



Republic of Armenia

Joint Submission to the UN Universal Periodic Review

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Submission by CIVICUS: World Alliance for Citizen Participation,
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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries.
- 1.2 In this submission, CIVICUS examines the Government of Armenia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Armenia's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs), since its previous UPR examination in January 2015. We assess Armenia's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.3 During the 2nd UPR cycle, the Government of Armenia received 30 recommendations relating to the space for civil society (civic space). Twenty-nine recommendations were supported and one noted. An evaluation of a range of legal sources and human rights documentation demonstrates that the government has not implemented most recommendations relating to civic space.
- 1.4 HRDs have been subjected to judicial harassment, smear campaigns, threats and acts of intimidation. Between 2015 and 2018, peaceful protests were violently repressed by the police and protesters were arrested and detained and, in some cases, denied immediate access to medical assistance and legal representation. Journalists were assaulted and intimidated during some protests.
- 1.5 In December 2015, Armenia held a referendum on constitutional amendments to move from a presidential to a parliamentary system. In 2018, Armenians held protests against the transition by former President Serzh Sargsyan into the role of Prime Minister under the new system. Many argued that the constitutional change was a ploy to enable President Sargsyan to maintain his grip on power. Protests were violently repressed but President Sargsyan was forced to resign and was succeeded by protest leader Nikol Pashinyan.¹
- 1.6 The right to the freedoms of association, peaceful assembly and expression are constitutionally guaranteed, but in practice these rights are sometimes arbitrarily restricted. Prime Minister Pashinyan has promised to address these restrictions.

¹ 'Armenia's Velvet Revolution: from Protest to Power', State of Civil Society Report, CIVICUS, 2019, <https://bit.ly/2GhQK6m>.

1.7 As a result of these issues, civic space in Armenia is currently classified as obstructed by the CIVICUS Monitor.²

2. Harassment, intimidation and attacks against HRDs and civil society activists

2.1 Under Armenia's previous UPR examination, the government received seven recommendations on the protection of HRDs and civil society representatives. Among these, the government committed to take measures to respect and protect the rights of HRDs and improve the investigation of cases of violence against HRDs and journalists. All seven recommendations were accepted. The government has partially implemented four and not implemented three.

2.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR, which Armenia has ratified, further guarantees the freedoms of association, peaceful assembly and expression. However, HRDs working on sexual minority issues and gender have been particularly targeted. In addition, HRDs working on environmental rights have been subjected to judicial persecution, harassment and intimidation for engaging in advocacy against corporate activities that impact on the environment. Environmental rights activists continue to raise concerns over the lack of transparency in the governance of natural resources.

2.3 On 8 March 2019, HRD Lara Aharonian, of the Women Resource Centre, was threatened by unidentified people after delivering a public address at the Civil Society and Armenian Parliament Cooperation Platform.³ In her address, she expressed concerns over domestic violence and the challenges faced by women with disabilities and sexual minorities in Armenia.⁴ Lara and her family received rape and death threats. She reported the threats to the police and requested that the perpetrators be identified and held accountable.⁵ Lara has previously been a victim of arbitrary arrests and was detained in April 2018 during a peaceful protest in Yerevan against the appointment of Serzh Sargsyan as Prime Minister.

2.4 On 20 April 2019, HRD Anna Nikoghosyan, of CSO Society Without Violence, was arrested and detained during a peaceful protest in Yerevan, also against the appointment of Serzh Sargsyan as Prime Minister. Anna was violently shoved into a

² CIVICUS Monitor: Armenia, <https://monitor.civicus.org/country/armenia>.

³ 'We stand with Lara Aharonian', Kvinna till Kvinna Foundation, <https://kvinnaatillkvinna.org/2019/03/18/we-stand-with-lara-aharonian>.

⁴ 'Associative discrimination in Armenia continues towards human rights defenders', New Generation Humanitarian NGO, 19 March 2019, <https://ngngo.net/en/news/associative-discrimination-in-armenia-continues-towards-human-rights-defenders/130>.

⁵ 'Human Rights Defenders in Armenia are in need of protection', Express.am, 18 March 2019, <https://epress.am/en/2019/03/18/human-rights-defenders-in-armenia-are-in-need-of-protection.html>.

police car after her arrest and detained for several hours. Another HRD, Lara Atharonian, was arrested while documenting and reporting on protest activities.

