employees of Armenia-registered companies operating abroad and military servicemen studying abroad. The rest of citizens included in the general voters' lists, but away on the election day, are deprived of the opportunity to vote. When drafting the new Code, the government and opposition reached an agreement over publishing the signed voter lists and providing video monitoring at the polling stations. However, the provision of video monitoring was reduced to 1500 polling stations with one camera in each.

The April 2017 Parliamentary Election conducted according to the new Constitution and Electoral Code was marred by extensive abuse of administrative resources, vote buying, controlled voting, intimidation, and falsification of the voting results. The defining role of the misuse of administrative resources, vote buying and other campaign-related violations on the outcome of the elections was acknowledged also by the international observers. In particular, the Final Report of the OSCE/ODIHR International Election Observation Mission concluded: "The campaign was tainted by credible and widespread allegations of vote-buying, pressure on public servants, including in schools and hospitals, and of intimidation of voters to vote for certain parties. This contributed to an overall lack of public confidence in the electoral process and raised concerns about voters' ability to cast their votes free of fear of retribution, as required by OSCE commitments."<sup>16</sup> The most striking case of misuse of administrative resources was revealed in March 2017 by the Union of Informed Citizens NGO, through audio-recordings of conversations with the principals of schools and kindergartens. 114 principals confessed to being involved in collecting parents' and teachers' votes in favor of the Republican Party. On 25 March 2017, the Office of the Prosecutor General of Armenia assigned the Police to investigate these tapes. After the elections, the Police issued a decision that none of these tapes contained *corpus delicti*. 30 of the principals filed complaints of defamation against the Union of Informed Citizens, but retracted their complaints prior to the court hearing. Another widespread violation on voting day was the controlled voting, where citizens were guided by other individuals to the ballot boxes and cast their votes while these "guides" were present. The "Independent Observer" Public Alliance published a report about violations during voting day, which shows that in 52% of the 200 voting stations, their observers witnessed cases of controlled voting.<sup>17</sup>

#### Ratification of International Treaties

The state has not found it appropriate to ratify either the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities or the Rome Statute of the International Criminal Court (see 120.15). For the former, the Government's explains that the state is not ready financially to assume such liability. As for the Rome Statute, the Constitutional Court of the Republic of Armenia concluded (in decision SDO-502 dated 13 August 2004) that a number of provisions of the Agreement on the Statute of the International Criminal Court contradict the Constitution of the Republic of Armenia.

#### Implementation of received recommendations on Justice according to benchmarks developed by civil society

Grading: 1: recommendation is fully implemented, 2: recommendation is partially implemented, and 3: recommendation is not implemented.

N	Recommendation and its Status		Grade
1	120.1. Noted	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Costa Rica) (Turkey).	3
	Benchmark	The Second Optional Protocol to the International Covenant on Civil and Political Rights is ratified.	
2	120.2. Noted	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro).	3
	Benchmark	See 120.1	
3	120.3. Noted	Accede to the Second Optional Protocol of the ICCPR (Estonia).	3
	Benchmark	See 120.1	
4	120.4. Noted	Ratify the Second Optional Protocol to the ICCPR and adopt all the required internal legislative measures to proceed as soon as possible with the ratification of the Rome Statute of the ICC (Italy).	3
	Benchmark	See 120.1 With respect to the ratification of the Rome Statute of the ICC, the Constitutional Court has reviewed the constitutionality of the Statute, and the National Assembly has ratified the Statute.	

<sup>16</sup> OSCE/ODIHR, International Election Observation Mission Republic of Armenia, Parliamentary Elections, 2 April 2017 Parliamentary Elections, 2 April 2017 Statement of Preliminary Findings and Conclusions <https://www.osce.org/office-for-democratic-institutions-and-human-rights/elections/armenia/309156?download=true>

<sup>17</sup> Final Report, RA Parliamentary Elections, April 2, 2017, "Independent Observer" Public Alliance <https://docs.google.com/viewer?url=http%3A%2F%2Fhcav.am%2Fwp-content%2Fuploads%2F2017%2F07%2FNA-report-ENG.pdf>



5	120.16. Noted	Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (ICC), including by incorporating provisions to cooperate promptly and fully with the ICC (Montenegro).	3
	Benchmark	The national legislation has been aligned with the Rome Statute of the International Criminal Court.	
6	120.17. Noted	Ratify the Rome Statute of the International Criminal Court, signed in 1999, and apply it in the national legislation (Uruguay).	3
	Benchmark	The Rome Statute of the International Criminal Court, signed in 1999, has been ratified and is applied in the national legislation.	
7	120.18. Noted	Take action with a view to bringing to an end the ratification procedures for the Rome Statute of the ICC (Romania).	3
	Benchmark	See 120.17	
8	120.19. Noted	Ratify the Rome Statute of the International Criminal Court (Poland) (Slovenia) (Austria) (Benin) (Costa Rica).	3
	Benchmark	See 120.17	
9	120.20. Noted	Ratify the Statute of the International Criminal Court (Chile).	3
	Benchmark	See 120.17	
10	120.21. Noted	Ratify and fully align its national legislation with all the obligations under the Rome Statute of the International Criminal Court (Latvia).	3
	Benchmark	See 120.16 120.17	
11	120.22. Noted	Ratify and fully align its national legislation with the Rome Statute of the International Criminal Court (Bulgaria) (Estonia).	3
	Benchmark	See 120.16 120.17	
12	120.27. Accepted	Pay particular attention to the process of judicial and legal reform by strengthening the legal framework (Tajikistan).	2
	Benchmark	The Judicial and Legal Reform Program has been fully implemented, and civil society participation in the assessment of its results has been ensured. An improved Judicial Code has been adopted. An improved Criminal Procedure Code has been adopted. An improved Code on Administrative Offences has been adopted	
13	120.28. Accepted	Continue to strengthen national human rights institutions, including the independence of the judiciary (Costa Rica).	2
	Benchmark	The Law on the Human Rights Defender is in line with the Paris Principles. The structure has the necessary funding for carrying out its activities in all the regions of Armenia. The Judicial Code enshrines transparent procedures for the appointment, promotion, and dismissal of judges, and sufficient social safeguards for judges. The Judicial Code ensures mechanisms for disciplining judges and enhances the effectiveness transparency.	
14	120.46. Accepted	Invite the UN Special Rapporteur on the Independence of the Judges and Lawyers to perform an official country visit (Germany).	3
	Benchmark	The UN Special Rapporteur visited Armenia and published a report.	
15	120.89. Accepted	Continue to improve its comprehensive framework by introducing the definition of "torture" in compliance with Article 1 of the Convention against Torture (Serbia).	2
	Benchmark	The definition of torture in the Criminal Code of the Republic of Armenia is in compliance with Article 1 of the UN Convention against Torture, and inhuman and degrading treatment have been criminalized.	
16	120.90. Accepted	Ensure that the definition of torture in national law is fully in line with the UN convention against torture (Germany).	2
	Benchmark	See 120.89.	
17	120.91. Accepted	Provide criminal liability for torture in line with Article 1 of the UN Convention against Torture (Turkey).	2
	Benchmark	See 120.89.	
18	120.92. Accepted	Encourage the National Assembly to pass legislation that would enable Armenia to more fully comply with its international human rights obligations, including, expanding the definition of torture in its domestic law to include crimes committed by public officials in their official capacities, and criminalizing domestic violence (United States of America).	2
	Benchmark	See 120.89. The Law on Domestic Violence has been adopted by the National Assembly in line with the provisions of the Istanbul Convention. The legislation prescribes criminal liability for the crime of domestic violence.	
19	120.93. Accepted	Amend Armenia's Criminal Code to ensure it is consistent with the definition of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment particularly the inclusion of acts committed by public officials (Australia).	2
	Benchmark	See 120.89.	
20	120.94. Accepted	Establish a system for the management of complaints of torture and ill-treatment by police and security forces to ensure that such acts, committed against civilians or prisoners, are effectively investigated and sanctioned (Belgium).	3
	Benchmark	The investigation of torture and ill-treatment by police and security forces includes:	

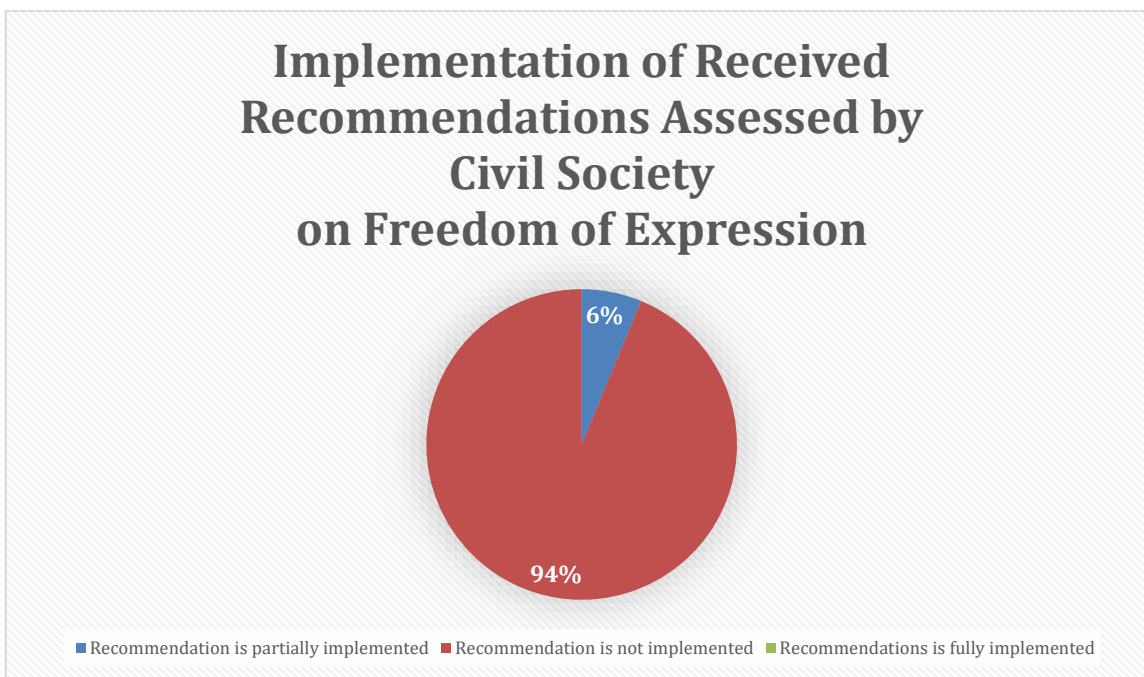


		<p>1. The Special Investigative Service presents an annual report to the National Assembly on torture and the activities to combat torture in Armenia.</p> <p>2. Operational-intelligence activities in the cases investigated by the Special Investigative Service are carried out by the relevant units of the National Security Service, except when officers of the National Security Service are implicated. In the cases investigated by the Special Investigative Service, where officers of the National Security Service are implicated, operational-intelligence activities are carried out by the Police of the Republic of Armenia.</p> <p>3. In the Republic of Armenia, sentence execution is supervised by courts, instead of the current system of prosecutorial supervision.</p> <p>4. The Special Investigative Service publishes statistics on the number of criminal cases initiated on the basis of complaints received, the number of indictments approved, the number of persons convicted by the court, and the number of persons serving a sentence.</p>	
21	120.95. Accepted	Take steps to ensure that allegations of ill-treatment of persons detained by the security and police forces are fully investigated and that perpetrators are held accountable (Canada).	3
	Benchmark	<p>See the beginning under 120.94.</p> <p>5. The Group of Observers overseeing Places for Holding Arrested Persons has the power to oversee also Places for Holding Arrested Persons within the system of the National Security Service. The necessary legislative amendments were finalized by the end of 2016.</p> <p>6. The Group of Observers overseeing Places for Holding Arrested Persons has the power to oversee also all buildings and premises under the jurisdiction of the Republic of Armenia Police, in which citizens are or may be held.</p>	
22	120.96. Accepted	Combat torture and other inhuman or degrading treatment and ensure that these acts do not go unpunished (France).	3
	Benchmark	<p>See 120.94, 120.95.</p> <p>1. The legislation allows a torture victim to obtain an expert opinion directly, i.e. without filing a motion of the body conducting the proceedings, and such expert opinion can be used as evidence.</p> <p>2. A torture victim might receive compensation even if the criminal prosecution of the alleged perpetrator of torture was terminated on an acquittal ground (as per Paragraph 2 of Article 163 of the draft Criminal Procedure Code of the Republic of Armenia).</p> <p>3. The European Convention on the Compensation of Victims of Violent Crimes has been ratified.</p>	
23	120.97. Accepted	Take measures to ensure that the national mechanism for the prevention of torture and other cruel, inhuman and degrading treatment is provided with sufficient resources to operate effectively (Mexico).	3
	Benchmark	<p>1. There is a law prescribing the procedure of formation and operation of the independent national preventive mechanism stipulated by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.</p> <p>2. The national preventive mechanism has representation in all the regions of Armenia.</p> <p>3. NGOs are elected to the national preventive mechanism through a transparent procedure, and participate in the visits and the decision making on an equal footing.</p>	
24	120.98. Accepted	Effectively implement the legal amendments in order to guarantee the rights of persons deprived of liberty, particularly in places of detention (Albania).	3
	Benchmark	<p>1. Interrogation rooms are equipped with facilities for audio/video recording of interrogations, and whenever requested, such recordings are provided to members of the Observation Group and to lawyers.</p> <p>2. An effective system for lodging complaints has been created in places of deprivation of liberty.</p> <p>3. The state has implemented the recommendations issued to Armenia by the CPT and the SPT.</p> <p>4. The right of the group of public observers (performing public oversight in penitentiary institutions and bodies of the Ministry of Justice of the Republic of Armenia) to visit places of deprivation of liberty without hindrance is safeguarded.</p> <p>5. The medical service of the penitentiary institutions is transferred under the oversight of the Republic of Armenia Ministry of Health.</p> <p>6. Penitentiary Department is subordinate to the Ministry of Justice of the Republic of Armenia, rather than directly to the Prime minister.</p>	
25	120.126. Accepted	Strengthen institutional integrity and accountability by fostering an independent judiciary and democratic electoral processes by working closely with the Organization for Security and Co-operation in Europe – Office for Democratic Institutions and Human Rights and local stakeholders (United States of America).	2
	Benchmark	<p>The Electoral Code contains the following provisions:</p> <p>1. The Control and Audit Committee under the Central Electoral Commission enjoys the necessary safeguards of independence and sufficient resources for checking the financial reports presented by candidates and parties.</p> <p>2. Organizations carrying out an observation mission have the right to appeal election violations and election results. Appropriate legislative amendments have been enacted.</p> <p>3. The right to vote in diplomatic and consular missions of the Republic of Armenia has been safeguarded for Armenian citizens that are abroad on voting day.</p> <p>4. Voter lists of the Republic of Armenia have distinguished lists of persons absent from the country—based on data collected at most three days prior to the voting.</p> <p>5. Observers cannot be prosecuted for the opinions expressed by them about the elections.</p> <p>6. Information on the place where military personnel vote is public.</p> <p>7. The criminal liability for falsely reporting a case of proxy voting has been eliminated</p>	

		8. Campaign procedures are strictly regulated to ensure elimination of administrative abuse. See 120.28	
26	120.127. Accepted	Further strengthen the independence of the judiciary from the executive (Lithuania).	2
	Benchmark	See 120.28.	
27	120.128. Accepted	Address corruption and further strengthen the independence of judges in order to improve public confidence in the judicial system (Netherlands).	2
	Benchmark	1. Based on the 2013 Ad Hoc Report of the Human Rights Defender on the Right to a Fair Trial, legislative amendments have been initiated in the following areas: - The possibility of initiating proceedings based on conflicts of interest has been safeguarded; - The judge promotion mechanisms are accountable and effective; - The mechanism of case distribution between judges is effective and accountable, and works equally across all the regions of Armenia; - The discovered cases of illicit enrichment are used as evidence for trying predicate cases; - The legal certainty and predictability of substantive law is safeguarded; and - Bribe middlemen are exempted from criminal liability.	
28	120.129. Accepted	Amend domestic legislation with a view to guarantee the independence of the judicial power and consider the establishment of an independent body for the appointment of judges (Mexico).	2
	Benchmark	The legislation prescribes the following safeguards: - Not-elected judges are entitled to court appeals against decisions of the Supreme Judicial Council; - Judge candidates are entitled to appeal at the Cassation Court decisions on not electing them; and - The publicity of the judge exams is safeguarded, and their written tests are subject to 24/7 supervision. See 120.28	
29	120.130. Accepted	Take measures to ensure the independence of the judiciary and consider establishing an independent body responsible for the appointment and promotion of judges (Namibia).	2
	Benchmark	See 120.129.	
30	120.131. Accepted	Revoke the President's authority to appoint and dismiss judges (Germany).	2
	Benchmark	The Judicial Code of the Republic of Armenia (the draft presented to the Republic of Armenia Government before 2016) provides that, in the matters of judge appointment, judge candidates' list approval, judge promotion list approval, and judge dismissal, all other bodies other than the judicial self-governing bodies may have only formal, non-substantive and non-decisive role.	
31	120.132. Accepted	Strengthen the independence of the judiciary by separating it from the executive powers, adopt a Criminal Procedure Code in compliance with international standards and address prison overcrowding and the overuse of pre-trial detention (Czech Republic).	2
	Benchmark	1. See 120.28; 2. The new Criminal Procedure Code of the Republic of Armenia was adopted in 2016. 3. Based on a review of the court practice of using detention as a preventive measure, an official commentary on the application of legislation on the use of detention as a preventive measure was prepared on the basis of the ECtHR Guide on Article 5 on the Convention on Right to liberty and Security.	
32	120.133. Accepted	Enhance the independence of the justice system, particularly with the establishment of an appropriate system of training, nomination, promotion and sanctions against judges (France).	2
	Benchmark	1. See 120.28; 2. Every year, the highest self-governing body of the Armenian judiciary publishes an annual report on its activities, which contains information on adopted decisions and obstacles to activities, and presents appropriate recommendations. The relevant legislative amendment was made in 2016.	
33	120.134. Noted	Work closely with the Council of Europe on judicial reform and support a system of court monitoring based on civil society participation (Sweden).	2
	Benchmark	A group of public observers monitoring court activities and court decisions has been created and is operating.	
34	120.135. Accepted	When human rights violations occur, hold security forces and other government officials accountable and provide appropriate remedies for victims of abuses and discrimination, including against members of vulnerable populations (United States of America).	3
	Benchmark	1. See 120.94; 2. Effective investigation has been ensured in the cases of citizens that underwent violence by police officers during the 2015 "Electric Yerevan" sit-in and the 2016 demonstrations in Khorenatsi Street.	
35	120.153. Accepted	Ensure full implementation of all election monitoring report recommendations of the Organization for Security and Co-operation in Europe – Office for Democratic Institutions and Human Rights (United Kingdom of Great Britain and Northern Ireland).	2
	Benchmark	See 120.126.	
36	120.154. Accepted	Implement the recommendations of the Organization for Security and Co-operation in Europe regarding the reform of the electoral law (France).	2
	Benchmark	See 120.126.	

37	120.155. Accepted	Take concrete measures for the improvement of the electoral process, including enhancing the transparency of voters' lists and preventing election violence and intimidation and creating an environment for free election campaigning (Czech Republic).	2
	Benchmark	See 120.126.	
38	121.11. Noted	Prevent the use of torture and ill-treatment of suspects in police custody and prosecute those responsible (Azerbaijan).	3
39	121.7 Noted	Ensure accountability within government structures (Azerbaijan).	3

II. **Freedom of Expression** (Freedom of Assembly; Freedom of Association; Freedom of Media, Protection of Journalists, and Human Rights Defenders)



*Out of received 16 recommendations:*

Fully implemented – 0 recommendation (0 percent)

Partially implemented – 1 recommendation (6 percent)

Not implemented – 15 recommendations (94 percent)

Since 2015, neither the legislation nor the implementation of laws has seen any progress in the fields of freedom of expression, freedom of assembly, freedom of association, and freedom of media. The number of violent breaches of the freedom of assembly, and the number of physical and legal attacks or threats thereof against human rights defenders, journalists, and activists have multiplied. At the same time, there were a number of unfavorable legislative initiatives, some of which were adopted and others not. A positive achievement is the non-adoption of certain restrictive drafts (such as the draft law on “fakes,” the additional reporting requirements for NGOs, and the proposal to further reduce the limit on the number of journalists and observers in polling stations). However, new restrictions have been introduced, and the possibilities of reviewing or eliminating them need to be considered.

During 2015-2016, the media operated in an extremely unfavorable framework: on numerous occasions, journalists were subjected to violence, pressure, and hindrance of professional activities. The most striking examples were the events in Baghramyan Avenue on 23 June 2015, and Khorenatsi Street and Sari Tagh district of Yerevan during July 17-30, 2016. Effective and credible investigation of the cases of attacks on journalists has not been carried out. Although Armenia’s legislation prohibits censorship, latent censorship is systemically widespread in the broadcast sphere.

The freedom of expression is manipulated in the media and civil society domains by means of inciting mistrust and hatred towards human rights defenders, especially, persons and individuals engaged in the protection of vulnerable groups, as well as by calls to hinder their activities and through physical vendetta. This style of conduct is particularly encouraged and sponsored by pro-Russian organizations and media.

The years 2015, 2016, and 2017 were marked by legislative initiatives restricting the freedom of expression. The new Electoral Code of the Republic of Armenia is a case in point. It entered into force on June 1, 2016, imposing unprecedented restrictions on the mass media, journalists, and observer organizations covering the elections: mass media are now required to obtain advance accreditation for media representatives that will represent the media during the elections. The total number of representatives of one media outlet is limited to 50, but a recent amendment annulled the restriction. Precinct electoral commissions now have the right to remove observers or media representatives from the polling station once their number exceeds 15 and the precinct commission believes that they obstruct the electoral process. This is a restriction of free coverage of elections.