2.5 On 16 November 2018, environmental rights defender Ani Khachatryan, of the Armenian Environmental Front (AEF),⁶ was subjected to judicial persecution when goldmining company Lydian Armenia filed a lawsuit accusing her of disseminating slanderous information after she shared information online about its activities in the Amuslar mine project.⁷ Environmental activists express concerns over the Amuslar mine's environmental impacts, including water pollution. Lyndian Armenia requested that Ani pay 1 million Dram (approx. US\$2,110) to compensate for reputational damage. Another AEF activist, Levon Galstyan, was also subjected to judicial persecution. Lyndian Armenia filed a lawsuit against him after he published information online and offered critical views in interviews about mining activities. Both activists were subjected to smear campaigns on social media, including offensive messages on Facebook about Ani and online videos discrediting Levon.⁸

2.6 On 2 June 2017, HRD and Director of Helsinki's Citizens Assembly - Vanadzor, Arthur Sakunts, received a death threat on Facebook.⁹ The threat was made after Arthur shared a Facebook post criticising the government for the killing of citizens, injustices and the internal challenges that forced many Armenians to emigrate.¹⁰

3. Freedom of expression, independence of the media and access to information

3.1 Under the 2nd UPR cycle, the Government of Armenia received nine recommendations relating to the freedom of expression, protection of journalists and access to information. It accepted eight and noted one. The government committed to investigate and prosecute violence against journalists and respect and protect the rights of journalists to undertake their legitimate work without fear of criminal persecutions. The government has partially implemented 5 and not implemented three.

⁶ 'About us', Armenian Environmental Front, <http://www.armecofront.net/en/about-us-2>.

⁷ 'Ani Khachatryan [The Armenian Environmental Front]', Business and Human Rights Resource Centre, 1 January 2018, <https://www.business-humanrights.org/en/01012018-ani-khachatryan-the-armenian-environmental-front>.

⁸ 'Criminal case reveals mining company employees were spying and running fake profiles in social media', Papua New Guinea Mine Watch, 16 April 2019, <https://ramumine.wordpress.com/2019/04/16/criminal-case-reveals-mining-company-employees-were-spying-and-running-fake-profiles-in-social-media>.

⁹ 'Threats to human rights in Armenia', The Borgen Project, 14 August 2017, <https://borgenproject.org/threats-human-rights-in-armenia>; 'Artur Sakunts, a human rights activist, facing death threats in Armenia', Azvision.az, 7 June 2017, <https://en.azvision.az/news/66729/artur-sakunts-a-human-rights-activist-facing-death-threats-in-armenia.html>.

¹⁰ 'Armenian Human Rights Defenders Work in Inadequate Conditions, HRH Report Says', Express.am, 7 August 2017, <https://epress.am/en/2017/08/07/armenian-human-rights-defenders-work-in-inadequate-conditions-hrh-report-says.html>.

- 3.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 42 of the Constitution of Armenia also guarantees the right to the freedom of expression. It states that the freedom of the press, radio, television and other means of information shall be guaranteed. It further notes that the state shall guarantee the activities of independent public television and radio, offering diversity of informational, educational and cultural entertainment programmes. However, journalists have been targeted for covering protests and human rights violations.
- 3.3** On 23 June 2015, at least 14 journalists were wounded and several detained, and their equipment damaged, as they covered protests. Several journalists were physically assaulted by riot police for livestreaming protests and the actions of police.¹¹
- 3.4** On 17 September 2018, security forces searched the headquarters of the Armenian news website Yerevan Today. During the search, security officers temporarily stopped its website from operating and confiscated computers and discs.¹² Security officials searched the financial details of Yerevan Today and accessed confidential news stories that had not yet been published.¹³ Security forces stated that the search was part of an investigation into an online story that revealed details of a secret phone conversation between two senior military officers, in which the officers discussed plans to investigate former President Robert Kocharyan and a former defence minister in relation to a violent crackdown against protesters in 2008. The search was authorised by the Special Investigation Service and the General Department for Combatting Organised Crime in Armenia.¹⁴
- 3.5** On 19 April 2019, Sut.am news website reporter Tirayr Muradyan was physically assaulted outside a government building by police officers who responded to the fact that he was taking pictures of them during anti-government protests.¹⁵ Tirayr was later forced into a car to prevent him covering the protests further. Journalist Arevik Sahakyan and camera operator Gevorg Martirosyan of Factor.am news and public radio reporter Vruyr Tadevosyan were physically assaulted by unidentified people.¹⁶ Alina Sarsyan of CivilNet.am news was assaulted as she took videos of police arresting protesters.

¹¹ 'Armenian Police Forcefully Disperse Yerevan Protests, 18 Injured', Radio Free Europe/Radio Liberty, 23 June 2015, <https://www.rferl.org/a/armenia-police-disperse-electricity-rate-protests/27087394.html>.

¹² 'Armenia Media Outlet Raided By Police', Radio Free Europe/Radio Liberty Armenia Service, 17 September 2018, <https://www.azatutyun.am/a/29494897.html>.

¹³ 'Armenia police raid news organization', Eurasianet, 19 September 2018, <https://eurasianet.org/armenian-police-raid-news-organization>.

¹⁴ 'Yerevan Today offices searched by police after wiretapping scandal', JAM News, 18 September 2018, <https://jam-news.net/yerevan-today-offices-searched-by-police-after-wiretapping-scandal>.

¹⁵ 'RFE/RL reporter attacked in Armenian town', ARMENPRESS, 21 April 2018, <https://armenpress.am/eng/news/930888.html>.

¹⁶ 'Violence against reporters during 11 days of protests in Armenia', Platform to promote the protection of journalism and safety of journalists, Council of Europe, 3 May 2018, <https://bit.ly/2LUr3wp>.

4. Freedom of peaceful assembly

- 4.1** During Armenia's examination under the 2nd UPR cycle, the government received and accepted five recommendations on the right to the freedom of peaceful assembly. The government committed to ensuring that the right to hold peaceful, open and public demonstrations is freely available to all individuals without undue restrictions. The government has partially implemented three of the recommendations and has not implemented two.
- 4.2** Article 21 of the ICCPR guarantees the right to freedom of the peaceful assembly. Article 44 of the Constitution of Armenia also guarantees this right. It states that everyone shall have the right to participate freely and organise peaceful unarmed assemblies (Article 44 (1)). The freedom of assembly is regulated by the Law on Freedom of Assemblies (2011). The law differentiates between assemblies that can be held without prior notification and those that cannot. Notification is not required when participants do not exceed 100 and when urgent assemblies are held. While the law is in line with constitutional guarantees and international human rights standards, its application has presented some challenges. For example, the law states that despite the type of assembly, the police have a responsibility to provide security and ensure that assemblies are held as long as they are peaceful. However, during protests held in 2016, 2017 and 2018, police used disproportionate force and arrested protesters. Some protesters were detained and not allowed to have immediate access to legal representatives or medical assistance.
- 4.3** Security forces used violence in April 2018 as protesters demonstrated against the appointment of Serzh Sargsyan as Prime Minister. Protests began on 13 April 2018 in central Yerevan. Protesters occupied Marshal Bagramian Avenue, which leads to the National Assembly, but were blocked by the police and prevented from making their way to the National Assembly. Police used razor wire, stun grenades and teargas to disperse protesters.¹⁷ On 16 April 2018, the police issued a statement declaring the protests illegal and promising to disperse all gatherings.
- 4.4** Armenian police used violence to disperse protests that began on 17 July 2016 after armed members of a radical opposition group, 'Sasna Tsrer', seized a police station in Yerevan, group killed a police officer and held others hostage.¹⁸ Hundreds of protesters took to the streets to express concerns over the way the police had handled the hostage crisis. Over 300 protesters were detained without charges.¹⁹ Many of

¹⁷ "Protesters, Armenian Riot Police Clash Over Nomination For Prime Minister", Radio Free Europe/Radio Liberty, 16 April 2018, <https://www.rferl.org/a/armenia-opposition-activists-block-roads-bridge-subway-in-yerevan-protesting-sarkisian-expected-shift/29169981.html>.

¹⁸ "Tense Hostage Standoff Continues At Yerevan Police Station", Radio Free Europe/Radio Liberty, 19 July 2016, <https://www.rferl.org/a/armenia-standoff-founding-parliament-sefilian/27866740.html>.

¹⁹ 'Armenia protests: What happens next?', News Online, <http://www.yerevannights.com/NewsOnline/article.aspx?id=685>.

those arrested and detained were physically assaulted by the police and several were prevented from receiving urgent medical attention and immediate legal assistance. On 29 July 2016, the police fired stun grenades into crowds, injuring many people. The police argued that protesters had not provided the authorities with advance information about the planned routes of protests.²⁰ Many of those arrested were charged with orchestrating mass disorder. The authorities later initiated an investigation into the police violence, sacked the Yerevan police chief and suspended and reprimanded others.

4.5 Police also used violence and arrested more than 200 people during protests that started on 19 June 2015 against increases in electricity tariffs.²¹ The No to Plunder Civic Initiative began a sit-in on 9 June 2015 in Liberty Square to call on the authorities to reconsider the decision.²² Thousands of people joined the protests and further mobilised under the Electric Yerevan banner on social media. The police used jets with water cannons to disperse the protesting crowd.²³ Hundreds of people who broke away from the main protests and made their way towards the presidential headquarters were arrested.