On October 20, 2016, the National Assembly of Armenia adopted a Law Amending and Supplementing the Criminal Code of the Republic of Armenia, which prescribes liability for falsely reporting a case of proxy voting or

submitting a proxy voting report bearing a false signature. This amendment restricts the possibilities and effectiveness of protecting voting rights.

The broadcast legislation fails to safeguard the independence of the national regulatory authority. There is no law requiring disclosure of information on the owners of the mass media.

In 2014, Armenia’s National Assembly had initiated a draft law on the use of fake names in the social media, which proposed liability for the mass media that disseminated posts or comments by users with “fake” names or pseudonyms in the social media, when such posts or comments contained insults and/or defamation. Presently, the draft law is no longer in the extended agenda of the 6<sup>th</sup> convocation of the Parliament, neither it is in circulation.

In June 2015, the Republic of Armenia Police and unidentified persons dressed in civilian clothes used disproportionate force, special means, and violence against peaceful demonstrators protesting against the proposed increase in the electricity tariff. The demonstrations were dispersed, and about 250 persons were apprehended. Physical force was used against 13 journalists and media staff covering the protests, 11 were subject to pressures. Professional equipment was broken, and the media coverage work was hindered. In August 2016, four police officers were charged for the violence against journalists. The officers were found guilty and fined around 1000 euros and maintained their right to serve in law enforcement.

Early in the morning of 10 December 2015, Artak Gevorgyan was apprehended for hitting the Republic of Armenia National Security Service front gate with a cardboard tank. On 24 June 2016, he was acquitted on the basis that the conduct did not contain the elements of crime.

On 1 January 2016, Gevorg Safaryan, member of the Founding Parliament was arrested in the Freedom Square of Yerevan where he was protesting along with other activists trying to organize an alternative New Year celebration. The activists were carrying a Christmas tree and decorations, while another activist was dressed as a Christmas tree. He was subsequently sentenced to two years of imprisonment allegedly for using violence against a police officer, although there was no sufficient evidence to prove the charges. While serving the two years, he was accused of co-organizing mass disorders and was sentenced to 5.5 more years in prison

In July 2016, while the armed group “Daredevils of Sassoon” held occupied the Erebouni Police Patrol Regiment, around 800 peaceful demonstrators were unlawfully apprehended to police stations and riot police detachments. The police used physical force against many of them, causing bodily injuries and various acts of torture and degrading treatment, including insults. The detainees were deprived of food and medication, using the toilet, or consulting a lawyer. In Khorenatsi Street on July 20 and in the Sari Tagh district of Yerevan on July 29, special means were used against the demonstrators without any prior warning, including flashbang grenades, flashbang projectiles, and truncheons. In the Sari Tagh district, the attack and use of special means by the police and unidentified persons inflicted bodily injuries upon at least 73 persons.<sup>18</sup>

A number of houses were set on fire. One juvenile lost his eye. A newborn was poisoned by utility gas in a house. These cases were unprecedented in terms of the use of special means against mass media representatives, among others. During the 2016 July events, the police operations harmed 27 journalists and cameramen, of which 19 underwent physical violence, and eight—various other types of persecution and pressure. In the criminal cases that were subsequently initiated, eight persons were charged, and seven were taken to trial.

<b>Violations against journalists documented during 2015-2017<sup>19</sup></b>	2015	2016	First nine months of 2017
Physical violence against journalists	8 (23 staff)	10 (26 staff)	10
Pressure against mass media and their staff	67	52	105
Violations of the right to receive and disseminate information	30	33	54

On 2 July 2015, a criminal case was initiated against Christine Khanumyan, editor of iLur.am news website, for the failure to comply with a court order to disclose the source of information. In 2015, *Hraparak* daily and iLur.am lodged an application with the Constitutional Court of Armenia, challenging the constitutionality of the legislation regarding the disclosure of sources. On 20 October, the Constitutional Court adopted a decision on the protection of sources of information of the mass media.

During 2015-2016, courts admitted 29 cases of insults and defamation involving mass media and journalists.

<sup>18</sup> <http://galatv.am/hy/news/159230/>

<sup>19</sup> Annual Reports for 2015 and 2016, Committee to Protect Freedom of Expression, [www.khosq.am](http://www.khosq.am)

In August 2016, after the exhibition of political caricatures organized in Yerevan by medialab.am, unknown persons broke into medialab.am editor-in-chief Marianna Grigoryan's personal car and stole the caricatures. To date, the crime has not been solved. The Yerevan City Administration has refused Medialab.am's request to allow free-of-charge dissemination of its Tsets satirical magazine in Yerevan's public transport.

The transition from analogue to digital broadcasting culminated on 26 October 2016. Over 10 local television stations operating in the regions found themselves on the verge of closure.

The Republic of Armenia Law on Non-Governmental Organizations entered into effect in February 2017. The original draft of the Law contained significant restrictions for associations, which were eventually following the discussions with civil society. The possibility of engaging volunteers is a strength of the law. The currently-circulating draft Law on Volunteer work, however, limits the political freedom of volunteers, and requires NGOs to provide annual reports on the volunteers' activities and personal data.

Prior to the 2017 parliamentary election, the Union of Informed Citizens released recordings proving that principals of 114 schools and kindergartens in Armenia had collected lists of employees and parents, and in some cases, used threats to extort promises to vote for the Republican Party of Armenia. This was followed by a publication in *Iravunk* daily of personal data on Daniel Ioannisyan, programs coordinator at the Union of Informed Citizens NGO, which had been known only to him and to the Police. Subsequently, 30 of the concerned principals lodged defamation claims against Daniel Ioannisyan and the Union of Informed Citizens NGO, but withdrew their claims on the days of the first court hearings.

### Implementation of received recommendations on Freedom of Expression according to benchmarks developed by civil society

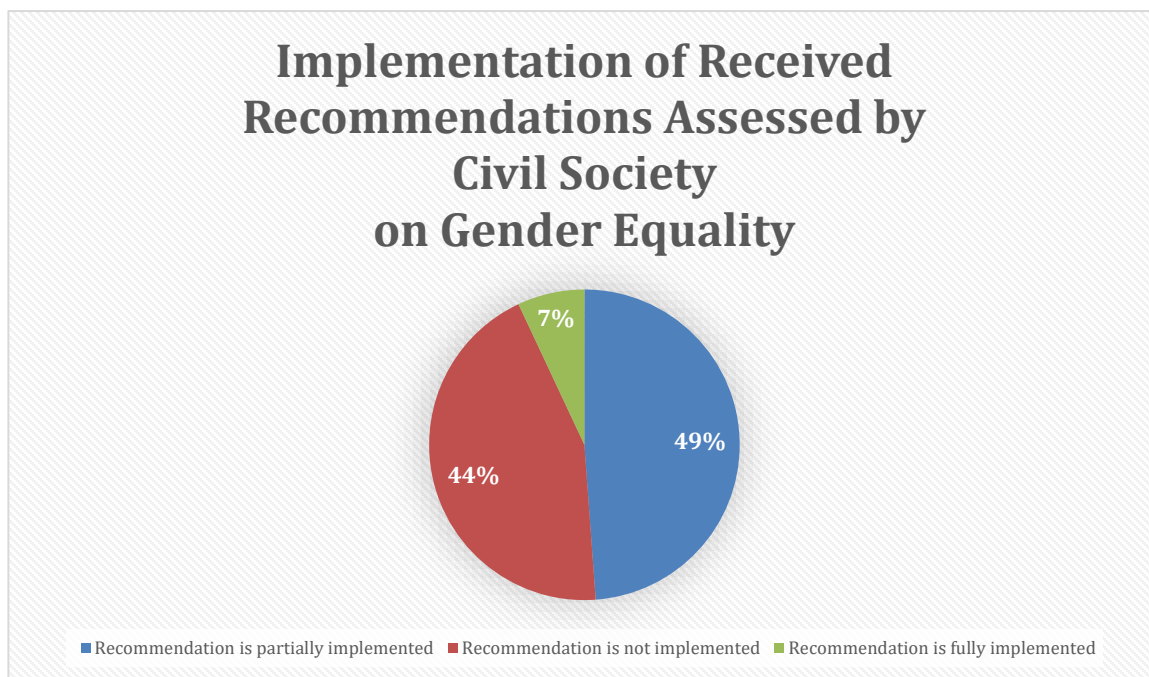
Grading: 1: recommendation is fully implemented, 2: recommendation is partially implemented, and 3: recommendation is not implemented).

N	Recommendation and its Status		Grade
1	120.139. Accepted	Guarantee the protection of the right to freedom of expression offline and online (Estonia).	3
	Benchmark	The restrictions of the freedom of opinion have been eliminated from the draft Law on Volunteer work. The court decision on disclosing sources has been quashed. The amount of the penalty for insults and defamation has been reduced. Cases of false reporting of a crime are tried after the actual primary case is tried. The draft legislation on "fakes" has been taken out of circulation. The restricting provisions have been taken out of the draft Law on the Freedom of Information, and the draft has been taken out of circulation.	
2	120.140. Noted	Conduct impartial and transparent investigations of cases where the freedom of expression has been restricted (Turkey).	3
	Benchmark	Effective and comprehensive investigation has been carried out into the disproportionate use of force by the Republic of Armenia Police, as well as limitations of the freedom of assembly and violations of personal liberty and immunity against peaceful demonstrators and journalists on June 23 and July 6, 2015, as well as on July 20 and 29, 2016. The investigation process has been public and in accordance with the time periods set by law, and reasoned decisions were adopted on any extensions of the deadlines. Complete information is regularly presented to the public about the implemented steps, including the progress and outcome of the criminal cases and disciplinary proceedings. Decisions on the results of the disciplinary proceedings have been published.	
3	120.141. Accepted	Take further steps to ensure that the alleged cases of violence against journalists are thoroughly investigated (Latvia).	3
	Benchmark	Effective and comprehensive investigation has been carried out into the disproportionate use of force by the Republic of Armenia Police, as well as limitations of the freedom of assembly and violations of personal liberty and immunity against peaceful demonstrators and journalists on June 23 and July 6, 2015, as well as on 20 and 29 July 2016. The investigation process has been public, and in accordance with the time periods set by law, and reasoned decisions were adopted on any extensions of the deadlines. Complete information is regularly presented to the public about the implemented steps, including the progress and outcome of the criminal cases and disciplinary proceedings. Decisions on the results of the disciplinary proceedings have been published.	
4	120.142. Accepted	Guarantee the right to freedom of expression, association and peaceful assembly of journalists, civil society activists, human rights defenders and demonstrators, as well as speedily and effectively investigating threats against them and ensuring that perpetrators are tried (Uruguay).	3
	Benchmark	See the beginning under 120.141.	

		The official rhetoric of representatives of the public administration system does not contain hate speech and hostility against human rights defenders and journalists. To this end, heads of the respective agencies have issued instructions and developed and adopted guidelines. Educational measures have been implemented, and their effectiveness has been assessed. Representatives of the public administration system, who disseminate hate speech, are appropriately held liable (by appropriate decisions of ethics commissions, or disciplinary or criminal sanctions, etc.). The problems of protection of human rights defenders and journalists are discussed in the Annual Report of the Human Rights Defender and annual reports of law-enforcement authorities. Legislation on hate speech has been adopted in line with the international standards.	
5	120.143. Accepted	Take the necessary measures in order to stop human rights abuses against journalists and human rights defenders; conduct impartial, effective and thorough investigations; publish the results of these investigations and ensure that such violations do not remain unpunished (Switzerland).	3
	Benchmark	See 120.140, 120.141, and 120.142.	
6	120.144. Accepted	Respect and protect the rights of the human rights defenders and the journalist to undertake their legitimate work without the fear of criminal prosecutions or other pressure (Bulgaria).	3
	Benchmark	See 120.141 and 120.142.	
7	120.145. Accepted	Take steps to strengthen the rule of law and independence of the judiciary by promptly and thoroughly investigating all threats and incidents of violence against government opposition members and their supporters (Canada).	3
	Benchmark	See 120.141 and 120.142.	
8	120.146. Accepted	Strengthen respect and protection of journalists and human rights defenders' right to exercise their activities without harassment (Chile).	3
	Benchmark	See 120.140, 120.141, and 120.142.	
9	120.147. Accepted	Fully and thoroughly investigate and prosecute incidents and violence against human rights defenders, in particular journalists (Estonia).	3
	Benchmark	See 120.140, 120.141, and 120.142.	
10	120.148. Accepted	Respect and protect the right of human rights defenders and journalists to undertake their legitimate work without the fear of harassment, intimidation or reprisals (Finland).	3
	Benchmark	See 120.140, 120.141, and 120.142.	
11	120.149. Accepted	Improve the investigation of cases of violence against human rights defenders and journalists and publicly acknowledge the importance of human rights defenders in achieving a pluralistic and democratic society (Lithuania).	3
	Benchmark	See 120.140 and 120.142.	
12	120.150. Accepted	Conduct thorough and effective investigations of the attacks on journalists and human rights defenders, in order to enable full enjoyment of the rights, as provided for under the ICCPR and under the Constitution (Poland).	3
	Benchmark	See 120.140, 120.141, and 120.142.	
13	120.151. Accepted	Ensure that the right to hold peaceful, open and public demonstrations is freely available to all individuals without undue restrictions (Ireland).	3
	Benchmark	See 120.141 and 120.142. Effective, comprehensive, and impartial investigation into the murders on 1 March 2008 has been conducted, and the guilty ones have been held liable.	
14	120.152. Accepted	Review lately proposed or adopted amendments regarding the NGO and media's laws and the 2010 amendments to the Civil and Penal Codes in order to ensure that Armenian legislation is in line with the best practices and international standards in the area of freedom of expression and association (Belgium).	2
	Benchmark	The draft Law on Non-Governmental Organizations has been discussed in the National Assembly of Armenia with the effective, non-superficial participation and involvement of civil society representatives and organizations engaged in the drafting of the law. During discussions in the National Assembly of Armenia, the draft Law on Non-Governmental Organizations has not undergone substantive changes that would be aimed at restricting the rights and activities of non-governmental organizations. The additional reporting requirements for non-governmental organizations have been lifted. The draft Law on Non-Governmental Organizations and the Code of Administrative Procedure safeguard the right of access to justice in line with Decision SDO-906 (dated 7 September 2010) of the Constitutional Court of Armenia.	
15	121.12. Noted	Eradicate all limitations and restrictions on freedom of religion, including the revision of the school curriculum to reflect the freedom of religion of all children (Azerbaijan).	3
16	121.12. Noted	Ensure the full protection of the right to freedom of opinion and expression, to peaceful assembly and to freedom of association (Azerbaijan).	3



### III. Gender Equality



*Out of received 43 recommendations:*

Fully implemented – 3 recommendations (7 percent)

Partially implemented – 21 recommendations (49 percent)

Not implemented – 19 recommendations (44 percent)

The state response to gender inequality and gender-based violence remains ineffective due to the absence of effective legislation and enforcement mechanisms. The Republic of Armenia Law on Equal Rights and Equal Opportunities for Women and Men is not implemented, because the duty bearers, which would have certain functions and adequate resources, are not clearly defined. Moreover, the law does not prescribe any liability for gender-based discrimination. The national action plans on combating gender inequality and gender-based violence expired in 2015. Though two years have since passed, the state does not undertake to adopt new programs. The new legislation on the prevention of domestic violence was presented in November 2016. It was followed by a propaganda campaign organized against the law by nationalist and conservative organizations and individuals, which included the dissemination of obvious misinformation about the objectives of the law. The smear campaign also targeted women’s rights organizations.

The government not only failed to respond to the misinformation and to organize any public discussions, but also withdrew the draft law. In August 2017, a new draft was submitted, which was criticized by human rights organizations: the draft does not prescribe criminal liability for domestic violence. Moreover, the law provides for a reconciliation process between the victim and perpetrator, which poses a threat of revictimization. The Parliament adopted the law in December 2017 without incorporating key civil society recommendations. In the meantime, the number of violence cases continues to rise: during 2012-2016, a total of 3,571 cases were reported to the Police. In the last six years, 40 women were killed as a result of domestic violence. The national statistics show that 17 percent of all murders in 2015 occurred in the family.

#### **Implementation of received recommendations on Gender Equality according to benchmarks developed by civil society**

Grading: 1: recommendation is fully implemented, 2: recommendation is partially implemented, and 3: recommendation is not implemented).

N	Recommendation and its Status		Grade
1	120.24. Accepted	Strengthen legislation on violence against women and domestic violence by adopting the draft law on the subject and by acceding to the Council of Europe Istanbul Convention (Turkey).	2
	Benchmark	1. The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) has been signed and ratified. 2. The Republic of Armenia Law on the Prevention of Domestic Violence and Supporting Victims of Domestic Violence has been adopted and regulates the prevention, criminalization, investigation, and	

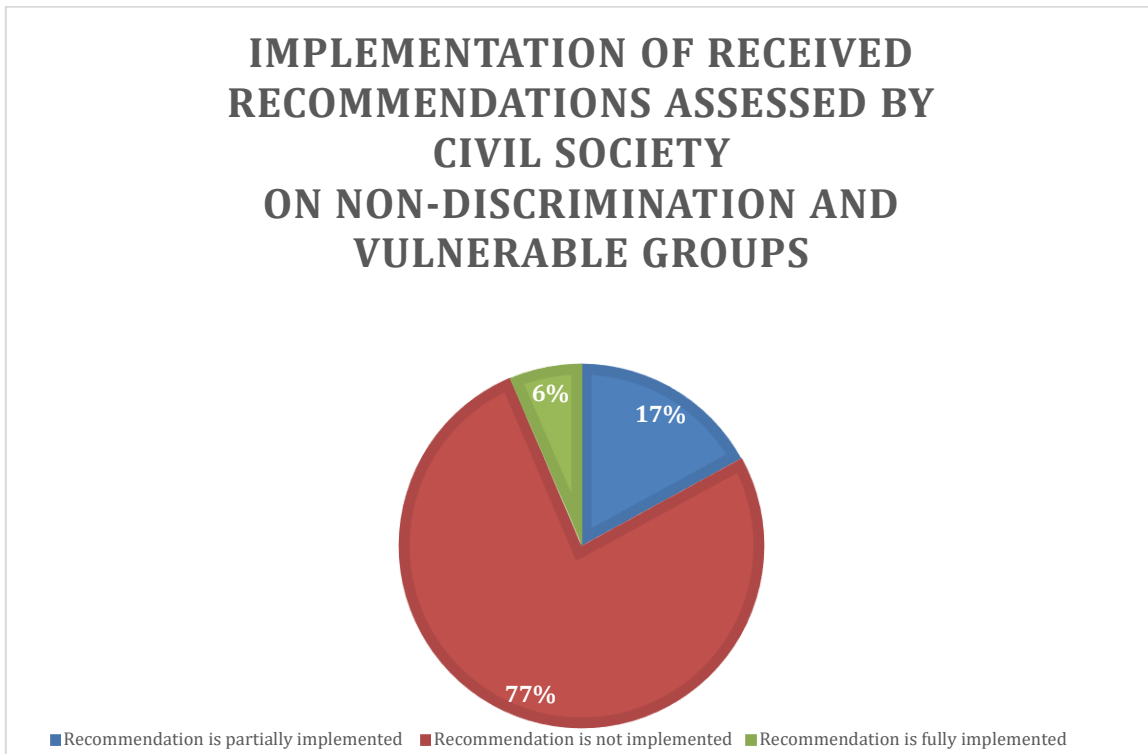
		criminal prosecution of domestic violence, as well as victim protection and support, and policy implementation in line with the Istanbul Convention.	
2	120.26. Accepted	Take appropriate action to prosecute cases of domestic violence and ratify the Istanbul Convention on preventing and combating violence against women and domestic violence (Italy).	2
	Benchmark	<ul style="list-style-type: none"> <li>• The Istanbul Convention has been signed and ratified;</li> <li>• The Law on Domestic Violence has been adopted and contains provisions on eliminating all types of violence against children, including criminal sanctions.</li> <li>• See 120.24.</li> </ul>	
3	120.51. Accepted	Adopt comprehensive legislation to fight all forms of discrimination, in particular against women (Italy).	3
	Benchmark	<p>1) See 120.48;</p> <p>2) The Republic of Armenia Law on Equal Rights and Equal Opportunities for Women and Men has been improved:</p> <ol style="list-style-type: none"> <li>1. The list of prohibited forms of gender discrimination, which is prescribed by the law, has been extended and harmonized with the international standards;</li> <li>2. The law distinguishes between gender discrimination in different fields (employment, education, science, consumer protection, social security, healthcare, and so on);</li> <li>3. The respective legislation prescribes criminal, administrative, and financial liability for violating the law, i.e. for gender discrimination;</li> <li>4. The procedure codes have been amended to safeguard judicial protection in gender discrimination matters, and special procedure rules have been prescribed for such cases (for instance, regarding the burden of proof) in view of their specific nature;</li> <li>5. The powers of the Human Rights Defender in gender discrimination matters have been augmented, and he has the power to examine complaints by victims of gender discrimination and to render binding decisions;</li> <li>6. In line with the law, the respective legislation has been amended to safeguard gender equality in different fields;</li> <li>7. Sub-legislation and regulations necessary to implement the law have been adopted;</li> <li>8. The powers of the Council for Equality between Women and Men, which is adjunct to the Prime Minister, have been augmented, in line with the international standards;</li> <li>9. Gender mainstreaming is addressed comprehensively, and the legal framework for gender mainstreaming has been safeguarded in line with the international standards; and</li> <li>10. The Law identifies the body conducting the gender impact assessment and regulates all aspects of the gender impact assessment process.</li> </ol>	
4	120.53. Accepted	Improve the efficiency of the implementation of the Gender Equality Act, to pay special attention to domestic violence against women and adopt the necessary legislation in order to prevent violence and protect victims (Lithuania).	2
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.51 and 120.24;</li> <li>2. In cooperation with NGOs, an action plan for the implementation of the law has been developed and implemented, which includes outcome indicators;</li> <li>3. Sufficient funds are allocated from the state budget for implementing the law;</li> <li>4. To raise public awareness of gender equality, a national media campaign has been carried out through television and educational activities;</li> <li>5. Financing mechanisms are clearly prescribed for the gender equality action plan and the human rights strategy action plan;</li> <li>6. Monitoring and evaluation mechanisms are in place and operating; and</li> <li>7. The sustainability of the strategies has been safeguarded.</li> </ol>	
5	120.54. Accepted	Enact independent legislation focused specifically on combating discrimination, in particular for gender (Mexico).	3
	Benchmark	See 120.51.	
6	120.56. Accepted	Introduce comprehensive legislation on discrimination and equality of men and women (Poland).	3
	Benchmark	See 120.51.	
7	120.57. Accepted	Continue to ensure that adequate human and financial resources are allocated to implement laws and policies that address inequality between men and women (Philippines).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. Financing mechanisms are clearly prescribed for the gender equality action plan and the human rights strategy action plan;</li> <li>2. Monitoring and evaluation mechanisms are in place and operating; and</li> <li>3. The sustainability of the strategies has been safeguarded.</li> </ol>	
8	120.59. Accepted	Step up the application of the existing legislation on gender equality (Spain).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. The list of prohibited forms of gender discrimination, which is prescribed by the law, has been extended and harmonized with the international standards;</li> <li>2. The law distinguishes between gender discrimination in different fields (employment, education, science, consumer protection, social security, healthcare, and so on);</li> <li>3. The respective legislation prescribes criminal, administrative, and financial liability for violating the law, i.e. for gender discrimination;</li> <li>4. The procedure codes have been amended to safeguard judicial protection in gender discrimination matters, and special procedure rules have been prescribed for such cases (for instance, regarding the burden of proof) in view of their specific nature;</li> </ol>	