5. Freedom of Association

5.1 During Armenia's examination under the 2nd UPR cycle, the government received and accepted five recommendations on the right to the freedom of association. The government committed to reviewing proposed or adopted amendments regarding NGO laws and 2010 amendments to the criminal code in order to ensure that legislation is in line with best practices and international standards. The government has partially implemented three of the recommendations and has not implemented two.

5.2 Armenia's Constitution guarantees the freedom of association. It states that everyone shall have the right to the freedom of association, including the right to form and join trade unions for the protection of their interests. In general, the freedom of association is governed by the Civil Code, which provides regulation on the formation and operation of non-profit organisations, including public associations. It is also

²⁰ 'What happened in Armenia: the CSP reports', Civic Solidarity, 5 August 2016

<http://www.civicsolidarity.org/article/1155/what-happened-armenia-csp-reports>.

²¹ 'Protests in Armenia as a manifestation of the states systemic crisis', Centre for Eastern Studies, 1 July 2015, <https://www.osw.waw.pl/en/publikacje/analyses/2015-07-01/protests-armenia-a-manifestation-states-systemic-crisis>.

²² 'Human Rights Violations of electricity price hike protests', Helsinki Citizen's Assembly - Vanadzor, 22 September 2015, <https://www.osce.org/odihr/183796?download=true>.

²³ 'Electric Yerevan protests in Armenia', AVIM, 29 June 2015, <https://avim.org.tr/en/Yorum/ELECTRICYEREVAN-PROTESTS-IN-ARMENIA>.

regulated by the Law on Foundations (2002) and Law on Trade Unions (2002). Article 45 of the Constitution states that the activities of associations may be suspended or prohibited only upon court decision under the procedure prescribed by law. Articles 31 and 32 of the Law on NGOs state that the authorised body can apply to a court to terminate or dissolve public associations if it identifies significant or flagrant violations of the law.

5.3 While the registration process for CSOs is quick and straightforward for groups based in Yerevan, those based outside the capital face difficulties in registering, including lack of clarity of registration procedures, leading to instances of subjective interpretation by local officials and delays in the registration process. This places restrictions on several CSOs operating outside Yerevan.

5.4 In November 2018, the Forum of LGBT Christian Groups and the New Generation Humanitarian NGO (Yerevan Armenia) were forced to cancel the Forum for LGBT Christians for Eastern Europe because of threats, physical violence and smear campaigns against the Forum and its members. Members of the New Generation Humanitarian NGO and forum participants received death threats, and the car of the Director of the New Generation Humanitarian NGO was vandalised.

5.5 In April 2017, a group of 30 school heads and principals filed a lawsuit against the Union of Informed Citizens CSO and its Director Daniel Loannisyán for damages against their dignity and honour. The lawsuit was filed after the CSO published details of the role of principals in recruiting supporters for the ruling party before parliamentary elections.²⁴ The lawsuit was dropped in July 2017.

5.6 The anti-corruption CSO Veles and its Director Marina Poghosyan have also been targeted for reporting on corrupt practices by government officials. In April 2017, Marina reported that a Facebook account had been created to impersonate her and circulate indecent photos of her, to smear her and her organisation's reputations.²⁵

6. Recommendations to the Government of Armenia

CIVICUS calls on the Government of Armenia to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

²⁴ '30 School Principals against "Union of Informed Citizens" NGO: Time Schedule of Court Sessions', Union of Informed Citizens, 14 July 2017, <https://uicarmenia.org/en/3453>.

²⁵ Veles Human Rights NGO, <http://veles.am/en/huօղոոլսծ-գոթծղո>.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Regarding the protection of HRDs

- Drop all pending cases against HRDs, including those working on sexual minority issues, environmental rights and anti-corruption, carry out investigations into threats and acts of intimidation against them and ensure that perpetrators are held accountable.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Provide a safe and secure environment in which civil society members and HRDs can carry out their work, particularly those working to protect environmental rights and the rights of communities.

6.2 Regarding the freedom of expression, independence of the media and access to information

- Carry out investigations into all cases where journalists have been physically assaulted and arbitrarily detained during protests and ensure that those responsible are held to account.
- Ensure that journalists are able work freely and without fear of retribution for expressing critical opinions or covering topics that the government deems sensitive.

6.4 Regarding the freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.

- Initiate new investigations into all cases of violence against peaceful protesters, finalise and complete all pending investigations and ensure that those responsible for acts of violence against peaceful protesters are held accountable.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Regarding access to UN Special Procedures mandate holders

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the Independence of Judges and Lawyers; 4) Special Rapporteur on extrajudicial, summary or arbitrary executions; 5) Special Rapporteur on the rights to privacy and; 6) Working Group on Arbitrary Detention.