		<p>5. The powers of the Human Rights Defender in gender discrimination matters have been augmented, and he has the power to examine complaints by victims of gender discrimination and to render binding decisions;</p> <p>6. In line with the law, the respective legislation has been amended to safeguard gender equality in different fields;</p> <p>7. Sub-legislation and regulations necessary to implement the law have been adopted;</p> <p>8. The powers of the Council for Equality between Women and Men, which is adjunct to the Prime Minister, have been augmented, in line with the international standards;</p> <p>9. Gender mainstreaming is addressed comprehensively, and the legal framework for gender mainstreaming has been safeguarded in line with the international standards;</p> <p>10. The Law identifies the body conducting the gender impact assessment and regulates all aspects of the gender impact assessment process; and</p> <p>11. See 120.57.</p>	
9	120.60. Accepted	Invest more resources in the implementation of the law on gender equality and for gender equality in the labor market (Switzerland).	3
	Benchmark	See 120.59.	
10	120.61. Accepted	Strengthen measures to reduce gender inequality (Algeria).	3
	Benchmark	See 120.59.	
11	120.62. Accepted	Further strengthen efforts towards a better promotion of gender equality (Kazakhstan).	3
	Benchmark	See 120.59.	
12	120.63. Accepted	Employ legislative mechanisms to secure gender equality and the legal protection of women from discrimination (Tajikistan).	3
	Benchmark	See 120.51.	
13	120.65. Accepted	Continue its efforts to achieve gender equality (Cuba).	3
	Benchmark	See 120.59.	
14	120.66. Noted	Double its efforts in addressing the persistent gender discrimination (Rwanda).	3
	Benchmark	See 120.59.	
15	120.67. Accepted	Strengthen efforts towards the promotion of gender equality (Greece).	3
	Benchmark	See 120.59.	
16	120.68. Accepted	Strengthen the implementation of measures aimed at promoting and safeguarding gender equality (Cyprus).	3
	Benchmark	See 120.59.	
17	120.69. Accepted	Further increase efforts, including through legislative measures, to end discrimination against women (Austria).	3
	Benchmark	See 120.59.	
18	120.70. Accepted	Implement tangible measures against discrimination of women, including the adoption of legislation to promote gender balance and steps to strengthen the position of the Ombudsman office on gender equality (Germany).	3
	Benchmark	<p>1. See 120.59; and</p> <p>2. The powers of the Human Rights Defender in gender discrimination matters have been augmented, and he now has the power to examine complaints by victims of gender discrimination and to render binding decisions;</p>	
19	120.71. Accepted	Consider developing, in the context of the promotion of gender equality, human rights indicators, as suggested by OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal).	3
	Benchmark	The National Strategy for Gender Equality and its Action Plan are assessed on the basis of human rights indicators suggested by the OHCHR.	
20	120.73. Accepted	Promote the rights of women and effectively combat all forms of violence against women and against prenatal selection (France).	2
	Benchmark	<p>1. A study pursuing the following goals has been carried out:</p> <ul style="list-style-type: none"> <li>● To collect national- and regional-level statistics on sex-selective abortions;</li> <li>● To identify the root causes of sex-selective abortion;</li> <li>● To understand the reasons for the regional differences in the indicators of sex-selective abortions;</li> <li>● To study the link between sex-selective abortion and domestic violence;</li> <li>● To study the medium- and long-term consequences of breaching the demographic balance; and</li> <li>● To develop appropriate monitoring and evaluation methodology;</li> </ul> <p>2. A capacity building and awareness-raising action plan has been developed and implemented, which has included:</p> <ul style="list-style-type: none"> <li>● A large-scale public awareness campaign;</li> <li>● Development of appropriate guidelines for the medical personnel and training them in line with such guidelines;</li> <li>● Sex education in schools; and</li> </ul>	

		<ul style="list-style-type: none"> <li>Clear mechanisms for monitoring and evaluation of the action plan; and</li> </ul> <p>3. The policies ensure access to abortion and preclude obstacles for women.</p>	
21	120.74. Accepted	Attach importance to employment for women in the process of gender equality promotion (China).	2
	Benchmark	<p>1. The Republic of Armenia Labor Code regulates gender discrimination in employment.</p> <p>2. The Republic of Armenia Labor Code directly prescribes a prohibition of sexual harassment in labor relations, and the related obligations and liability of employers;</p> <p>3. The Republic of Armenia State Labor Inspectorate has the authority to investigate complaints from alleged victims of gender discrimination and to render binding decisions;</p> <p>4. An appropriate national action plan has been adopted, which includes:</p> <ul style="list-style-type: none"> <li>Activities to promote women's entrepreneurship and their participation in the labor market;</li> <li>Activities to ensure equal opportunities for employment for women and men;</li> <li>Activities aimed at ensuring equal pay for women and men for equal work; and</li> <li>Clear mechanisms for monitoring and evaluation of the action plan.</li> </ul>	
22	120.76. Noted	Adopt a National Action Plan on Security Council Resolution (1325) on Women, Peace and Security (Portugal).	3
	Benchmark	<p>1. A National Action Plan or another comprehensive document or policy has been created, which ensures clear steps aimed at the constructive realization of UN SC Resolution 1325, with clearly-divided roles and timelines; and</p> <p>2. Women's involvement in all levels of decision-making and in peace negotiations has been increased.</p>	
23	120.99. Accepted	Continue the national strategy for combating violence against women (Angola).	3
	Benchmark	<p>1. The continuity of the national strategy for combating violence against women has been ensured.</p> <p>2. Action plans under the national strategy for combating violence against women and the national strategy for gender equality have clear arrangements for financing.</p> <p>3. Monitoring and evaluation mechanisms are in place for the action plans.</p>	
24	120.100. Accepted	Take the legal steps necessary to protect women against domestic violence (Switzerland).	2
	Benchmark	See 120.24.	
25	120.101. Accepted	Intensify efforts to address violence against women, in particular domestic violence (Latvia).	2
	Benchmark	<p>1. See 120.24;</p> <p>2. The Police carries out a proper investigation of domestic violence cases, and the perpetrators undergo criminal liability;</p> <p>3. Continuous training for police officers, investigators, judges, and prosecutors continues with the involvement of NGOs dealing with women's rights and issues of domestic violence;</p> <p>4. Mechanisms of social assistance to victims of domestic violence have been created and are operating, and the Government provides support to the domestic violence victim shelters and has opened new shelters in each of the regions of the country;</p> <p>5. In the framework of multi-sector cooperation, all the relevant state bodies cooperate towards the protection of and support to victims of domestic violence, and common service delivery standards are followed by all structures that must provide services to women who suffered from domestic violence; and</p> <p>6. Measures have been implemented to raise public awareness of the domestic violence issue and the necessity of combating it.</p>	
26	120.102. Accepted	Implement comprehensive legislation to effectively combat the widespread cases of violence against women and offer further protection to victims of domestic violence (Sierra Leone).	2
	Benchmark	See 120.101.	
27	120.103. Accepted	Adopt legislation to prohibit and combat domestic violence (Brazil).	2
	Benchmark	See 120.24.	
28	120.104. Accepted	Continue placing efforts in combating domestic violence, also by the adoption of a distinct law on this topic (Romania).	2
	Benchmark	See 120.101.	
29	120.105. Accepted	Adopt standalone legislation on domestic violence and set up a specialized referral system for victims of domestic abuse, wherein violence will be qualified as a criminal and civil offence subject to prosecution and punishment (United Kingdom of Great Britain and Northern Ireland).	2
	Benchmark	See 120.101.	
30	120.106. Accepted	Adopt a standalone law to combat domestic violence, so that violence against women will be qualified as a criminal and civil offence subject to prosecution (Norway).	2
	Benchmark	See 120.24.	
31	120.107. Accepted	Adopt comprehensive legislation to combat domestic and gender-based violence (Slovenia).	2
	Benchmark	See 120.24.	
32	120.108. Accepted	Take up the processing and approval of the draft law on gender violence, with a view to provide victims with mechanisms of protection and effective reparation (Spain).	2

	Benchmark	See 120.101.	
33	120.109. Accepted	Adopt without delay national legislation on domestic violence and create public institutions that offer assistance and protection to the victims of domestic violence (Germany).	2
	Benchmark	See 120.101.	
34	120.110. Accepted	Take concrete measures to combat violence against women and children as well as expedite the adoption of the draft law on domestic violence that would allow victims to file complaints and seek protection (Thailand).	2
	Benchmark	See 120.101.	
35	120.111. Accepted	Strengthen protection of women's rights, particularly by adopting the legal measures to prohibit gender-based and domestic violence against women and girls (Albania).	2
	Benchmark	See 120.101 and 120.51.	
36	120.112. Accepted	Develop a standalone law on domestic violence, where gender-based violence will be qualified as a criminal offence subject to prosecution (Serbia).	2
	Benchmark	See 120.24.	
37	120.113. Accepted	Enhance the fight against domestic and gender-based violence, strengthen protection mechanisms for victims of domestic violence and adopt a comprehensive domestic violence law putting in place effective prevention and protection mechanisms (Czech Republic).	2
	Benchmark	See 120.101.	
38	120.114. Accepted	Put forward extensive efforts to eliminate all forms of discrimination against women, including enforcement of the age of marriage set out in law as well as the development of comprehensive awareness-raising programs on the negative implications of early marriage (Republic of Korea).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. Early marriage has been criminalized, and criminal liability is also prescribed for parents that force their children to marry before the age of marriage set out in law;</li> <li>2. Measures have been implemented to raise awareness of early marriage, especially among national minorities;</li> <li>3. Capacity building programs have been implemented in schools and healthcare institutions in order to detect and guide children left out of education; and</li> <li>4. See 120.51.</li> </ol>	
39	120.115. Accepted	Take further steps to eliminate violence against women, including through accession to relevant international instruments, the robust domestic implementation of laws, and providing gender-sensitive training to security and law enforcement agencies (Australia).	2
	Benchmark	See 120.24.	
40	120.156. Accepted	Make concrete efforts to increase the representation of women in public decision-making processes (Norway).	1
	Benchmark	<ol style="list-style-type: none"> <li>1. The Republic of Armenia Electoral Code has been amended to provide that the number of representatives of either sex must be not higher than 70 percent in the election list for any number of places after number 2, which is a multiplier of five (from 2 to 6, from 2 to 16, and so on until the end of the election list) for each party, party alliance, and party within a party alliance in the proportional contest of elections to the National Assembly; and</li> <li>2. The Republic of Armenia Electoral Code has been amended to provide that whenever a female candidate self-recuses or refuses to take the parliamentary mandate, the mandate shall be transferred to the next female candidate in the same party's election list.</li> </ol>	
41	120.157. Accepted	Strengthen administrative measures to ensure the participation of a large number of women in political life (Angola).	1
	Benchmark	See 120.156	
42	120.158. Accepted	Continue work aimed at increasing the participation of women in the political life of the country (Belarus).	1
	Benchmark	See 120.156.	
43	120.159. Accepted	Adopt specific legislation to ensure equal opportunities for women in the labor market (Slovenia).	2
	Benchmark	See 120.74.	

IV. **Non-Discrimination and Vulnerable Groups** (People with Disabilities; LGBT; Minorities; Refugees; Trafficking and Genocide)



*Out of received 47 recommendations:*

Fully implemented – 3 recommendations (6 percent)

Partially implemented – 8 recommendations (17 percent)

Not implemented – 36 recommendations (77 percent)

Armenia is yet to adopt comprehensive legislation prohibiting discrimination. In February 2018, the Ministry of Justice presented a draft Law on Equality, in response to the UPR recommendations and the EU’s budget support conditionalities. Though the draft addresses the gaps in the extant legislation, it fails to ensure effective mechanisms to prevent or combat discrimination, or to safeguard the effectiveness and independence of the national equality body. The draft does not explicitly prohibit discrimination on such protected grounds as sexual orientation, gender identity. Furthermore, the draft law introduces a controversial provision, which prescribes that the law shall be interpreted taking into consideration the *“special protection and care of the State for family, as the natural and basic unit of the society”, “right of religious organizations to freedom of belief”, and the “exclusive mission of the Armenian Apostolic Holy Church stipulated by the Constitution”*. This provision lacks legal certainty and creates risks for breaching the Constitutional provision on a secular state.

The Armenian Constitution defines family as a union between a man and a woman. This definition, in conjunction with the views of the Apostolic Church on LGBTI issues, could potentially be used to argue against application of this law for the cases of discrimination based on sexual orientation and gender identity (SOGI). The measures related to inclusive education, mental health, and ethnic and religious minorities, which were contemplated by the 2014-2016 Human Rights Strategy Action Plan, were not implemented effectively. Similar to its predecessor, the new Action Plan envisioned for 2017-2019, neglects the discrimination against LGBT persons and fails to contemplate any action in this field.

The legislation on the freedom of religion and religious freedoms has not been improved. The extant legislation contemplates restrictions on the registration and activities of religious organizations. Moreover, it grants advantages to the Armenian Apostolic Church in the fields of education and healthcare, as well as in the army and penitentiary institutions. Draft new legislation on religious organizations was presented in November, 2017, which, however, does not eliminate the limitations to the manifestation of freedom of religion or belief and the requirements for registering religious organizations. LGBT persons continue to be deprived of effective legal remedies. LGBT persons and the activists protecting their rights undergo hate speech and violence, which are not properly investigated by the law-enforcement bodies. In July 2017, two of the films presented to the Golden Apricot international film festival, which addressed LGBT issues, were removed from the festival program because of the demands by the Union of Cinematographers of Armenia. LGBT persons continue to undergo torture and inhuman and degrading treatment in penitentiary institutions and the army.

## Refugees

The limited availability of temporary shelter has, for years now, lingered as the key problem affecting asylum seekers and refugees in Armenia. To date, this problem remains unsolved. In this context, it is worth noting that a decision approving the disciplinary rules in temporary shelters for asylum seekers was approved in 2016. Some of the main achievements of agencies dealing with the issues of refugees and asylum seekers include the publishing and dissemination of information materials for asylum seekers, discussions with international organizations on the possibilities of effectively organizing the return of rejected asylum seekers, and the presentation of various drafts to the government regarding these issues.

The Law on Refugees was supplemented in 2016 to define asylum seekers as a vulnerable group that is entitled to free legal counseling. The 2017-2021 Migration Policy Action Plan contemplates further reforms in the Law on Refugees and Asylum in the course of 2018, which will primarily focus on facilitating the process and elaborating standard procedures for granting asylum.

## Trafficking

The Law on Identification and Support of Victims of Trafficking in and Exploitation of Persons (adopted in 2014) entered into force on 30 June 2015. The Law on Approving the 2016-2018 National Plan for Organizing the Fight against Trafficking in and Exploitation of Persons during 2016-2018 and the National Plan Implementation Timetable was adopted on 7 July 2016. The main priorities of the National Plan are as follows: a) adoption and enforcement of legislation to combat trafficking in and exploitation of persons; b) prevention of trafficking in and exploitation of persons (a stated specific sub-objective here is the protection of children); c) identification, protection, and support of persons that underwent trafficking in and exploitation of persons; d) cooperation; and e) studies, monitoring, and evaluation.

Although the government attention to the issue of trafficking in persons has grown, and competent authorities acknowledge the existence of the problem and contemplate some actions, it is still very premature to claim results. According to the annual Trafficking in Persons report published by the United States Department of State on 30 June 2017, Armenia is in the first and highest tier of the countries for consecutive years now.

## **Implementation of received recommendations on Gender Equality according to benchmarks developed by civil society**

Grading: 1: recommendation is fully implemented, 2: recommendation is partially implemented, and 3: recommendation is not implemented).

N	Recommendations and its Status		Grade
1	120.14. Noted	Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Benin).	3
	Benchmark	The Optional Protocol to the Convention on the Rights of Persons with Disabilities has been ratified. Financial and other incentives are in place to ensure sustainability and expansion of community-based services in the country.	
2	120.15. Noted	Consider expediting the ratification of OP-CRPD and the Rome Statute of the ICC (Republic of Korea).	3
	Benchmark	See 120.14.	
3	120.47. Accepted	Pursue actions to fight all forms of discrimination (Morocco).	3
	Benchmark	See 120.48.	
4	120.48. Accepted	Ensure respect for the principle of non-discrimination and adopt comprehensive anti-discrimination legislation (Netherlands).	3
	Benchmark	1. A comprehensive law on combating discrimination has been adopted, which: <ul style="list-style-type: none"> <li>• Defines the term “discrimination,” its types, and related categories in line with the definitions in European and international law;</li> <li>• Prescribes the prohibition of discrimination at least on the prohibited grounds stated in the General Comment 14 of the UN’s Committee on Economic, Social and Cultural Rights, in a non-exhaustive list of prohibited grounds;</li> <li>• Defines procedural rules on proving discrimination in accordance with the standards of the ECtHR and the EU’s anti-discrimination law, especially with respect to facts and the burden and standard of proof; and</li> <li>• Enshrines the right and procedural standing of NGOs to lodge <i>actio popularis</i> claims in discrimination cases.</li> </ul> 2. A national equality body has been created, and safeguards have been put in place for its independence, effectiveness, accountability, transparency, accessibility, and affordability. The law defines the following powers and obligations of the equality body (irrespective of its organizational structure and legal form):	



		<ul style="list-style-type: none"> <li>• Providing legal and other counseling support to victims of discrimination, and supporting them in accessing the relevant social, medical, or other necessary services;</li> <li>• Receiving individual complaints and dealing with them in a specified period through either reconciliation or adoption of an administrative act;</li> <li>• Conducting <i>ex officio</i> investigations when necessary, and adopt a binding administrative act based on the results of the investigation;</li> <li>• Demanding the necessary information from the relevant authorities and receiving it in due time;</li> <li>• Prescribing the procedural standing of the national equality body to lodge <i>actio popularis</i> claims in discrimination cases;</li> <li>• Acting as <i>amicus curiae</i> in court when necessary;</li> <li>• Conducting reviews of legislation, and when necessary, proposing amendments to the legislation;</li> <li>• Providing advice to central and local government bodies and institutions, and when necessary, also to non-state organizations;</li> <li>• Carrying out public awareness-raising and education activities;</li> <li>• Conducting independent research, studies, and fact finding on discrimination, developing guidelines, and producing independent reports; and publishing the findings of the research, studies, and fact finding, as well as the guidelines and reports;</li> <li>• Compiling discrimination statistics, including on the number of cases dealt with by the equality body, and publishing the statistical data; and</li> <li>• Presenting an annual report to the National Assembly of Armenia on the situation of persons in the equal exercise of rights and the activities carried out by the equality body.</li> </ul>	
5	120.49. Accepted	Renew its efforts and adopt and fully implement a comprehensive anti-discrimination law (Czech Republic).	3
	Benchmark	See 120.48.	
6	120.50. Accepted	Adopt standalone legislation to combat discrimination (Norway).	3
	Benchmark	See 120.48.	
7	120.52. Accepted	Adopt and effectively implement legislation to ensure equal treatment of persons with disabilities in accordance with the CRPD, as well as prohibit discrimination based on sexual orientation and gender identity and to provide effective protection to LGBT persons (Austria).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. The law on Protection of Rights and Social Inclusion of Persons with Disabilities is adopted in line with CRPD</li> <li>2. Comprehensive and annual programs for implementation of the law on Protection of Rights and Social Inclusion of Persons with Disabilities are developed with the involvement of DPOs and persons with disabilities</li> <li>3. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and</li> <li>4. See 120.48.</li> </ol>	
8	120.55. Accepted	Adopt comprehensive legislation to counter discrimination and take steps to ensure that equality enshrined in such legislation or in existing law is achieved in practice (Ireland).	3
	Benchmark	See 120.48.	
9	120.58. Accepted	Continue efforts for the strengthening of equality between men and women, combating trafficking in human beings and the protection of the rights of national minorities (Russian Federation).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.48;</li> <li>2. See 120.51;</li> <li>3. The course, the History of the Armenian Church, has become optional in schools and has been aligned with the Toledo Principles;</li> <li>4. Effective mechanisms have been created for discovering and referring children left out of education;</li> <li>5. The communities of national minorities have kindergartens that ensure pre-school education for the minority children;</li> <li>6. Constructive activities are implemented towards facilitating access of higher education for national minority children graduating from school;</li> <li>7. Education and awareness-raising measures are being implemented to prevent early marriage among national minorities; and</li> <li>8. Access to education, health care, and employment for women who married early.</li> </ol>	
10	120.64. Accepted	Elaborate a gender-sensitive approach on the programs and policies which address human rights discrimination and take the necessary actions to raise awareness on the attitudes and stereotypes targeting women and sexual minorities in society (Albania).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. Gender sensitivity of the National Human Rights Strategy and action plan has been ensured;</li> <li>2. The term "gender" is used in the national legislation and policy documents;</li> <li>3. The state implements awareness-raising measures in Armenia to eliminate stereotypes about women and LGBT persons and to build tolerance; and</li> <li>4. See 120.48</li> </ol>	

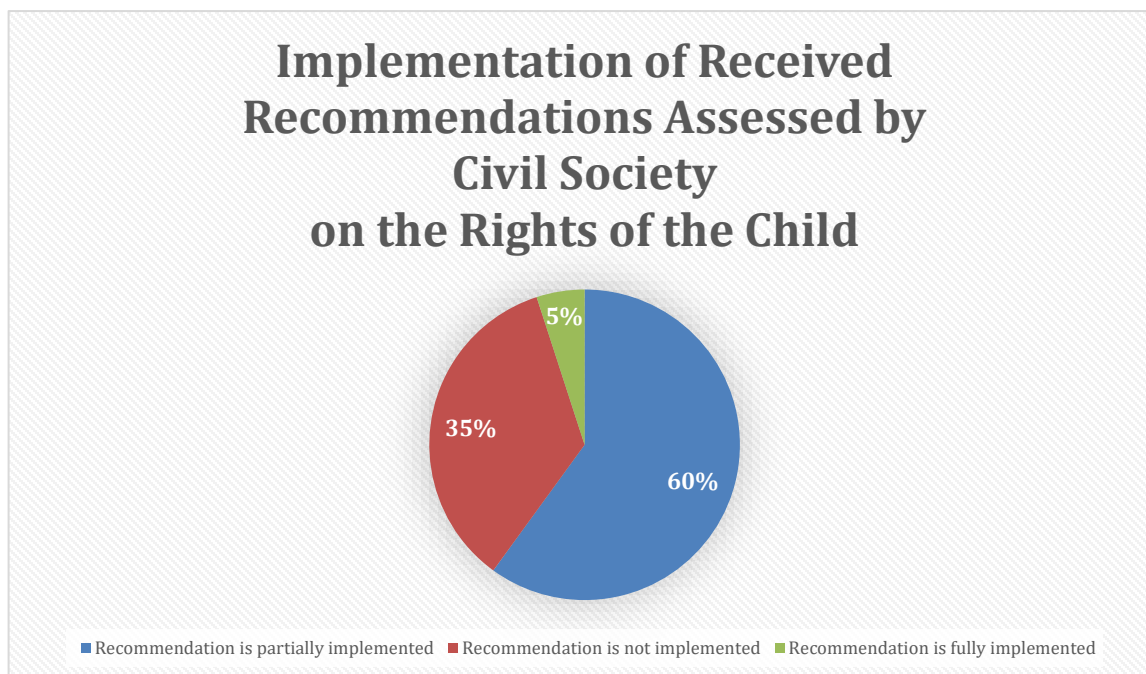
<b>11</b>	120.72. Accepted	Develop and adopt suitable legislative and administrative measures to combat discrimination against women, and discrimination and violence against LGBTI persons (Argentina).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.51;</li> <li>2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and</li> <li>3. See 120.48.</li> </ol>	
<b>12</b>	120.75. Accepted	Continue its efforts aimed at enhancing gender equality and improving the means to protect the rights of national minorities (Kuwait).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.51;</li> <li>2. The teaching of the History of the Armenian Church subject in schools has become optional and has been aligned with the Toledo Principles;</li> <li>3. Effective mechanisms have been created for discovering and referring children left out of education;</li> <li>4. The communities of national minorities have kindergartens that ensure pre-school education for the minority children;</li> <li>5. Constructive activities are implemented towards facilitating access of higher education for national minority children graduating from school;</li> <li>6. Education and awareness-raising measures are being implemented to prevent early marriage among national minorities; and</li> <li>7. Access to education, health care, and employment for women who married early.</li> </ol>	
<b>13</b>	120.78. Noted	Take suitable action to address discriminatory practices in the engagement with national minorities and, in particular, the double discrimination faced by women from such minority groups (Namibia).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.48;</li> <li>2. See 120.51;</li> <li>3. The National Strategy for Gender Equality and action plan address the issues of women who suffer double vulnerability;</li> <li>4. The course, the History of the Armenian Church, has become optional in schools and has been aligned with the Toledo Principles;</li> <li>5. Effective mechanisms have been created for discovering and referring children left out of education;</li> <li>6. The communities of national minorities have kindergartens that ensure pre-school education for the minority children;</li> <li>7. Constructive activities are implemented towards facilitating access of higher education for national minority children graduating from school;</li> <li>8. Education and awareness-raising measures are being implemented to prevent early marriage among national minorities; and</li> <li>9. Access to education, health care, and employment for women who married early.</li> </ol>	
<b>14</b>	120.79. Noted	Prosecute and monitor cases of incitement to racial discrimination and racist propaganda (Sierra Leone).	3
	Benchmark	See 120.48	
<b>15</b>	120.80. Accepted	Provide effective protection of LGBT persons from discrimination (Slovenia).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.48;</li> <li>2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and</li> <li>3. Statistics on hate crimes are compiled in Armenia.</li> </ol>	
<b>16</b>	120.81. Accepted	Combat all forms of discrimination, including those relating to sexual orientation and identity (France).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.48;</li> <li>2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and</li> <li>3. Statistics on hate crimes are compiled in Armenia.</li> </ol>	
<b>17</b>	120.82. Noted	Enact specific legislation that prohibits discrimination against persons based on sexual orientation (Canada).	3
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.48;</li> <li>2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence</li> </ol>	

		and liability; and 3. Statistics on hate crimes are compiled in Armenia.	
18	120.83. Accepted	Adopt effective measures to ensure the eradication of all forms of discrimination based on sexual orientation and gender identity (Chile).	3
	Benchmark	1. See 120.48 2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and 3. Statistics on hate crimes are compiled in Armenia.	
19	120.84. Accepted	Combat hate propaganda and incitement against minority groups, especially LGBTI, religious minorities, AIDS patients and persons with disabilities through the adoption of a comprehensive package of laws and effective mechanisms to combat discrimination, including in the public administration (Spain).	3
	Benchmark	1. See 120.48; 2. See 120.52 3. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and 4. Statistics on hate crimes are compiled in Armenia.	
20	120.85. Accepted	Take appropriate measures to guarantee that lesbians, gays, bisexuals, transgender and intersexual people are not subjected to discrimination, both in law and in practice (Uruguay).	3
	Benchmark	1. See 120.48; 2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and 3. Statistics on hate crimes are compiled in Armenia.	
21	120.86. Accepted	Ensure that appropriate training is provided to officials, and that law enforcement authorities carry out thorough and prompt investigations regarding attacks on LGBTI persons (Australia).	3
	Benchmark	1. See 120.48; 2. The legislation prohibiting hate speech and hate crime has been reviewed, the terms have been defined, liability has been prescribed for inciting hate and intolerance towards LGBT persons, and the perpetration of a crime based on a person's sexual orientation and/or gender identity has been prescribed as a circumstance aggravating the criminal sentence and liability; and 3. Statistics on hate crimes are compiled in Armenia.	
22	120.119. Accepted	Continue the fight against human trafficking (Greece).	2
	Benchmark	National legislation and action plan on preventing trafficking and protecting victims of trafficking is adopted. Free legal aid is provided to trafficking victims. All potential trafficking offences, even those complaints filed by victims that do not specifically mention trafficking, are proactively investigated and prosecuted. Labor Inspection is established in accordance with the ILO Conventions N 81. Established procedures for repatriating trafficking victims from abroad are in place. Adequate funding is provided to NGO-run shelters. A formal victim-witness protection program is established. Sensitivity training is provided to judges, lawyers and police officers. Awareness raising campaigns are conducted in rural and border communities and to children leaving child care institutions.	
23	120.120. Accepted	Continue effective efforts to combat trafficking in human beings (Lebanon).	2
	Benchmark	See 120.119	
24	120.121. Accepted	Increase its efforts to combat human trafficking and protect victims of trafficking, especially women and children (Iran (Islamic Republic of)).	2
	Benchmark	See 120.119	
25	120.122. Accepted	Proceed in its effective efforts in combating trafficking in persons, especially women and children (Egypt).	2
	Benchmark	See 120.119	
26	120.123. Accepted	Intensify efforts aiming at the comprehensive and effective implementation of national plans and strategies to fight trafficking of human beings (Morocco).	2
	Benchmark	See 120.119	
27	120.124. Accepted	Continue to enhance its positive policies and programs for trafficked victims and refugees (Philippines).	2

	Benchmark	See 120.119	
28	120.125. Accepted	Ensure the provision of assistance and the accessibility of legal aid to all victims of trafficking, in line with regional and international human rights standards (Republic of Moldova).	1
	Benchmark	Legislation is amended to ensure free legal aid to victims of trafficking.	
29	120.166. Accepted	Take measures to ensure access to education, including higher education, for children from national minorities and other vulnerable groups such as refugees and asylum seekers (Austria).	2
	Benchmark	Linguistic support mechanism for non-Armenian speakers is developed and its functionality is ensured through state budget allocations and quality professionals/teachers. In the communities of national minorities teaching of all school subjects in native languages of national/ethnic minorities is guaranteed and publication of textbooks in annual education plans and other relevant policies is ensured. See 120.172	
30	120.167. Accepted	Continue to study in depth the steps for the adoption of the legal framework necessary for the application of the International Convention on the Rights of Persons with Disabilities (Venezuela (Bolivarian Republic of)).	3
	Benchmark	A Law on the Protection of Rights and Social Inclusion of Persons with Disabilities has been adopted A package of legislative amendments is adopted. Comprehensive and annual programs for implementation of the law on Protection of Rights and Social Inclusion of Persons with Disabilities are developed with the involvement of DPOs and persons with disabilities	
31	120.168. Accepted	Take measures to expand access for persons with disabilities, in particular, with regard to transportation and physical access to educational institutions (Republic of Korea).	3
	Benchmark	A Law on the Protection of Rights and Social Inclusion of Persons with Disabilities has been adopted The draft on the Protection of Rights and Social Inclusion of Persons with Disabilities is amended to include a provision for gradual transition to a fully accessible bus fleet instead of a minimum number of accessible buses. The draft law on higher education is amended to require reasonable accommodation for students with disabilities. The draft law on Equality stipulates that refusal to provide reasonable accommodation is discrimination. Comprehensive and annual programs for the implementation of the law on Protection of Rights and Social Inclusion of Persons with Disabilities are developed with the involvement of DPOs and persons with disabilities.	
32	120.169. Accepted	Continue its efforts in promoting the rights of persons with disabilities by, <i>inter alia</i> , effectively implementing its law on employment, adopting the law on protection of the rights of persons with disabilities and their social inclusion in line with the Convention on the Rights of Persons with Disabilities and ensuring inclusive education for children with special needs (Thailand).	3
	Benchmark	1. A Law on the Protection of Rights and Social Inclusion of Persons with Disabilities has been adopted, which is consistent with the UN Convention on the Rights of Persons with Disabilities (2016); 2. The following has been implemented under the Timetable of the 2014-2019 Strategic Program for Protection and Improvement of Mental Health in the Republic of Armenia: <ul style="list-style-type: none"> <li>• Proposals have been submitted to the Government of Armenia on amending the Republic of Armenia Law on Psychiatric Care and the Government Decree approving the Procedure of Delivering Inpatient and Outpatient Psychiatric Medical Care; and</li> <li>• A draft decision of the Republic of Armenia Government, which prescribes the Procedure of Conducting Inpatient and Outpatient Forensic Psychiatric Expert Examinations, was submitted to the Republic of Armenia Government in 2016.</li> </ul>	
33	120.170. Accepted	Continue its positive measures in further promoting and protecting the rights of persons with disabilities, including by ensuring effective implementation of its Law on Employment as well as providing the necessary vocational training to them (Malaysia).	3
	Benchmark	A Law on the Protection of Rights and Social Inclusion of Persons with Disabilities has been adopted The draft on the Protection of Rights and Social Inclusion of Persons with Disabilities is amended to include a provision for gradual transition to a fully accessible bus fleet instead of a minimum number of accessible buses. The draft law on higher education is amended to require reasonable accommodation for students with disabilities. The draft law on Equality stipulates that refusal to provide reasonable accommodation at educational institutions and workplace is discrimination Comprehensive and annual programs for implementation of the law on Protection of Rights and Social Inclusion of Persons with Disabilities are developed with the involvement of DPOs and persons with disabilities Quotas for employing people with disabilities are effectively enacted	
34	120.171. Accepted	Take appropriate legal and administrative measures to ensure equal opportunities to access decent work for people with disabilities (Argentina).	3
	Benchmark	See 12.170	
35	120.172.	Continue to strengthen and promote the rights of national minorities (Lebanon).	3

	Accepted		
	Benchmark	<ol style="list-style-type: none"> <li>1. See 120.48</li> <li>2. The law on protection of national minorities is adopted</li> <li>3. The teaching of the course, History of the Armenian Church, has become optional in schools and has been aligned with the Toledo Principles;</li> <li>4. Effective mechanisms have been created for discovering and referring children left out of education;</li> <li>5. The communities of national minorities have kindergartens that ensure pre-school education for the minority children;</li> <li>6. Constructive activities are implemented towards facilitating access to higher education for national minority children graduating from school;</li> <li>7. Education and awareness-raising measures are being implemented to prevent early marriage among national minorities; and</li> <li>8. Access to education, healthcare, and employment for women who married early.</li> </ol>	
<b>36</b>	120.173. Accepted	Continue to strengthen and protect the rights of minorities (Djibouti).	3
	Benchmark	See 120.172.	
<b>37</b>	120.174. Accepted	Continue reinforcing advanced programs in the field of education, culture and social assistance in favour of national minorities and other vulnerable sectors of the population in the fight against poverty and social inequality (Venezuela (Bolivarian Republic of)).	2
	Benchmark	See 120.166.	
<b>38</b>	120.175. Accepted	Further improve conditions for the protection of the rights of national minorities (Cyprus).	3
	Benchmark	See 120.172.	
<b>39</b>	120.176. Accepted	Further improve conditions for the protection of the rights of national minorities (Kazakhstan).	3
	Benchmark	See 120.172.	
<b>40</b>	120.177. Accepted	Take further steps for the protection of national minorities (Greece).	3
	Benchmark	See 120.172.	
<b>41</b>	120.178. Accepted	Continue initiatives undertaken to promote education and culture of national minorities (Equatorial Guinea).	3
	Benchmark	See 120.172.	
<b>42</b>	120.179. Accepted	Strengthen training programmes for State officials in the field of minority rights (Algeria).	3
	Benchmark	See 120.172.	
<b>43</b>	120.87. Accepted	Continue concerted efforts at the international level for the prevention of genocide (Cyprus).	1
	Benchmark	A resolution for the prevention of genocide is proposed and adopted internationally.	
<b>44</b>	120.88. Accepted	Continue concerted efforts at the international level for the prevention of the crime of genocide (Greece).	1
	Benchmark	See 120.87.	
<b>45</b>	121.11. Noted	Adopt comprehensive legislation on discrimination (Azerbaijan).	3
<b>46</b>	121.12. Noted	Closely monitor legal practice in relation to incitement to racial discrimination and prosecute perpetrators (Azerbaijan).	3
<b>47</b>	121.13. Noted	Ensure the protection of the rights of national minorities (Azerbaijan).	3

## V. Rights of the Child



*Out of received 20 recommendations:*

Fully implemented – 1 recommendation (5 percent)

Partially implemented – 12 recommendations (60 percent)

Not implemented – 7 recommendations (35 percent)

According to the data from the National Statistical Service, the level of poverty in Armenia in 2016 was 29.4%<sup>20</sup> (compared to 27.6% in 2008, and 29.8% in 2015). Poverty is higher in the regional towns (33.2%) and villages (30.4%) than in the capital city (24.9%). Among children under the age of 17, poverty was 34.6% in 2016 (compared to 31.1% in 2008 and 34% in 2015). While general poverty improved in 2015 over 2015, albeit negligibly, poverty among children clearly tended to exacerbate.

Under these circumstances, it is even more important for the state to implement comprehensive measures for child protection, social security, and safeguarding access to high-quality education, including higher allocations from the state budget and better targeting. However, according to the 2016-2018 Medium-Term Expenditure Program of the Government,<sup>21</sup> the state planned to reduce the share of social, education, and health spending as a percentage of GDP in the coming years: social protection spending will fall to 6.06% in 2020 (compared to 7.03% in 2018), while education spending will be decreased to 1.85% in 2020 (compared to 2.18% in 2018), and health spending to 1.06% (relative to 1.35%). In comparison, though, spending on defense, public administration, and foreign public debt service will continue to increase as a share of GDP (from 5.5%, 1.7%, and 2.36%, respectively, in 2018 to 5.63%, 1.75%, and 2.53%, respectively, in 2020).

### Child Rights Protection System

The Government of Armenia has officially declared that it pursues the aim of reforming the child rights protection and social protection system. Since 2014, deinstitutionalization reforms have been implemented in institutions,<sup>22</sup> which aim at creating institutional mechanisms necessary for the functioning of the social services system, ensuring access to alternative services for children and families, diversifying the types of care and creating a system of monitoring and evaluation for them, strengthening the inclusive education system to ensure quality education for all children, improving social norms related to children with disabilities towards greater inclusion, and initiating and implementing comprehensive legislative and regulatory reforms in all of these areas.

Since then, one boarding institution was closed down, and two boarding institutions and six special schools were reorganized to Child and Family Support Centers and Pedagogical-Psychological Support and Evaluation Centers. As a result, however, only about 600 children have been deinstitutionalized. In the next six months, the

<sup>20</sup> [http://www.armstat.am/file/article/poverty\\_2017\\_english\\_2.pdf](http://www.armstat.am/file/article/poverty_2017_english_2.pdf)

<sup>21</sup> [http://minfin.am/hy/page/petakan\\_mijnazhamket\\_tsakhseri\\_tsragre/](http://minfin.am/hy/page/petakan_mijnazhamket_tsakhseri_tsragre/)

<sup>22</sup> Hereinafter, “institutions” include boarding institutions, special schools, orphanages, and other institutions providing night care and education.

plan is to reorganize or close down another two special schools, five boarding institutions, and one orphanage. As a result, about 700 children will be deinstitutionalized.

In 2017, the Government of Armenia adopted the 2017-2021 Strategic Program for Protection of the Rights of the Child in Armenia (hereinafter, “the Strategy”) and its implementation timetable. The main concern related to the adoption and content of the Strategy is that, similar to its predecessor, the current Strategy, is not based on a comprehensive evaluation of the results of and lessons learned from the previous strategy. The current Strategy does not inspire much hope in view of the virtual absence of any impact of previous similar strategies in terms of improvements in the protection of the rights of the child.

Moreover, the new Strategy does not cover all the possible forms of violence against children. It does not enshrine comprehensive mechanisms of protection. Moreover, this Strategy and its implementation timetable were not developed and adopted in a participatory manner. The Strategy does not contain an integrated framework of indicators for evaluation and monitoring of the expected results and actions. As in the past, state budget financing for the implementation of the planned activities is not certain. Thus, the implementation of the activities and the achievement of the targets specified in the Strategy will again largely depend on programs of the donor community and local and international organizations. Therefore, the risk of non-effective implementation of the Strategy is significant.

As to the forms of violence against children and the system for their prevention, no legal act currently defines all the forms of violence against children and the mechanisms of holding liable, including criminally, for such violence. In 2014, the Government adopted a Concept Paper on Combating Violence against Children.<sup>23</sup> The Concept Paper describes the existing problems and the scope of the necessary actions. However, similar to the strategies discussed above, the implementation of this Strategy is seen to be ineffective. According to the Action Plan developed under the Concept Paper, a system will be created for referring children and reporting cases of violence against children, the role and responsibilities of the responsible agencies will be clarified, a hotline will be set up, and awareness-raising campaigns will be implemented, alongside other activities. However, significant progress has not been achieved since the adoption of the Concept Paper.

#### Monitoring of Child Rights in Institutions

The former monitoring group that was established by the order of the minister of education and science is not functional since 2014. No new and independent CSO group was established to monitor child rights situation in closed and semi-closed and residential institutions, mainstream schools, etc. Within the ombudsmen's office the child rights protection unit is established. But significant progress toward improving child rights protection in Armenia is not yet achieved. The office of Ombudsman is not independent, politicized and under the executive control of the government and the president.

#### Juvenile Justice

While there has been some progress in regulating the juvenile justice sector (even in terms of the absence of holistic juvenile justice system, some provisions have been incorporated into the criminal and criminal justice legislation), the broader notion of access to justice for children is not reflected in the legislation and practice. There are no specific provisions regulating the status of child victims and witnesses in line with the international standards, the professionals working with or for children often lack specialization and capacity. There are no standards of operational procedures regulating the work of judges, prosecutors, investigators and other professionals dealing with child victims and witnesses. There are few institutionalized and systematic training programmes, although a number of trainings have taken place in training institutions, mostly with the support of international organizations. Cooperation between state bodies in early identification and prevention of the cases of violence against children is weak, the referral mechanism is underdeveloped, no systematic data is collected on the cases of violence against children, including the children with disabilities, and child injuries.

### **Implementation of received recommendations on Rights of the Child according to benchmarks developed by civil society**

Grading: 1: recommendation is fully implemented, 2: recommendation is partially implemented, and 3: recommendation is not implemented).

N	Recommendation and its Status		Grade
1	120.6. Noted	Ratify the Optional Protocol to the ICESCR, as well as the Optional Protocol to the CRC on a Communications Procedure (Portugal).	3
	Benchmark	The Optional Protocol to the ICESCR has been ratified. The Optional Protocol to the CRC on a Communications Procedure has been ratified.	

<sup>23</sup> Republic of Armenia Government Protocol Decision 51 of the session on 4 December 2014.

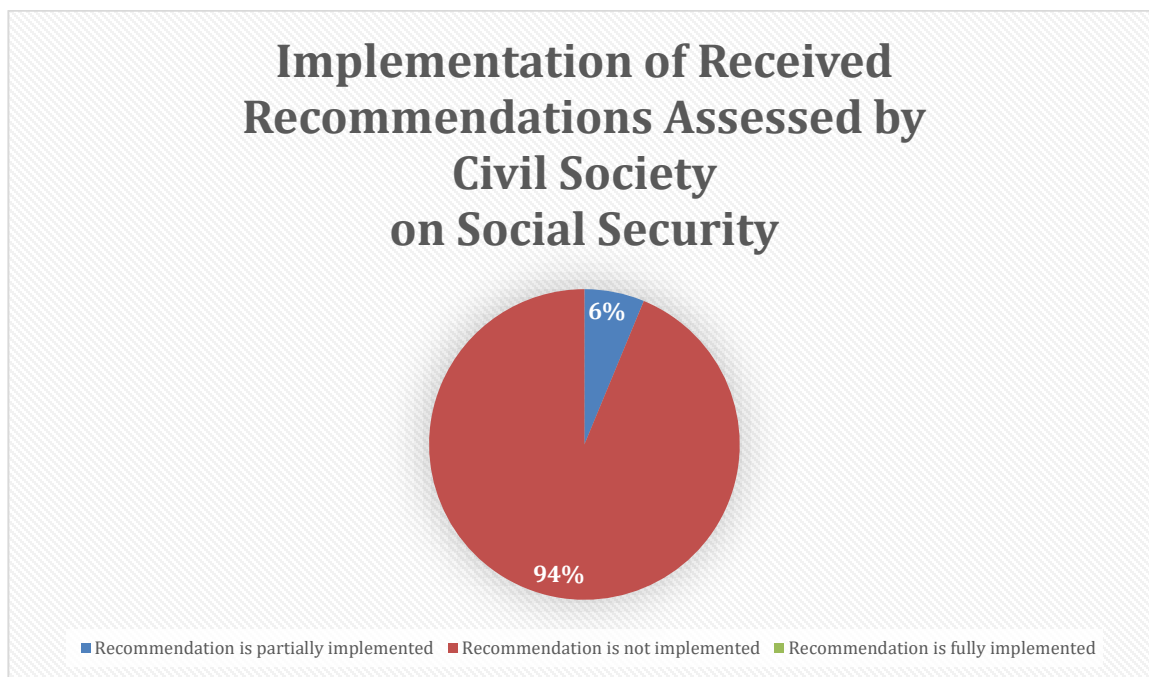


2	120.13. Noted	Ratify ICRMW and accede to the Optional Protocols of the CRC-IC (Sierra Leone).	3
	Benchmark	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been ratified. Armenia has joined the Optional Protocol to the CRC on a Communications Procedure.	
3	120.25. Accepted	Accede rapidly to the Istanbul Convention and adopt and implement as soon as possible a national strategy to prevent and punish all forms of violence against children, including child trafficking (Belgium).	2
	Benchmark	The Istanbul Convention has been signed and ratified. A transparent and participatory mechanism has been developed and adopted for monitoring and for interim and final progress evaluation of the 2017-2021 Strategic Program for Protection of the Rights of the Child in Armenia (hereinafter, "the Strategy"). Midterm evaluation reports on the Strategy implementation are published at least once every two years, and, based on the midterm evaluation results and lessons learnt, necessary adjustments are made in the annual action plans adopted on the basis of the Strategy. SMART criteria and benchmarks have been developed and implemented for achieving the goals and targets set out in the Strategy. The mechanisms for civil society monitoring and oversight of the Strategy are safeguarded.	
4	120.34. Accepted	Enhance the protection of the rights of the child (Lebanon).	2
	Benchmark	Independent child rights monitoring CSO group is established and its mandate to monitor all institutions where children live, study or receive social/medical care is ensured. Transparent and democratic selection and representation of CSOs in the established monitoring group are ensured. The monitoring of child rights situation includes but is not limited to the commitments and obligations under the UPR, HR AP, Child rights protection strategy 2017-2021, deinstitutionalization and IE reforms principles. Child referral system and relevant policy framework, including child-friendly complaint mechanism as it is prescribed in the CRC, is developed and adopted. CRC optional protocol on complaint submission has been ratified. Effective inter-sectoral communication, collaboration and coordination between all involved authorities related to child right protection is strengthened. School dropout identification mechanism and policy framework necessary for its enforcement based on international standards are developed and adopted. The school dropout term is defined by law, covering also children who are formally registered in the school but don't attend it due to various reasons or attend school but don't get a minimum standard quality education. Access to pre-school education for all children across the country is ensured. Amendment to pre-school education legislation is adopted and overall inclusiveness into a pre-school level is declared. Necessary policy framework for practical inclusion of the most disadvantaged children in the inclusive preschool settings is developed. Social justice and equity in access to quality secondary education for all children across the country is ensured. Reasonable accommodation is ensured for all children with SEN both within the inclusive school and out of formal school settings that would best fit for their special needs in education. The gap in the education policy is eliminated and the benefits of inclusive education for children with any type of special education need are ensured, including children from poor or socially vulnerable families, rural communities, refugees, national/ethnic minorities and LGBT children. Legislative and operational mechanisms for preventing sex-selective abortion is created.	
5	120.35. Accepted	Promote comprehensively the increased protection of the rights of the child (Tajikistan).	2
	Benchmark	See 120.34	
6	120.36. Accepted	Ensure better protection of the rights of the child (Greece).	2
	Benchmark	See 120.34	
7	120.37. Accepted	Continue its endeavour to promote and protect the rights of the child (Iran (Islamic Republic of)).	2
	Benchmark	See 120.34	
8	120.38. Accepted	Encourage better protection of children's rights (Kazakhstan).	2
	Benchmark	See 120.34	
9	120.39. Accepted	Provide the National Programme for the Protection of the Rights of the Child for 2013-2016 with the necessary resourcing and strengthening its implementation, especially in respect of children in closed or partially-closed institutions (Lithuania).	2
	Benchmark	The number of children in residential institutions with a special focus on children with disability is decreased: 1800 children by 2022, including 900 children with disability; The dimensions of alternative care provisions, including support to foster families are diversified. Necessary legal and policy frameworks, including for children with disabilities are adopted and developed. The mechanism for the support to biological families to prevent institutionalization of children is developed, a system of social subsidies from the state budget is introduced.	

		<p>Community-based social services are strengthened by increasing the funding from state budget at 10% and staff position, including social workers.</p> <p>Quality implementation of the government Decree on Licensing of NGOs that apply for state subsidies to provide services for children and elderly is ensured.</p> <p>Tendering Procedure for those NGOs that want to receive state subsidies for above-mentioned services is adopted. Minimum quality standards to ensure the quality of services provided by licensed NGOs is adopted.</p> <p>The mechanism for periodic evaluation of the impact of the services of licensed NGOs conducted within the state-subsidized activities is established.</p> <p>The amount of state subsidies for outsourcing social services, as well as the timeframes for providing those subsidies from the state budget is increased.</p>	
10	120.40. Accepted	Continue the realization of the right to education and the right to health for children in light of the Government's adoption of the Strategic Programme for the Protection of the Rights of the Child (2013-2016) (Russian Federation).	1
	Benchmark	Strategic Programme for the Protection of the Rights of the Child is implemented.	
11	120.41. Accepted	Allocate the resources necessary for the realization of the national strategies and plans for the protection of the rights of the child, including for the full identification and monitoring of children in situations of vulnerability and the protection of their interests (Belarus).	3
	Benchmark	<p>New education development strategy is adopted and a comprehensive mechanism for the protection of the right to education for all children is provided. The principles of equity and social justice as the main principles and priorities of the new education development strategy is defined and adopted, and a relevant mechanism to ensure implementation has been established. Any support to education excellence programs from the state budget is eliminated and budget resources to ensuring access to quality education for all children in Armenia despite their residential, social, religious, ethnic, disability, refugee, gender and status, is re-allocated.</p> <p>See 120.39.</p>	
12	120.42. Accepted	Continue to promote and protect the rights of children while developing special programs targeting vulnerable children (Djibouti).	2
	Benchmark	See 120.39-120.41.	
13	120.77. Accepted	Further strengthen its efforts in the areas of equality between women and men, eradicating violence against women, and promoting rights of the child (Egypt).	2
	Benchmark	See 120.51 and 120.34	
14	120.116. Accepted	Develop a national strategy to prevent and address all forms of violence against children (Turkey).	2
	Benchmark	<p>A strategy for preventing all types of violence against children and a related action plan is adopted, and the necessary financial resources from the state budget for implementing the strategy and the action plan is allocated.</p> <p>Publication of a report on the implementation of the aforementioned strategy and action plan is ensured at least once every two years, and the unhindered operation of their public oversight and monitoring mechanisms is secured.</p> <p>Legislation defining all forms of violence against children and the relevant sanctions, including criminal, is adopted.</p> <p>The interagency cooperation, communication, and coordination aimed at prevention of violence against children is improved.</p> <p>The number of detected cases of violence against the child, as well as the number of initiated investigations and court cases is increased.</p> <p>The compilation of appropriate statistics, at least on a semi-annual basis is ensured.</p> <p>See 120.25.</p>	
15	120.117. Accepted	Reform national law in order to prohibit corporal punishment in all settings and to develop an enforcement mechanism and sanctions against corporal punishment of children (Poland).	2
	Benchmark	See 120.116.	
16	120.118. Noted	Amend the Criminal Code in order to criminalise the recruitment of children under the age of 18 years into armed forces and establish a mechanism to provide former child soldiers with the necessary assistance for their reintegration in society (Albania).	3
	Benchmark	Amendment criminalizing the recruitment of children under the age of 18 years into armed forces is adopted.	
17	120.136. Accepted	Enhance efforts to protect the rights of the child and establish a system of juvenile justice in compliance with international standards (Italy).	2
	Benchmark	<p>The legislation on child victims and witnesses of crimes is in line with the international and European standards, in particular, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005), in order to ensure legal framework for the protection and promotion of children's rights under the CRC.</p> <p>Legislative amendments and implementation mechanisms are introduced to ensure that diversion, rehabilitation and reintegration are functioning for juvenile offenders.</p> <p>Institutionalized training programmes for all the professionals working for or with children in <u>the</u> justice system is introduced.</p> <p>The national baseline for policy-makers is established in order to assist them in (a) formulating targeted policies and programmes aimed at reducing of violence against children, including children with disabilities; (b) forming the basis to strengthen child protection mechanisms, as well as contributing to awareness raising among the population on this topic.</p>	

		Fully functional coordination mechanism for early identification, prevention and referral of cases of violence against children is established.	
<b>18</b>	121.11. Noted	Investigate cases of violence against children in closed institutions and prosecute perpetrators (Azerbaijan).	3
<b>19</b>	121.12. Noted	Establish mechanisms to identify children among asylum seekers and refugees involved in armed conflicts (Azerbaijan).	3
<b>20</b>	121.13. Noted	Criminalize the recruitment of children under the age of 18 years into armed forces (Azerbaijan).	3

**VI. Social Security** (*Right to Health; Right to Food; Right to Education; Labor Rights; Rights of Migrant Workers; Welfare State*)



*Out of received 16 recommendations:*

Fully implemented – 0 recommendations (0 percent)

Partially implemented – 1 recommendation (6 percent)

Not implemented – 15 recommendations (94 percent)

#### Right to Health

In recent years, Armenia has introduced electronic health system (E-health) and state insurance system to improve quality and access to health care. Policy reforms in palliative care and mental health have been initiated. However, the health sector still faces serious challenges related to workforce, including a shortage of family doctors, low pay and low motivation, insufficient incentives to work outside the capital, and weakness of relevant professional associations.

The reforms on optimization of healthcare services initiated to improve access to health services for rural populations have led to a reduction in the number of specialists and negatively affected geographical access to health care.

“Armenia has made commendable reforms, but people’s enjoyment of the right to physical and mental health still faces serious barriers linked to an outdated approach to healthcare and persistent inequalities”, said the Special Rapporteur on the right to health, Dainius Pūras, in a statement at the end of his mission. “Moreover, Armenian healthcare is the low level of public expenditure in health, which is below 2% of the GDP, one of the lowest in the world, out-of-pockets payments (OOP) are very high accounting for over 50% of the health expenditure and affect mainly inpatient care and pharmaceuticals. This constitutes an important barrier to access care and can create inequalities in the health system”<sup>24</sup>

#### Mental Health

In the past five years, the Government of Armenia has initiated mental health reform to ensure the establishment and sustainability of community-based services for the people with mental health problems. Nevertheless, mental health services are still provided in psychiatric institutions where patients often are subjected to ill-treatment. Financial and other incentives still are not in place to ensure sustainability and expansion of community-based services in the country. To accelerate mental health reform in the country in 2018 the government extended partial funding for the “Spitak mental health community-based service” in Lori region for 16 residents. Nevertheless, there does not seem to be enough political will to replicate modern community-based services throughout the country, since this center so far remains the only alternative to psychiatric large institutions.

Armenia is party to all international human rights treaties, but has yet to ratify most of the Optional Protocols including the Optional Protocols to the Convention on Rights of Persons with Disabilities. Persons in psychiatric institutions are subjected to ill-treatment, namely physical and psychological violence, labor exploitation,

<sup>24</sup> Statement of the Special Rapporteur on the right to health, Dainius Pūras <http://un.am/en/news/640>.

excessive use of restraints, and are not provided with proper and qualified health care. Many patients undergo compulsory treatment in psychiatric hospitals, which they cannot challenge on their own: there are no direct mechanisms for an affected individual to seek review of hospitalization. A court decision on their release might be sought only by the hospitals. Armenia has undertaken the obligation to recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life; however, the national legislation concerning incapacitation of the person is neither proportional, nor tailored to the person's circumstances.

#### Palliative care

Due to the advocacy and support of external donors and partners, Armenia developed a Palliative Care Concept (2012-2016) and a Palliative Care Strategy (2017-2019) to integrate palliative care into the national health system and ensure access to pain relief medication for the patients with life-limiting illnesses, still patients in need of strong opioids end their days in unbearable pain due to the tight police control over the prescription of opioids. The Ministry of Health has developed mechanisms for the establishment of palliative care services, however, according to the adopted standards, such services are to be privately paid, which could have devastating consequences for a sector of the population and their families.

#### Personal Data protection

Health institutions provide written monthly reports to the police with details on the identity and diagnosis of patients who receive opioid medication in violation of patient confidentiality rights. Based on Human Rights inquiry, the State Data Protection Agency of Armenia initiated the administrative case and made a decision that transfer of personal data of patients receiving narcotics contradicts the principle of proportionality prescribed by Article 5 of the Republic of Armenia Law on Personal Data Protection. However, this decision has not been implemented so far.

#### Right to Education

In Armenia, the quality of education is directly linked with poverty status. In 2016, only 17% of people who had higher education were poor, while the rate for those who had only primary education was 41%. Although, in 2016, the poverty rate among people with elementary and lower education has decreased compared to 2015 (61.3%), however, it remains the highest among all groups.

The grades that students receive at school are also directly related to the socio-economic background of their families.<sup>25</sup> Non-poor families spend two to three times more on the general education of their children than poor families.<sup>26</sup> As a result, students from poor family background cannot afford taking such lessons, therefore, only a small number of them get accepted into a university.

According to the analysis of TIMSS-2011 analysis students from higher socioeconomic status (SES) backgrounds in Armenia performed better in mathematics and science than students coming from lower SES families.<sup>27</sup> The SES gap in student achievement has increased from 2003 to 2011. The widening achievement gap across SES groups from 2003 to 2011 is alarming and deserves attention from policymakers. The problem was aggravated because the SES gap in Armenia not only represented differences between wealthier and less affluent families but also differences between those living in poverty (30%) and those not (70%). Students living below the poverty line performed worse academically in secondary school, which would have long-lasting consequences on their educational and economic opportunities as adults. With that, inequalities and poverty are reproduced across generations.<sup>28</sup>

The education system in Armenia is relatively ineffective for serving students from different SES backgrounds in comparison with other countries in the region. For example, if we compare two students with similar SES backgrounds but living in different countries, the one living in Armenia tends to perform worse in mathematics and science than his/her counterpart living in the Russian Federation, Lithuania, Turkey, or Kazakhstan, for example.<sup>29</sup>

For the last ten years, reforms related to general education in Armenia have mainly concentrated on establishing and developing a three-level general education system and a network of high schools. These processes have mostly disregarded the issues of 12-year comprehensive schools, most of which (91%) are located in rural areas. While Armenia aims at establishing a fully inclusive secondary education by 2025, facilities and personnel of the schools are already declared inclusive do not have adequate accessibility and do not provide proper service for

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<sup>25</sup> If 42.8% of students from non-poor families receive excellent marks (9 or 10), only 34.3% of children from poor family background get such grades. At the same time, 8.7% of the students in the latter category get marks in the range of 0-5, while those from non-poor families do not receive such low grades. Retrieved from: Equity and Access to Quality Education in General Education in Armenia. OSFA. 2017.

<sup>26</sup> The average monthly expenditure for general education increases dramatically from 1548AMD in elementary school to 4972AMD in high school. In the latter's case, in average 52.7% of these expenses are spent on private tutoring. In Armenia, taking paid private lessons in high school is a necessity for getting into a university. In 2013, 97% of students admitted to a university had taken private classes, whereas the acceptance rate for those, who did not take any such lessons, was only 53%. Ibid

<sup>27</sup> International Association for the Evaluation of Educational Achievements. 2011. "Trends in International Mathematics and Science Studies (TIMSS) 2011." Retrieved from: <https://timss.bc.edu/timss2011/index.html>.

<sup>28</sup> Daniel Caro and Jia He, Equity in Education in Armenia: Evidence from TIMSS 2003/2011, Yerevan, 2018. OSFA. Forthcoming

<sup>29</sup> Ibid.

children with disabilities. Schools also fail to work with parents and other children in preparing for the transition to a fully inclusive system.

The draft law "on Higher Education", introduced by the government in 2017, was designed without the full and effective participation of civil society organizations, including organizations of persons with disabilities. The concept of quality inclusive education has been ignored by the authors during the design phase. The draft law did not provide adequate resources and mechanisms to ensure equality and non-discrimination for all learners with disabilities in the field of higher education. Recommendations on reasonable accommodations for the inclusion of students and lecturers with disabilities were publicly rejected by the Ministry of Education and Sciences.

Though high schools and 12-year comprehensive ones provide the same certificates of qualification, they have major differences in terms of the financial resources they receive from the state budget and the quality of education they provide. High schools receive proportionally more funding, that allows them to hire teachers with relatively better qualifications, to provide more enhanced education by introducing diversified streaming in their programs, etc. Comprehensive schools do not have these opportunities.

The above-mentioned differences result in inequitable access to quality education, which can be displayed by referring to different observations and data outputs. One of them is the TIMSS-2011 assessment of students' achievements, which shows that 4th and 9th-grade students in rural schools have scored on average 30 points less than those in urban areas. Their data illustrates that the farther a school is from large urban areas, the lower academic aptitudes of its students are. Another indicator of such a gap in the quality of general education is the results of national school Olympiads. From 2014 to 2016, no student from rural schools has achieved any of the top three awards of the 9th and 12th-grade competitions in the following subjects: English, math, and physics.

Inequity and lack of social justice in education put a large number of students in a disadvantaged position. Today, the situation is even more worrisome, as the current strategy of the government in the field of education runs the risk of exacerbating inequity in general education. The government of Armenia has recently approved the Program of Midterm Expenditures for the period of 2018-2022. In the framework of this program, the government is going to gradually decrease the share of state expenditures on education to 2.18% in 2018, 1.99% in 2019 and 1.85% in 2020.<sup>30</sup>

While immediate systemic changes are needed for addressing inequity problems, the government chooses to implement the National Program for Educational Excellence (NPEE) that will amplify these issues. NPEE is a major obstacle to the reinforcement of equity and social justice in education. It aims to establish excellence centers in 21 high schools before 2019, which are mostly located in urban areas (only two of 21 selected schools are located in rural communities). The government plans to make large investments in these high schools, including full renovation and equipment. Within each of the schools, the program targets only the students with excellent achievements in education, leaving behind those with lower performance. The government representatives claim that the program does not simply serve the interests of a few, but it is going to bring benefits for the whole education sector in the long run.<sup>31</sup> However, in short-term and mid-term prospective the only beneficiaries of this excellence program will be the students of excellence classes of these 21 high schools. Such an approach will result in stratification within the schools and students, which creates a major risk of grossly violating the principles of equity and inclusion.

### Labor Rights

Since 2013, the protection of labor rights has deteriorated considerably. The Government liquidated the Labor Inspectorate and transferred only some of its functions to a Health Inspectorate operating under the Ministry of Health. The Labor Code mostly fails to reflect the state's commitments under the international documents. Moreover, draft amendments to the Labor Code, prepared in 2017, significantly limit the rights to annual, extended, and additional leave, as well as the safeguards against harmful work, night pay, and other provisions. Since 2013, the state stopped paying unemployment benefits to unemployed persons, claiming that it has replaced the benefit with active training and job placement measures, which, however, do not have the necessary coverage and effectiveness.

### Rights of Migrant Workers

Armenia signed (2013) but not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The migration policy most frequently targets the individual migrants, rather than their families. Some policy documents also concern the families. The 2018-2021 Migration Policy Action Plan contemplates, among other activities, developing negotiations with other states on organizing the protection of the rights of migrants from Armenia and members of their families. The Migration Policy Action Plan

<sup>30</sup> It shall be noted that the international average of GDP share of education expenditures constitutes about 4%. For example, Democratic Republic of Congo allocates 2.2% of GDP to education, and Benin and Burkina Faso allocate 4%.

<sup>31</sup> Such an approach, however, is not justified by any scientific research and evidence-based arguments.

stipulates ratification of the UN 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the course of 2018.

### Implementation of received recommendations on Social Security according to benchmarks developed by civil society

Grading: 1: recommendation is fully implemented, 2: recommendation is partially implemented, and 3: recommendation is not implemented).

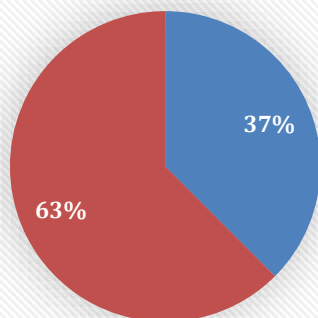
N	Recommendation and its Status		Grade
1	120.5. Accepted	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accept its mechanisms of inquiry and communication (Uruguay).	3
	Benchmark	The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has been ratified. Inquiries and communications are being accepted.	
2	120.161. Accepted	Continue strengthening the Plan of Action of 2014 with a view to ensure the full enjoyment of the right to health, work and adequate standard of living (Venezuela (Bolivarian Republic of)).	3
	Benchmark	Financial mechanisms for guaranteeing free palliative care services for the socially vulnerable population are introduced by the government. Health institutions end the current practice of filing reports with police on prescribing of opioids that contain confidential patient information. Excessive law enforcement interference in the opioids prescription process is ceased. The Republic of Armenia implements all of the ratified conventions of the ILO.	2
3	120.162. Accepted	Step up efforts to guarantee access to medical care for the rural population (Equatorial Guinea).	3
	Benchmark	Mechanisms guaranteeing equal access of the population to health services are introduced and implemented through the newly developed electronic and national insurance system. Rural ambulatories are provided with narrow specialists, essential equipment and medicines.	
4	120.163. Accepted	Develop a programme on food security with a view to the realization of the universal human right to food (Brazil).	
		A programme on food security with a view to the realization of the universal human right to food is developed and implemented.	
5	120.164. Accepted	Continue to implement the International Health Regulations and maintain its commitment to guarantee access of the rural population to medical care and services (Cuba).	3
	Benchmark	See 120.162.	
6	120.165. Accepted	Continue to strengthen the construction of the healthcare system and ensure timely access to health services for the rural population, (China).	3
	Benchmark	See 120.162.	
7	120.23. Noted	Consider ratifying ILO Convention No. 189 (Philippines).	3
	Benchmark	ILO Convention No. 189 is ratified.	
8	120.7. Accepted	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Kyrgyzstan).	3
	Benchmark	The ICRMW is ratified.	
9	120.8. Accepted	Speed up the process underway to ratify the International Convention on the Rights of Migrant Workers and Members of their Families (Rwanda).	3
	Benchmark	See 120.7	
10	120.9. Accepted	Step up its efforts to ratify ICRMW (Philippines).	3
	Benchmark	See 120.7	
11	120.10. Accepted	Continue the procedure of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Central African Republic).	3
	Benchmark	See 120.7	
12	120.11. Accepted	Continue and speed up the process of ratification of the ICRMW (Indonesia).	3
	Benchmark	See 120.7	
13	120.12. Accepted	Consider expediting the process of ratifying the International Convention on the rights of migrant workers and their families (Egypt).	3
	Benchmark	See 120.7	
14	120.160. Accepted	Follow up and reinforce actions aimed at improving the conditions of life of the populations and the situation of migrants (Mauritania).	3
	Benchmark	See 120.7 2018-2021 Migration Policy Action Plan contains actions enhancing the protection of rights of migrants and members of their families.	
15	120.137.	Fully support the institution of the family (Russian Federation).	3



	Accepted		
	Benchmark	See 120.24	
<b>16</b>	120.138. Accepted	Continue providing effective protection for the family unit, as the natural and fundamental unit of the society (Egypt).	<b>3</b>
	Benchmark	See 120.24	

## VII. Cross-Cutting (Ombudsman; National Action Plan; Cooperation with Civil Society)

### Implementation of Received Recommendations Assessed by Civil Society on Cross-Cutting Issues



■ Recommendation is partially implemented ■ Recommendation is not implemented ■ Recommendation is fully implemented

*Out of received 8 recommendations:*

Fully implemented – 0 recommendation (0 percent)

Partially implemented – 3 recommendations (37 percent)

Not implemented – 5 recommendations (63 percent)

Pursuant to the Constitutional amendments of 2015, [the](#) new constitutional law on the Human Rights Defender (Ombudsman) was adopted in 2016. While the new law sets forth detailed regulations of the NPM's functions, immunities and operations, it gives rise to serious concerns in regard to efficiency and transparency of the NGOs' engagement in the NPM's work. Firstly, the law does not foresee a credible mechanism to ensure NGOs' cooperation with the NPM on equal standing. It leaves at the Ombudsman's discretion to engage NGOs in the NPM's work, stipulating that, as a NPM, Ombudsman can cooperate with NGOs or independent experts to receive professional assistance for NPM's work. It further states that the selected NGOs would conclude a contract with the Ombudsman and would be paid for their services from the state budget. This model of work would impede NGOs' meaningful participation in the monitoring of closed institutions and the prevention of torture and ill-treatment there.

Under the new regulations the cooperation with NGOs would be of "client-service provider" nature. Moreover, the omissions pointed out by the Venice Commission were not properly addressed in the Law, in particular the Defender "may engage independent specialists and representatives of non-government organizations, who gain the status of an expert of the National Preventive Mechanism". This does not, however, guarantee the institutional participation of NGOs in the NPM's work, because it leaves their participation at the Defender's discretion<sup>32</sup>.

The 2014-2016 Human Rights Strategy Action Plan was not effectively implemented by the Government. The Government has failed to ensure the civil oversight of the implementation of the actions, as required by the relevant Government decree. Moreover, the Government has failed to publish regular public reports on the implementation of the Action Plan.<sup>33</sup> Furthermore, the discussion of the 2017-2019 Human Rights Action Plan with civil society was not sufficiently effective and transparent. Firstly, most of the recommendations presented by NGOs were rejected by the authorized body without reasonable explanations. Secondly, the provisions on the Action Plan oversight mechanism were not shared with the NGOs in advance for their feedback.

<sup>32</sup> CDL-AD(2016)033, ARMENIA OPINION ON THE DRAFT CONSTITUTIONAL LAW ON THE HUMAN RIGHTS DEFENDER, Venice, 9-10 December 2016, Page 14, paragraph 63

<sup>33</sup> Report on implementation of the Human Rights Action Plan 2014-2016, Helsinki Citizens' Assembly Vanadzor; <http://hcav.am/publications/7-9-17-4/>

## Implementation of received recommendations on Cross-Cutting issues according to benchmarks developed by civil society

Grading: “1”: recommendation is fully implemented, “2”: recommendation is partially implemented, and “3”: recommendation is not implemented).

N	Recommendation and Its Status		Grade
1	120.29. Accepted	Allocate adequate financial resources for the Human Rights Defender and to ensure the continuity of work of the regional offices (Estonia).	2
	Benchmark	Adequate budgetary resources are allocated to the Human Rights Defender for ensuring the work of all of the existing regional offices of the Human Rights Defender and ensuring the opening of offices in all the regions.	
2	120.30. Accepted	Continue strengthening the mandate of the Human Rights Defender's office and extend its work to regions not yet covered by the institution as well as to fully and without delay implement the recommendations put forward by the Human Rights Defender (Finland).	3
	Benchmark	See 120.29.	
3	120.31. Accepted	Actively include civil society in the implementation of the Human Rights Strategy Action Plan 2014-2016 and create a formalized dialogue with the civil society to this effect, in order to provide for better monitoring of the implementation of the Action Plan (Sweden).	3
	Benchmark	An interagency commission for implementation of the National Human Rights Strategy and Action Plan has been formed and is effectively operating. At least once every six months, public discussions of the National Human Rights Strategy Action Plan are held with the participation of the responsible agencies and civil society, during which the results for the period and issues faced are presented and future steps and the scope of potential civil society support are discussed. The National Human Rights Strategy Action Plan is revised at the end of every year based on the results achieved during the year and an assessment of human rights issues that arose during the year.	
4	120.32. Accepted	Provide all appropriate human and material resources to implement the National Action Plan that the government adopted in February 2014 in order to achieve the rights of the vulnerable groups in the specified areas in the mentioned plan (United Arab Emirates).	3
	Benchmark	The reports presented by the agencies contain information on the material and non-material resources spent for the implementation of each action with funding from the state budget and other sources. Non-material resources include also an assessment of human resources and wage expenses. The implementation of no action has been postponed, and the inclusion of no measure in the National Human Rights Strategy Action Plan has been denied because of the inadequacy of financial or other non-material resources.	
5	120.33. Accepted	Take all measures in further implementing its National Human Rights Action Plan, in particular by allocating sufficient funding from the national budget (Indonesia).	3
	Benchmark	See 120.32	
6	120.43. Accepted	Elaborate additional measures to increase awareness of human rights culture (Lebanon).	2
	Benchmark	NGO participation is ensured in the early stages of the drafting of legal acts. Continued NGO participation in the public discussions is ensured, and exhaustive explanation of the reasons for rejecting the proposals made by NGOs is publicly available.	
7	120.44. Accepted	Build a true dialogue with civil society and engage NGOs in the decision-making process at all levels (Estonia).	2
	Benchmark	Drafts of legislative amendments and Government decrees of the Republic of Armenia (especially those adopted in the course of implementation of the National Human Rights Strategy Action Plan) are presented for public discussion both within the public councils adjunct to ministries, and with civil society organizations at large. The drafts are presented before their adoption, giving the NGOs sufficient time to present their proposals. The reviews and analyses underlying drafts are presented together with the drafts.	
8	120.45. Accepted	Submit all overdue reports to the relevant treaty bodies (Sierra Leone).	3
	Benchmark	ICCPR report is submitted.	

## APPENDIX

### CIVIL SOCIETY STATEMENTS RELEASED SINCE THE BEGINNING OF THE SECOND CYCLE OF UPR ARMENIA (AVAILABLE IN ENGLISH)

23/03/2018

#### STATEMENT

The judgment in the case of Jirayr Sefilyan and others was pronounced on 20 March 2018 at the Shengavit Seat (by judge Tatevik Grigoryan) of the General Jurisdiction Court of the City of Yerevan. Jirayr Sefilyan, the commander of the Shushi special military battalion, was convicted to the heaviest sentence—10 years and 5 months of imprisonment. Hovhannes Petrosyan, who collaborated with the law-enforcement bodies, received the most lenient sentence—2 years.

Gevorg Safaryan, member of the “Founding Parliament,” was convicted to 5 years and 5 months of imprisonment. Nerses Poghosyan, civil activist, father of three underage children, was convicted to 3 years and 6 months of imprisonment. Hrayr Topchyan and Sasunik Kirakosyan, heroes of the Artsakh war, as well as Galust Grigoryan, a duduk teacher, were each convicted to 3 years of imprisonment.

The trial that went on for about a year demonstrated the fabricated nature of the case. The fact is that the political persecution of Jirayr Sefilyan had begun years ago: he had been wiretapped since May 2014, on and off for over a year: according to the case materials, the National Security Service had been wiretapping Jirayr Sefilyan’s four telephone numbers, the Investigative Committee—three of his phone numbers, and the Police—two. This demonstrates that the political persecution was planned beforehand.

The examination of the physical evidence in the court was sufficient to understand how fabricated the charges were. Here is an incomplete list of the objects examined by the court: a rusty sword, two machine guns, 100 bullets, two wool blankets, yellow plastic helmets, a flag with the “Centenary without the Regime” inscription, flag poles, a megaphone, a Christmas tree, a military compass, discs with a “Jirayr Sefilyan” inscription, a notepad with a photo of the Garni temple, one dagger, a computer, and flyers that begin with the expression “Dear countrymen.”

As to the two machine guns and 100 bullets, Jirayr Sefilyan’s relationship to them was not substantiated during the trial: the only indirect evidence of it in the whole criminal case file is Hrayr Topchyan’s testimony, which he recanted in court, stating that his earlier testimony had been imposed on him by the pre-trial investigation authority under the threats.

We hereby state that this is nothing but persecution of an opposition political force—the “Founding Parliament,” indicating an encroachment against political activity. It would, thus, be naive to speak of a fair trial under these circumstances. The responsibility for this political vendetta is born by those who gave the order, as well as those carrying it out, including the judges, investigators, prosecutors, and police officers.

We have recognized and do recognize Jirayr Sefilyan and others as political prisoners.

We address the international community inside Armenia and outside our country, stating that there are political prisoners in Armenia, who are persecuted for their political ideas through criminal sentences and lengthy prison terms.

We, the human rights organizations, declare that we shall exert every effort for the freedom of not only Jirayr Sefilyan, Gevorg Safaryan, Nerses Poghosyan, Hrayr Topchyan, Sasunik Kirakosyan, and Galust Grigoryan, but also all of our other fellow citizens wrongfully detained and convicted.

Helsinki Committee of Armenia Human Rights Defender NGO  
Armenian Innocent Project HRDO  
Helsinki Citizens’ Assembly–Vanadzor  
“Asparez” Journalists’ Club  
Transparency International Anti-Corruption Center  
Open Society Foundations-Armenia  
Yeghegnadzor Youth Civic Center  
Social Justice NGO  
New Generation Humanitarian NGO  
Peace Dialogue NGO  
Hrazdan Youth Civic Center  
Public Information and Need of Knowledge (PINK-Armenia) NGO  
Helsinki Association  
Protection of Rights without Borders NGO  
Women’s Rights Center NGO  
Ejmiatsin Branch of Association of Women with University Education  
Real World, Real People NGO

Free Citizen NGO  
Armavir Youth Civic Center  
Khoran Ard Intellectual NGO  
*Armenian Constitutional Right-Protective Center* NGO  
Foundation Against the Violation of Law NGO  
Yerevan Press Club  
Women's Resource Center  
Analytical Centre on Globalization and Regional Cooperation  
Journalists for Human Rights NGO  
Women's Support Center NGO  
Gavar Youth Civic Center  
Vanadzor Youth Civic Center  
Hrazdan Youth Civic Center  
My Human Rights Defender NGO  
Committee to Protect Freedom of Expression NGO  
Institute of Public Policy NGO  
Europe in Law Association NGO  
Narine Galstyan

## STATEMENT

On March 16, 2018, during the Session of the Standing Committee on Science, Education, Culture, Youth and Sport of the RA Parliament the draft law on Higher Education (hereafter, Draft) was approved and suggested to include in the agenda of upcoming parliament session on March 20. The Standing Committee also decided to discuss the Draft with a special procedure, organizing the second hearings after the first hearings in 24 hours.

Since 2013 authoritative organizations, such as the World Bank, the Council of Europe, and the Open Society Foundations – Armenia, as well as many individual experts and scholars have repeatedly underlined the necessity of adopting a new law on Higher Education in their research studies. This was justified in terms of a number of pressing issues in the system, such as higher education quality improvements, including through the development of effective quality assurance mechanisms, eliminating of the executive control over the higher education system, considering the issue of conflicts of interest, and enhancing academic integrity.

However, the Draft, posted on [www.e-draft.am](http://www.e-draft.am) (The unified website for publication of drafts of legal acts) for a public discussion on 1 December 2017, and subsequently endorsed by the Republic of Armenia Government on 18 January 2018, does not adequately address the problems in its current form and in a way makes possible even more profound control of the system by the executive. For instance, the Draft provides for an exclusive power to the prime minister to approve the composition of governing boards of all public universities in Armenia. In that it contradicts the recommendations of the mentioned research projects, and the European Higher Education Area criteria.

Also, the member of the parliament has suggested supplementing the Draft with the new provision that allows membership for the political position holders into the governing boards of the universities (1-2 out of 10-20 members). This provision contradicts to the anti-corruption action plan provisions adopted by the RA government's decision from January 18, No 133-N, according to which, persons with political positions cannot be a members of the governing boards of universities.

The Draft contains other problematic provisions, including a provision on having only 10% presentation of students in public university governing boards, the inadequacy of mechanisms for safeguarding students' rights, the limitation of the authorities of university academic councils in the decision-making process, the absence of a key component of the learning process – formation of critical thinking, the vague and problematic definition of scientific, pedagogical, educational, civil position, and patriotic notions, the absence of appropriate provisions on conflicts of interest, the lack of provisions on non-discrimination on any ground, and a number of other issues. The draft does not provide the opportunity for full realization of the right to the high-quality higher education to people with different types of disabilities.

We hereby express our concern about the presented Draft and urge the National Assembly of RA not to adopt the Draft in its current form but form a commission comprising the stakeholder sector, individual experts, and organizations, in order to improve all the problematic provisions mentioned above.

The statement has been signed by the following organizations and individuals:

Open Society Foundations – Armenia  
 Institute of Public Policy NGO  
 A.D.Sakharov Armenian Human Rights Protection Center NGO  
 "Agate" NGO for Women with Disabilities NGO  
 Center for Rights Development NGO  
 Colorful House Social, Cultural and Human Rights NGO  
 "Compass" Research, Training and Consultancy Center NGO  
 Ejmiatsin Branch of Association of Women with University Education  
 For Equal Rights NGO  
 "For Sustainable Human Development" Association  
 Foundation Against the Violation of Law NGO  
 Helsinki Association NGO  
 Helsinki Citizens' Assembly Vanadzor Office NGO  
 Helsinki Committee of Armenia NGO  
 "Khazer" Environmental and Cultural NGO  
 My Human Rights Defender NGO  
 New Generation Humanitarian NGO  
 Peace Dialogue NGO  
 Protection of Rights without Borders NGO  
 Public Information and Need of Knowledge NGO  
 Real World, Real People NGO  
 Spiritual Armenia  
 "Tookhmanook" NGO  
 Transparency International Anticorruption Center  
 Union of Informed Citizens  
 Women's Support Center NGO  
 Anahit Bakhshyan  
 Gemafin Gasparyan

Serob Khachatryan  
Misha Tadevosyan  
Karen Tumanyan, Attorney

## STATEMENT

### We demand fair and effective investigation of hate crime

Two incidents of hate crimes were committed in Yerevan on the grounds of the victims' sexual orientation and gender identity during the past month. The incidents caused multiple physical injuries and significant emotional distress to the victims.

On February 27, 2018 a transgender woman was beaten in her apartment, and then her apartment was set on fire. Consequently, she was hospitalised, fell into a coma, and regained consciousness on the fourth day of hospitalisation. Then, on April 1, 2018, a 15-year-old boy was stabbed in downtown Yerevan by a 35-year-old man who suspected that the boy is a 'faggot.' The boy was hospitalised with penetrating wounds of the chest and pelvis. **In both cases, the predators were released from the police office on the condition that they would not leave Armenia.**

These crimes are the consequences of the indifference of Armenian law enforcement agencies, the hate propaganda by the Armenian government officials and the biased decisions of the jurisprudence systems. As a result, people who are full of hateful thoughts and behaviour towards lesbian, gay, bisexual and transgender individuals, have the mindset that their actions are above the Law and they will have the support of law enforcement agencies and remain unpunished. Moreover, we presented evidence of comments threatening to kill or injure LGBT individuals on social media as well as evidence of a crime already conducted against LGBT individuals, which remained non-investigated 'due to lack of criminality or inability to find the victim.' Comments on social media indicate people's desire to injure LGBT individuals or heroise the person who committed the crime. This proves that hate propaganda and State inactivity put the lives of anyone associated with the LGBT community in danger.

Hence, we, the members of the undersigned organisations, express our deep concerns about the above-mentioned hate crimes as well as the unfair and biased investigation of these incidents by Armenian authorities. We demand full and unbiased investigation and conviction of the predators. Moreover, we demand the Armenian Law Enforcement agencies to:

- Conduct full, comprehensive and objective investigations of these crimes based on the principles of equality and fair trials for all citizens,
- Convict the predators according to legislation,
- Implement and conduct appropriate statistical analysis about the incident of hate crimes,
- Take all the appropriate measures to efficiently prevent and/or punish hate crimes based on sexual orientation and gender identity in the future,
- Adopt appropriate strategies to reduce hate speech and hate propaganda against LGBT individuals.

PINK Armenia  
 New Generation Humanitarian NGO  
 Real World, Real People NGO  
 Society Without Violence NGO  
 Center for Legal Initiatives NGO  
 Bekum NGO  
 Women's Resource Center NGO  
 Women's Support Center NGO  
 Helsinki Citizens' Assembly Vanadzor  
 Open Society Foundation-Armenia  
 Media Initiatives Center  
 "Asparez" Journalists Club  
 Yerevan Press Club  
 Human Rights House Yerevan  
 Women's Rights Center NGO  
 Disability Info NGO  
 Spitak Helsinki Group  
 Peace Dialogue NGO  
 Sexual Assault Crisis Center  
 My Lawyer NGO  
 Helsinki Committee of Armenia  
 Free Citizen NGO  
 Journalists for Human Rights NGO  
 Human Rights Power NGO  
 Helsinki Association NGO  
 Non-discrimination and Equality Coalition  
 Coalition to Stop Violence against Women  
 Human Rights Research Center NGO  
 Protection of Rights without Borders NGO  
 Colorful House Social-Cultural and Human Rights Defender NGO





## STATEMENT

Approaches of “Partnership for Open Society” Initiative

Regarding

### COMPREHENSIVE AND EXTENDED PARTNERSHIP AGREEMENT

To Be Signed between the European Union and the Republic of Armenia

Highlighting the importance of establishment and strengthening of public trust towards the activity of the state, as well as the European Union, “Partnership for Open Society” Initiative (hereinafter Partnership) welcomes the publication of the text of the Agreement.

#### ***The Partnership:***

- Highlights the importance of the publication of the text of the Agreement as a first necessary step for ensuring accountability, public and transparent activity, and expresses a hope that after signing the agreement this principle will be consistently kept during the entire period of implementation of the provisions of the Agreement.
- Considers the publication of the text of the Agreement as a crucial prerequisite for public awareness and establishment of public demand with regards to the implementation of the provisions of the Agreement.
- Values the bilateral commitment in the Agreement to foster the development of cooperation in freedom, security and justice-related fields.
- Considers the emphasis on human rights and fundamental freedoms, consolidation of the rule of law, fight against corruption as important landmarks highlighted in the Agreement.
- Expects that the parties will make adequate efforts in order to bring the text of the Agreement to life.
- Highly appreciates the willingness of the Agreement parties to establish a dialogue and cooperation with the civil society as an indispensable part of the Agreement to be signed between the European Union and the Republic of Armenia.
- Is willing to use its experience, capabilities in the establishment and activity of the Civil Society Platform envisaged by the Agreement as a platform for civil society participation in the implementation of the Agreement.

Based on both positive and negative experience of the civil society in establishing cooperation with international and national state institutes, its success and failures, “Partnership for Open Society” Initiative expects that the Civil Society Platform will not have a merely formal nature, but a real and substantial participation in the process of implementation of the Agreement.

Based on the aforementioned, the Partnership states that:

- It will make every effort in the organization of public awareness-raising campaigns regarding the content and provisions of the Agreement, and dissemination of information regarding the topics of the Agreement among the public,
- Expects substantial, professional level of attendance and participation by the representatives of the state and the EU Delegation in public awareness-raising events related to different thematic topics of the Agreement.

Helsinki Committee of Armenia Human Rights Defender NGO  
 Helsinki Citizens' Assembly–Vanadzor  
 Protection of Rights without Borders NGO  
 Union of Informed Citizens NGO  
 Analytical Centre on Globalization and Regional Cooperation  
 Open Society Foundations-Armenia  
 Collaboration for Democracy Centre  
 Committee to Protect Freedom of Expression  
 Public Information and Need of Knowledge NGO (PINK-Armenia)  
 Journalists' Club “Asparez”  
 Ijevan Civic Youth Center  
 Artashat Civic Youth Center  
 Yeghegnadzor Civic Youth Center  
 Gavar Civic Youth Center  
 Hrazdan Civic Youth Center  
 New Generation Humanitarian NGO  
 Transparency International Anti-Corruption Center  
 Peace Dialogue NGO  
 Fund against Violations of Law NGO  
 Women's Support Center  
 Public Journalism Club  
 Arevamanuk Foundation

Ecolur Informational NGO  
"Sose Women's Issues" NGO  
"Agate" center for women with special needs NGO  
Caucasus Research Resource Center-Armenia  
Karen Tumanyan, Attorney

## STATEMENT

On January 16, 2016 Gevorg Safaryan, a member of the “New Armenia” political bloc, was sentenced to two years imprisonment after approximately a year-long lawsuit. On December 31, 2015 He and several other activists tried to put up a Christmas tree in the Freedom Square of Yerevan. The police reacted to their action with brutal force and arrested four of the activists on January 1, 2016. Gevorg Safaryan was one of them, but unlike the others he was apprehended for using force against a representative of the Armenian Police based on the 316<sup>th</sup> article of the Criminal Code of the Republic of Armenia. The court decision regarding Gevorg Safaryan’s case once again emphasized how politicized the judicial system of Armenia is and showcased that Armenia has prisoners of conscience. The content of the court decision, which was announced by judge Mnatasakan Martirosyan, was predictable considering Gevorg Safaryan’s noticeable struggle against injustice, frequent participation in different assemblies, and severe criticism toward the government. It is noteworthy, that Mr. Martirosyan is known for his harsh punishments towards people with certain political and civic views.

The court decision made in the beginning of the year indicates that before the upcoming elections this is the way the incumbent government shows its approach towards civic activist, who attempt to establish real democracy in the country.

We, the undersigned civic organizations and individuals, view the court verdict for as authorities vendetta Gevorg Safaryan for harsh criticism of them, consider Gevorg Safaryan as a prisoner of conscious 's and demand his immediate release.

Helsinki Committee of Armenia Human Rights Defender NGO  
Helsinki Citizens’ Assembly–Vanadzor  
Open Society Foundations-Armenia  
“Asparez” Journalists’ Club  
Union of Informed Citizens NGO  
Analytical Centre on Globalization and Regional Cooperation  
Committee to Protect Freedom of Expression  
Collaboration for Democracy Centre  
Ecolur Informational NGO  
“Sose Women’s Issues” NGO  
Peace Dialogue NGO  
Artashat Civic Youth Centre  
Women’s Support Center  
For Equal Rights NGO  
Article 3 Club  
Yerevan Center for Protection of Human Rights NGO  
Boundaries of Our Rights NGO  
Foundation Against the Violation of Law NGO  
Women’s Rights Center NGO  
Transparency International Anticorruption Center  
Ecological Right NGO  
LogoS Human Rights Defence NGO  
Helsinki Human Rights Group of Spitak NGO  
New Generation Humanitarian NGO  
Ani Aghagyulyan, High School of Economics, Master's Degree Student  
Karen Tumanyan, Attorney  
Tigran Hayrapetyan, Attorney

## STATEMENT

### Civil Society Demands to Stop Hindering the Activities of Advocates

Civil society is highly concerned over the incidents of hindering the professional activities of (including exertion of violence upon) advocates in the “Daredevils of Sassoun” members’ case, the “Jirayr Sefilian and Friends” case, and the “Nork Armed Group” case.

In collaboration with the judiciary, law-enforcement agencies intervene in the activities of advocates, thereby restricting their ability to effectively defend the rights of persons having the status of defendants, which results in violating the persons’ right to a fair trial. Although intervening in the professional activities of an advocate is a crime, no one is being held liable for it. Such hindering continues in all the court sessions within these cases, and is expressed in the form of cruel beating clients in close proximity to their advocates, taking away the advocate-client correspondence in the courtroom, violence exerted by police officers, arbitrary examinations by court bailiffs, arbitrary imposition of judicial sanctions by judges, and restricting the freedom of expression of advocates.

The more worrying are **the cases of violence exerted** by police officers upon advocates: on 28 June, police officers exerted violence on advocates Lusine Sahakyan and Ara Zakaryan, as they were not allowed to reach the police station in order to provide legal assistance to an ally of the “Daredevils of Sassoun,” who had been apprehended from the vicinity of the courthouse.

Court bailiffs have been unlawfully and arbitrarily demanding **to examine** the advocates acting as defenders in those cases prior to allowing them into the courtroom, although such examinations were never carried out in the past. During the examinations, the advocates are demanded in public to empty and show the content of their pockets and bags. Although the Judicial Department considers this measure to be “examinations of the person” as prescribed by the Judicial Code, the community of advocates believes that it is an unlawful search. Moreover, the examination is carried out with a view to discovering potentially prohibited items, while no legal act defines a list or description of prohibited items.

In the court sessions of the aforementioned cases, **judicial sanctions** are arbitrarily imposed on the advocates: the sanctions target advocates that have uttered criticism of the independence and impartiality of the court. When deciding upon the imposition of a judicial sanction, the judge does not allow the advocate to present any objections. Judicial sanctions are also imposed on lawyers when they refuse to be examined (i.e. undergo a *de-facto* search) prior to entering the courtroom, or leave the courtroom without the judge’s permission. As to the former, advocates refusing to be examined are not allowed to enter the court, which is viewed as a failure to obey a lawful demand of the court bailiff, based on which an application is sent to the Chamber of Advocates, requesting to discipline the advocate. As to the latter, a judicial sanction is imposed on advocates, who leave the courtroom without the judge’s permission. The advocates in these cases insist, however, that their clients have not authorized them to be present at the court session in the absence of such clients; hence, when their clients are removed from the courtroom, they, too, leave the courtroom—acting as instructed by the clients.

Civil society representatives are concerned that, by imposing judicial sanctions on individual advocates, judges are trying to replace them with public defenders that will collaborate with the authorities and will not ensure proper protection of the defendants in such politically-sensitive cases, thereby **depriving the defendants of their right to defense through lawyers of their choosing.**

A serious concern is caused by the fact that the Chairman of the Chamber of Advocates of the Republic of Armenia, acting on the basis of **applications by state officials of the Republic of Armenia, has initiated disciplinary proceedings** against advocates Arayik Papikyan and Mushegh Shushanyan, both of whom are advocates in the aforementioned cases. The Chairman of the Chamber of Advocates of the Republic of Armenia initiated disciplinary proceedings against Mr. Papikyan based on an application by the Head of the General Prosecution Office Department for Supervision of Cases of Cybercrime and Drug Trafficking Investigated in National Security Bodies of the Republic of Armenia, with respect to some language used by Mr. Papikyan in a Facebook post on 29 June 2017.<sup>34</sup> Disciplinary proceedings against Mr. Shushanyan were initiated on the basis of an application by Vladimir Gasparyan, Chief of Police of RA, with respect to some expressions used by him about the Police Chief in an interview with Radio Liberty.<sup>35</sup> These and similar cases pursue the aim of silencing advocates by using the Chamber of Advocates as a stick.

**The right to a fair trial is inextricably bound to the constitutional right to receive legal aid, hence, obstruction of the advocates’ professional activities violates the right to a fair trial. In view of the foregoing, we demand:**

*From the relevant state bodies of the Republic of Armenia:*

To hold to account all the judges, court bailiffs, and police officers that hindered the professional activities of advocates.

*From the Police:*

To cease any interference in the professional activities of advocates, and to initiate criminal cases into all instances of hindering and exerting violence.

*From the Judicial Department:*

To cease the arbitrary and unlawful searches of advocates, and to organize measures of public security in accordance with the procedure stipulated by law.

<sup>34</sup> [http://advocates.am/images/nakhagahi\\_voroshumner/2017/voroshum-196-KG-17049-harucum-Arayik\\_Papikyan.pdf](http://advocates.am/images/nakhagahi_voroshumner/2017/voroshum-196-KG-17049-harucum-Arayik_Papikyan.pdf)

<sup>35</sup> [http://advocates.am/images/nakhagahi\\_voroshumner/2017/voroshum-195-KG-17048-harucum-Mushegh\\_Shushanyan.pdf](http://advocates.am/images/nakhagahi_voroshumner/2017/voroshum-195-KG-17048-harucum-Mushegh_Shushanyan.pdf)

*From the Chamber of Advocates:*

To undertake a more effective and independent role in protecting the interests of advocates, and to carry out a detailed investigation into the lawfulness and reasoning of all applications requesting to discipline the advocates.

The Statement is signed by:

Biosophia NGO  
Analytical Center for Globalization and Regional Cooperation NGO  
Yerevan Press Club  
Transparency International Anti-Corruption Center  
“Asparez” Club of Journalists  
“Europe in Law” Union  
Educational Center “For Equal Rights” NGO  
Helsinki Committee of Armenia  
Helsinki Citizens' Assembly Vanadzor Office  
Armenian Constitutional Right-Protective Center NGO  
Journalists for Human Rights  
Union of Informed Citizens  
Protection of Rights without Borders NGO  
Khoran Ard NGO  
Committee to Protect Freedom of Expression  
“New Generation” Humanitarian NGO  
“Need for Public Information and Knowledge” NGO  
Society without Violence NGO  
Open Society Foundations-Armenia  
Ijevan Civil-Youth Center  
Logos Human Rights NGO  
Helsinki Association  
“Spitak Helsinki Group” Human Rights NGO  
Center for Economic Rights  
Vanadzor Civil Youth Center  
Ara Gharagyozyan, advocate  
Karen Tumanyan, advocate  
Hrach Kocharyan, advocate  
Tigran Hayrapetyan, advocate  
Hayk Alamyanyan, advocate

## STATEMENT

### Civil Society Demands an Investigation into the Fact of Organized and Mass Abuse of Administrative Resources

On 24 March 2017, the Union of Informed Citizens NGO (“UIC”) exposed<sup>36</sup> outrageous abuse of public and administrative resources for the benefit of the Republican Party of Armenia (“RPA”) during the Republic of Armenia National Assembly election campaign by staff of a number of community and district municipalities and regional government offices of the Republic of Armenia, in abuse of official position and by means of engaging principals of 114 educational institutions.

Principals of 30 kindergartens and 84 schools, resorting in some cases to intimidation, enlisted voters, staff, and parents, and by recording their personal data, preached voting for the incumbent political force, subsequently transferring the lists to state and municipal officials that were members of the RPA, as well as to RPA’s campaign headquarters.

To date, law-enforcement authorities have neither initiated a criminal case nor carried out an investigation. They have not given a legal assessment of either the abuse and/or exceeding of official authority by officials of administrative bodies for the purpose of abusing administrative resources, or the alleged exertion of influence for pecuniary purposes and for administering mob law.

Instead, continuing to abuse the administrative resources, the power forced 30 principals of educational institutions to file court claims against D. Ioannisyan and the UIC, each demanding two million drams as compensation of moral damage for the alleged defamation suffered by them, in addition to demanding refutation.

It is noteworthy that, the Special Investigative Service of the Republic of Armenia has failed to initiate a criminal case into the leakage of certain information concerning the private and family life of D. Ioannisyan and his family members, to which only the Police could have had access, although D. Ioannisyan filed a crime report back on 28 March 2017.

The filing of the principals’ defamation and refutation court claims against D. Ioannisyan and the UIC was preceded by a threat by A. Ashotyan, RPA Vice-President, that UIC would be stripped of the right to carry out an election observation mission,<sup>37</sup> as well as the statement by Artak Zakaryan, member of the National Assembly of the Republic of Armenia, member of the RPA faction, that D. Ioannisyan was acting in violation of law when carrying out the investigation concerned, as well as Ashotyan’s statement supporting the filing of the court claim, all of which testify that the RPA’s political leaders have decided to punish D. Ioannisyan and the UIC for exposing the fact of organized and mass abuse of administrative resources.

It is obvious that the Armenian authorities are trying to implement a public act of punishment against a human rights defender and human rights organization that exposed the violations of voting rights of Armenian citizens, as an instrument for safeguarding the impunity system that has formed in the Republic of Armenia, as a warning to all citizens and NGOs and civic initiatives that may try to adopt the stance of a rights-demanding citizen.

We commend the efforts exerted by D. Ioannisyan and the UIC to expose the abuse of public resources and trust and demand that the Armenian authorities:

- Immediately stop the political persecution against D. Ioannisyan and the UIC;
- Immediately investigate the abuse of administrative resources by officials of administrative bodies; and
- Terminate the abuse of educational institutions for political purposes, which results in discrediting the education system—a key institution of the state.

We call upon citizens, the mass media, non-governmental organizations, political parties, foundations, and civic initiatives to support the defense of D. Ioannisyan and the Union of Informed Citizens NGO.

#### Others may join this Statement.

Asperez Club of Journalists  
Helsinki Citizens Assembly Vanadzor Office  
Armenia Helsinki Committee  
Open Society Foundations-Armenia  
Martuni Women's Community Council NGO  
Transparency International Anti-Corruption Center  
Protection of Rights without Borders NGO  
Women’s Resource Center Armenia  
Committee to Protect Freedom of Expression  
Information Center for Rights NGO  
Yerevan Press Club  
“Sose Women’s Issues” NGO  
LogoS Human Rights Defence NGO  
Real World, Real People NGO  
Helsinki Human Rights Group of Spitak NGO

<sup>36</sup> <http://sut.am/archives/803>

<sup>37</sup> <http://politik.am/%D5%A1%D6%80%D5%B4%D5%A5%D5%B6-%D5%A1%D5%B7%D5%B8%D5%BF%D5%B5%D5%A1%D5%B6%D5%A8-%D5%A4%D5%BA%D6%80%D5%B8%D6%81%D5%AB-%D5%BF%D5%B6%D6%85%D6%80%D5%A5%D5%B6%D5%B6%D5%A5%D6%80%D5%AB-%D5%B1%D5%A1%D5%B5/>

Regional Development and Research Center NGO  
Biosophia NGO  
Analytical Center for Globalization and Regional Cooperation  
Women's Support Center  
Yerevan Center for Protection of Human Rights NGO  
Boundaries of Our Rights NGO  
Blejan environmental, social and business NGO  
A.D.Sakharov Armenian Human Rights Protection Center NGO  
Public Information and Need of Knowledge NGO (PINK-Armenia)  
For Equal Rights NGO  
Ecological Rights NGO  
Human Rights House Yerevan  
Yeghegnadzor Civic Youth Center  
Investigative Journalists NGO  
Helsinki Association  
International Center for Human Development  
Khoran Ard Intellectual NGO  
Women's Rights Center NGO  
Institute of Public Policy NGO  
Collaboration for Democracy Centre  
Armavir Civic Youth Center



## STATEMENT

### **We condemn the grave violation of the Daniel Ioannisyan's right to a private and family life**

The findings published by the Union of Informed Citizens NGO concerning organized and widespread abuse of administrative resources for the benefit of the ruling Republican Party of Armenia during the campaign for the Republic of Armenia National Assembly election on 2 April 2017 cast doubt on the eligibility of the ruling Republican Party of Armenia to participate in the upcoming parliamentary election.

Two days after publishing the NGO's findings, which resonated intensively with society, a news website published data concerning the private and family life of Daniel Ioannisyan, a representative of the said organization. This was data that was available only to the Republic of Armenia Police and Investigative Committee and could not be disclosed to anyone other than Daniel Ioannisyan.

The published information on Daniel Ioannisyan's person and family was prepared solely by the Republic of Armenia Police, serving as a basis for rendering decisions that may not be published, as they had to be protected under the law on protection of personal data. Spreading information on private life is also in violation of Article 144 of the Republic of Armenia Criminal Code and Articles 8 and 14 of the European Convention on Human Rights.

Thus, the publication of Daniel Ioannisyan's personal data, which is protected by law, is above all a grave interference with his personal life, which is aimed at exerting pressure personally on Daniel Ioannisyan, because he was the one who published the findings of the Union of Informed Citizens NGO. This is also an explicit act of pressure on the activities of a non-governmental organization.

The fact that one non-governmental organization was able to shed light on the organized and widespread abuse of administrative resources is indicative of not only the inability of law-enforcement agencies in discovering encroachments upon the electoral system—a key institution of a democratic state, but also the direct involvement of law-enforcement agencies in the persecution of a citizen who exposes a state crime.

This style of behavior is typical only of a police state toolkit, incompatible with the principles of democracy and the rule of law, aimed at silencing a citizen and discrediting his civil activity, and inconsistent with the assurances made at the highest levels about conducting free and fair elections.

We, the undersigned organizations:

- Severely deplore the grave violation of Daniel Ioannisyan's rights and the obvious pressure on the activities of the Union of Informed Citizens NGO;
- Demand immediately stopping their political persecution; and
- Demand the Office of the Prosecutor General and the Special Investigative Service of the Republic of Armenia to initiate a criminal case and to find and punish the law-enforcement representatives that unlawfully disclosed to third parties the personal data of a representative of a non-governmental organization.

*This statement is open for joining.*

Armavir Development Center  
Armavir Civic Youth Center  
Artashat Civic Youth Center  
Arevamanuk Foundation  
Open Society Foundations-Armenia  
Biosophia NGO  
Analytical Center for Globalization and Regional Cooperation  
Yeghegnadzor Civic Youth Center  
Yerevan Press Club  
Ecological Rights NGO  
EcoLur Information NGO  
Fund against Violations of Law NGO  
Transparency International Anti-Corruption Center  
Journalists' Club "Asparez"  
Ijevan Civic Youth Center  
Protection of Rights without Borders NGO  
Information Center for Rights NGO  
LogoS Human Rights Defence NGO  
Journalists for the Future NGO  
Lukashin Agricultural Association  
Dialogue for Peace NGO  
Committee to Protect Freedom of Expression  
Khoran Ard Intellectual NGO  
Women's Support Center  
Women's Resource Center Armenia  
Cooperation for Democracy Center  
Helsinki Committee of Armenia Human Rights Defender NGO  
Public Journalism Club  
Public Information and Need of Knowledge NGO (PINK-Armenia)  
For Equal Rights NGO  
Helsinki Citizens' Assembly Vanadzor

Caucasus Research Resource Center – Armenia Foundation  
Hrazdan Civic Youth Center  
International Center for Human Development  
Martuni Women's Community Council NGO  
Media Initiatives Center  
New Generation Humanitarian NGO  
Vanadzor Civic Youth Center  
50/50 Civil Initiative NGO

## STATEMENT

Lamberto Zannier  
 Secretary General  
 Organization for Security and Co-operation in Europe (OSCE)  
 Wallnerstrasse 6  
 A-1010 Vienna  
 Austria

### On the Possible Closure of the OSCE Office in Yerevan

Your Excellency Mr. Zanier,

The OSCE Office in Yerevan (hereafter also referred to as the Office) has been established based on the July 22, 1999 decision of the OSCE Permanent Council and started its operation on February 16, 2000 after the National Assembly of the Republic of Armenia ratified the memorandum of understanding signed between OSCE and the Armenian Ministry of Foreign Affairs. The Office is one of the key European institutions in the country. For many years it has played a vital role in prioritizing human rights principles in the work of the newly established political institutions of the Republic of Armenia.

Hereby we the undersigned civic organizations of the Republic of Armenia express our concern regarding the statements in the media on the possibility of closing the OSCE Office in Yerevan. It will cause significant damage to the development of democratic institutions and the promotion of human rights in Armenia, where tangible breakthroughs have been achieved due to the work of the Office. Currently, it is one of the key actors in Armenia that manages to push forward democratic values in the agendas of the government.

It is noteworthy that the Office has had a significant impact on the adoption of respective standards for conducting democratic elections in Armenia. Besides, it has actively monitored the implementation of these standards and provided recommendations for further improvements. Nowadays, its work is immensely important due to the upcoming parliamentary elections in and the challenges that Armenia currently faces.

Finally, Armenian civil society institutions attach great importance to the active support of the OSCE Office in Yerevan to the work of civic organizations in the field of democratic institutions and human rights, specifically regarding law enforcement agencies, armed forces, and reforms on electoral processes. The latter has had much impact in shaping this sector. It has supported these organizations to tackle various issues more effectively and advocate for necessary government reforms in Armenia.

Considering the importance of the work that the OSCE Office in Yerevan does, we want to emphasize that its closure will hinder the process of building democratic institutions in the country. The Office is much needed in Armenia.

"Agate" center for women with special needs NGO  
 Analytical Centre on Globalization and Regional Cooperation  
 Armenian Constitutional Right - Protective Centre (ACRPC) NGO  
 "Asparez" Journalists' Club  
 "Bambir" Cultural NGO  
 Caucasus Research Resource Center-Armenia Foundation  
 Collaboration for Democracy Centre  
 Committee to Protect Freedom of Expression  
 Ecolur Informational NGO  
 Economic Development and Research Center  
 Foundation Against the Violation of Law NGO  
 Gyumri Youth Civic Center  
 Helsinki Citizens' Assembly–Vanadzor  
 Helsinki Committee of Armenia Human Rights Defender NGO  
 Hrazdan Youth Civic Center  
 Ijevan Youth Civic Center  
 International Center for Human Development  
 Journalists for the Future NGO  
 Lori Citizens Union BNGO  
 Media Initiatives Center  
 Meghri Women's Resource Center NGO  
 "Mission Armenia" NGO  
 "National Center for Legal Researches" NGO  
 New Generation Humanitarian NGO  
 Open Society Foundations-Armenia  
 OXFAM in Armenia  
 OxYGen Foundation for Protection of Youth and Women's Rights  
 Partnership and Teaching/P&T NGO  
 Peace Dialogue NGO  
 Protection of Rights without Borders NGO  
 Public Journalism Club

Real World, Real People NGO  
Rights Information Center NGO  
Transparency International Anti-Corruption Center  
Union of Informed Citizens NGO  
Unison NGO for Support of People with Special Needs  
Vanadzor Youth Civic Center  
Women's Development Resource Center Foundation  
Women's Resource Center  
Women's Rights Center NGO  
Yeghegnadzor Youth Civic Center  
Yerevan Press Club  
Davit Gevorgyan, Director of YSU Center of Applied Psychology

## STATEMENT

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Principals of 30 kindergartens and 84 schools, resorting in some cases to intimidation, enlisted voters, staff, and parents, and by recording their personal data, preached voting for the incumbent political force, subsequently transferring the lists to state and municipal officials that were members of the RPA, as well as to RPA’s campaign headquarters.

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It is obvious that the Armenian authorities are trying to implement a public act of punishment against a human rights defender and human rights organization that exposed the violations of voting rights of Armenian citizens, as an instrument for safeguarding the impunity system that has formed in the Republic of Armenia, as a warning to all citizens and NGOs and civic initiatives that may try to adopt the stance of a rights-demanding citizen.

We commend the efforts exerted by D. Ioannisyan and the UIC to expose the abuse of public resources and trust and demand that the Armenian authorities:

- Immediately stop the political persecution against D. Ioannisyan and the UIC;
- Immediately investigate the abuse of administrative resources by officials of administrative bodies; and
- Terminate the abuse of educational institutions for political purposes, which results in discrediting the education system—a key institution of the state.

We call upon citizens, the mass media, non-governmental organizations, political parties, foundations, and civic initiatives to support the defense of D. Ioannisyan and the Union of Informed Citizens NGO.

Others may join this Statement.

Asperez Club of Journalists  
 Helsinki Citizens Assembly Vanadzor Office  
 Armenia Helsinki Committee  
 Open Society Foundations-Armenia  
 Martuni Women's Community Council NGO  
 Transparency International Anti-Corruption Center  
 Protection of Rights without Borders NGO  
 Women’s Resource Center Armenia  
 Committee to Protect Freedom of Expression  
 Information Center for Rights NGO  
 Yerevan Press Club  
 “Sose Women’s Issues” NGO  
 LogoS Human Rights Defence NGO  
 Real World, Real People NGO  
 Helsinki Human Rights Group of Spitak NGO

<sup>38</sup> <http://sut.am/archives/803>

<sup>39</sup> <http://politik.am/%D5%A1%D6%80%D5%B4%D5%A5%D5%B6-%D5%A1%D5%B7%D5%B8%D5%BF%D5%B5%D5%A1%D5%B6%D5%A8-%D5%A4%D5%BA%D6%80%D5%B8%D6%81%D5%AB-%D5%BF%D5%B6%D6%85%D6%80%D5%A5%D5%B6%D5%B6%D5%A5%D6%80%D5%AB-%D5%B1%D5%A1%D5%B5/>

Regional Development and Research Center NGO  
Biosophia NGO  
Analytical Center for Globalization and Regional Cooperation  
Women's Support Center  
Yerevan Center for Protection of Human Rights NGO  
Boundaries of Our Rights NGO  
Blejan environmental, social and business NGO  
A.D.Sakharov Armenian Human Rights Protection Center NGO  
Public Information and Need of Knowledge NGO (PINK-Armenia)  
For Equal Rights NGO  
Ecological Rights NGO  
Human Rights House Yerevan  
Yeghegnadzor Civic Youth Center  
Investigative Journalists NGO  
Helsinki Association  
International Center for Human Development  
Khoran Ard Intellectual NGO  
Women's Rights Center NGO  
Institute of Public Policy NGO  
Collaboration for Democracy Centre  
Armavir Civic Youth Center  
Public Journalism Club  
Society Without Violence NGO

## STATEMENT

### on the Drafting of the New Electoral Code of the Republic of Armenia

Taking into consideration that genuine reform of the electoral system is crucial for the democratic development of the Republic of Armenia;

In view of the violations and fraud committed in elections over the last 21 years and as recently as during the 2015 referendum; Comprehending the daunting challenges faced by our country and society; and

In light of the forthcoming elections;

We, a number of representatives of civil society, deem it necessary to present to the public and the authorities our concerns and recommendations related to the drafting and substance of the new Electoral Code.

1. It is vital to safeguard the transparency of the drafting of the new Electoral Code and the engagement of all interested civil society stakeholders and political parties. We believe that the complete transparency and participatory nature of these efforts are a condition *sine qua non* for genuine reform.
2. Introducing the following tools and solutions in the new Electoral Code is viewed inevitable for securing integrity and transparency of the electoral system, accountability of the process and opportunity to redress violated electoral rights should such violations occur:
  - i. No substantive progress in securing the integrity of the electoral process and increasing trust towards the institute of democratic elections among Armenian people is possible unless the state assumes a positive obligation to publish the list of citizens who voted. Introduction of E-voting alone, which is currently considered by the authorities, is not going to address violations, specifically that of ballot stuffing, which was routinely used at the last referendum and past elections. Hence, publication of the list of voters that voted is the most essential safeguard for the prevention of mass vote rigging. Introduced without such safeguard, the e-voting would become a controversial tool, as it might be ineffective and counterproductive in terms of wasting valuable resources.
  - ii. The Electoral Code shall provide for the posting of segregated lists of voters residing and not-residing in Armenia at the time of voting. Such lists shall be available and posted for each polling station ahead of the election.
  - iii. The law should acknowledge substantial deviations from the internationally accepted statistical pattern of fair elections as grounds for reasonable doubt in fairness of the vote and mandate a further investigation into fraud, stipulating recount in all such precincts where normal Gaussian distribution is distorted and has tails indicating ballot stuffing.
  - iv. The capacity for public oversight shall be extended in a number of ways to secure accountability of the vote and increase public trust in the process. First, the test-based accreditation of observers should be eliminated so as to preclude differentiated treatment of local and foreign observers, on the one hand, and to exclude undue restriction of observer rights, on the other. Furthermore, the authority of observation missions and observers should be broadened, allowing them to act as representatives of public interests who will have the right to appeal the voting results based on the reported violations.
  - v. As a positive obligation, the State should be required to install multiple video cameras (up to 5) in each polling station, with proper video-recording and live online broadcasting capacity. State authorities should also assume the obligation to archive such recordings and to store them as non-classified information. The Code shall provide for the admissibility of the footage as court evidence in case of alleged violations.
  - vi. As a positive obligation, the State should be required to ensure not only *de jure*, but also *de facto* gender equality between the elected candidates with a view to securing women's fully-fledged participation and representation in the legislative power. The extant 20% quota prescribed by Article 108 of the Electoral Code does not meet the UN standards of having at least 30-40 percent representation of each sex in order to safeguard gender equality.<sup>40</sup>
  - vii. The Electoral Code should contain provisions precluding any use, including for the benefit of any candidate, of state and municipal administrative resources (workforce, immovable or movable property, budgets, off-budgets, communication means, official positions, expendable supplies, work time, and the like). Violations of those provisions should trigger clear, and measurable sanctions instead of currently applied inadequate dismissive measures.
  - viii. The Electoral Code and the relevant laws should prescribe clear mechanisms and the obligation of the Central Electoral Commission and the tax authorities to check the credibility of campaign financing sources and declarations filed by parties and candidates.
  - ix. The deadlines for possible electoral violation appeals, recounting, and related activities should be prescribed in such a way as to ensure reasonableness and effectiveness.
  - x. Protection of voting rights in the army should be fundamentally revised with a view to precluding one or several servicemen or commanders to influence, through their actions or inaction, the free expression of the voters' will, and to grant all candidates equal opportunities to represent themselves and their programs to servicemen. Servicemen should be free to exercise or not to exercise their voting right. All of this should be subject to genuine and effective public oversight.

<sup>40</sup> UN, "The Worlds' Women 2010: Trends and Statistics", *Chapter 5: Power and Decision Making*, page 116 // [http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010%20Report\\_by%20chapter\(pdf\)/Power%20and%20decision%20making.pdf](http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010%20Report_by%20chapter(pdf)/Power%20and%20decision%20making.pdf)

- xi. The law should prohibit the membership in electoral commissions of teachers and faculty working in the state and municipal education system: in this manner, they will not be involved in potential electoral crimes and fraud, and the future generation will be spared the risk of being taught by potential fraudsters. This cannot be viewed as a limitation of the rights of education community to participate in public life, as it is presented currently by officials, but rather this measure protects them from becoming victims of threats and manipulation.
3. Apart from the above provisions in the electoral code, we recommend that the Criminal Code of the Republic of Armenia be amended to safeguard free formation, expression, and protection of expression of the voters' will, including by means of prescribing discouraging and adequate sanctions for the perpetrators of electoral fraud. Specifically, waiver of criminal liability for accepting an electoral bribe when a person voluntarily reports it to the authorities will make reporting of crime, and hence its investigation and redress of rights more attainable.

The above list of recommendations is not exhaustive. There are means and methods to further improve the process and make free and fair elections attainable. However, these are the ones that we consider paramount for curbing sustainable abuse of integrity of vote in national and local elections and referenda. Hereby we restate our willingness to discuss these and related recommendations and to engage in the participatory drafting of the new Electoral Code.

*Statement is open to signature.*

Armenian Helsinki Committee

"Asparez" Journalists' Club

For Equal Rights

"HETQ" Investigative Journalists' Association

Helsinki Citizens' Assembly Vanadzor office

Open Society Foundations – Armenia

Rule of Law

Transparency International Anticorruption Center

Women Resource Center – Armenia



## STATEMENT

We, the undersigned civil society organizations, having engaged in the analysis of the draft Electoral Code, having prepared alternative proposals and solutions, and having delegated our representatives to participate in the “4+4+4” discussions, hereby make the following statement prior to the second reading and voting of the Draft in the National Assembly. We make this statement now, having read the Venice Commission and ODIHR Joint Opinion, which happens to share our concerns.

The Draft currently pending before the National Assembly, which was voted in the first reading, is in our opinion highly unacceptable. The Venice Commission and ODIHR Joint Opinion concurs with our assessment that the Draft is not up to the international standards and norms both with respect to securing the integrity of the vote and in forming a truly representative, democratic parliament.

In its Joint Opinion, the Venice Commission and ODIHR have made recommendations on most of the problematic provisions of the Draft. It has also presented suggestions that are necessary as a minimum for making the draft satisfactory.

Although the Venice Commission and ODIHR’s Joint Opinion does not cover all of the problematic issues in the Draft, we urge the authorities and the National Assembly to make all of the changes recommended in that Opinion. We particularly insist on the recommendations contained in Paragraphs 14 and 15 of the Opinion.

Not making these recommendations, all of which coincide with the ones we made earlier, will be considered by us as a regrettable dismissal of society’s and international community’s demand to improve the quality of the electoral process and to increase the trust therein.

We take this opportunity also to reiterate that, in our opinion, the provision that will truly change the credibility and quality of the electoral process is the publication of the signed voters’ lists immediately after the results tabulation in each precinct.

Statement is open to joining:

Helsinki Committee of Armenia  
 “Asparez” Journalists’ Club  
 Helsinki Citizens’ Assembly Vanadzor office  
 Open Society Foundations - Armenia  
 Transparency International Anti-Corruption Center  
 Collaboration for Democracy Center  
 “Iravaget Serund” NGO  
 Foundation Against the Violation of the Law  
 Women Resource Center – Armenia  
 Analytical Centre on Globalization and Regional Cooperation  
 Committee to Protect Freedom of Expression  
 Helsinki Human Rights Group of Spitak NGO  
 Peace Dialogue NGO  
 Protection of Rights without Borders NGO  
 Hrazdan Civic Youth Center  
 Khoran Ard Intellectual Centre NGO  
 For Equal Rights NGO  
 Union of Informed Citizens

## STATEMENT

### PARTNERSHIP FOR OPEN SOCIETY INITIATIVE

#### Assessment of the Fundamental Rights and Social Safeguards Proposed under the Draft Amendments to the Constitution

The draft Amendments to the Constitution, which propose around 250 amendments, touch upon a broad spectrum of fundamental rights and freedoms, as well as safeguards of social and economic rights. The entire process of initiating the Constitutional Amendments was justified by the need of improvement of safeguards for the protection of fundamental rights and freedoms. The final text, as adopted by the National Assembly on October 5, 2015, resolved some of civil society's key concerns with lack of safeguards for fundamental rights and freedoms. Nevertheless, we believe the standard for protection of such rights as the right to personal liberty, respect for the privacy of communication, right to a fair trial (inadmissibility of evidence), the presumption of innocence and right to marry was reduced as compared to standard of the current Constitution.

As stated, apart from being numerous and in many cases quite significant, the proposed amendments pertain to diverse areas that are intrinsically unrelated. Thus, the scope of social guarantees has little to do with the method of regulating an independent judiciary, the electoral system, guarantees of fundamental human rights or the form of or system for forming the central or local governments. **Yet, under the government's plan, Armenians will only have one up-or-down vote on all these changes. This robs them of their right to express their views on clearly defined issues, which is particularly problematic in that this referendum concerns the main law of the land.** In its decision in the case of the Russian Conservative Party and Others vs Russia which was related to alleged violations of the right to suffrage in Russian Federation parliamentary elections, the European Court of Human Rights (ECHR) clearly stated that "...free suffrage comprises two aspects: freedom to form an opinion and freedom to express that opinion." Similarly, the Venice Commission's Code of Good Practice on Referendums states that "An even more stringent requirement of free suffrage is respect for the unity of content. Electors must not be called to vote simultaneously on several questions without any intrinsic link, given that they may be in favor of one and against another. Where the revision of the text covers several separate aspects, a number of questions must therefore be put to the people." Considering this, we believe that the authorities need to postpone the referendum and alter its format so that the people are given the freedom to express their opinion in a meaningful and accountable manner.

#### **FUNDAMENTAL RIGHTS AND FREEDOMS**

##### Right to personal liberty

***The Draft (Art.27) limits the right of arrested person to notify on his/her location and on the fact of arrest***

The draft proposes additional restrictions on the right to liberty as compared to the provision of the current Constitution (Art.16). Currently, an arrestee/detainee has a right to notify another individual of the fact of arrest. While this right is still in the proposed Amendments, there's also a limitation allowing a broad discretion to authorities to delay the exercise of this right. Namely, the article says the right to notification can be delayed only by law, procedure and timing for the purposes of prevention and detection of crime.

##### Respect for the privacy of communication

***The article provides a wide discretion to the authorities to limit the privacy of communication***

The article (Art.33) says that the right for privacy of communication can be limited by court order in the exception of cases when such limitation is necessary for the protection of state security and conditioned on the special status of the communicators as provided by law.

##### Inadmissibility of Evidence

***The Draft Amendments lower the bar for application of the exclusionary rule***

The current Constitution (Art.22) provides that the use of evidence obtained in violation of law shall be prohibited. The Draft (Art.63) provides that the use of evidence obtained in violation of fundamental rights or evidence undermining the right to a fair trial shall be prohibited.

##### The Presumption of Innocence

***The Draft Amendments (Art.66) lower the standards of the safeguards of being presumed innocent***

The current Constitution (Art.21) provides two important safeguards, which are now removed. Namely, according to the current Constitution "a defendant is not required to prove his innocence" and "Doubts which are not confirmed are interpreted in favor of the defendant". Both of these safeguards are not mentioned in the proposed amendments.

##### Freedom to Marry

***The Draft Amendments (Art.35) curtail the safeguard of the freedom to marry by providing the "moral interest" as a ground for restriction***

A new ground for restriction has been added (Art.35), according to which the right to marry may be limited by law for the protection of the "morality". As there is no definition of "morality," this provision may give rise to various abuses.

#### **SOCIAL RIGHTS**

A comparison of the social security, health, and other rights in the current Constitution and the proposed text reveals serious concerns. The current Constitution lists these rights under the Chapter of Fundamental Rights and Freedoms of Individual and Citizen, while the text of the draft amendments places them under an ambiguous Chapter named Social, Economic, And Cultural Safeguards And The Main Objectives Of State Policy, turning the state's obligations into "objectives of the state."

Moreover, under the draft amendments, the Constitution will have a direct effect only in the case of basic rights whereas the principle enshrined in the current Constitution implies that a constitutional provision shall apply even if a special legal act enabling its application does not exist.

### **OTHER CONCEPTUAL ISSUES**

#### Application of the Principles of International Law

***Under the Draft Amendments, the state will now have to only "take into account" the international law***

Current Constitution (Art.3) provides that the state shall guarantee the protection of fundamental human and citizen's rights and freedoms in accordance with the principles and norms of international law. The Draft provides (Art.81): "When interpreting the provisions enshrined in the Constitution about fundamental rights and freedoms, the practice of bodies functioning on the basis of international treaties on human rights, to which the Republic of Armenia is a party, shall be taken into account."

#### Beneficiaries of the Constitution

***Both the current Constitution and the Draft Amendments are aimed at the "Armenian people," (or Armenians) rather than the citizens of Armenia or "people of Armenia"***

Both the current Constitution (preamble) and the Draft Amendments refer to "the Armenian people" as a subject of the Constitution—thereby asserting that "the Armenian people" are a participant in legal-constitutional relationships, which is not accurate. Clearly, "the Armenian people" is not the equal synonym of "citizens of the Republic of Armenia" or "inhabitants of the Republic of Armenia." The term "the Armenian people" can include ethnic Armenians living in other countries. Moreover, persons of another ethnic origin, who live in Armenia, should also be participants of legal-constitutional relationships. This language is problematic and discriminatory and does not meet the principle of legal clarity.

#### The Apostolic Holy Church of Armenia

***Both the current Constitution (Art. 18) and the Draft Amendments (Art. 16) recognize the role of the Apostolic Church of Armenia as exclusive, rather than special or important***

Although Article 16 provides that religious organizations shall be separate from the state, it proclaims the exclusive mission of the Apostolic Church in the spiritual life of the Armenian people and in the development of the national culture and preservation of the national identity. Agreeing with the comment of the Venice Commission, the working group replaced the word "exclusive" with the word "exceptional" in the English translation, but the word "exclusive" (բացարձիկ) remains in the Armenian text.