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Just Atonement Inc.

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Just Atonement Inc. (JAI) is global community of lawyers who have joined forces to address imminent threats to democracy, human rights and a livable planet.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Republic of Armenia.

Summary of Conclusions

1. Armenia has made progress in many areas such as creating policies to help with domestic violence. However, there are still concerns that need to be addressed.
2. The existence of corruption and abuse of authority by law enforcement in Armenia is shown by incidences such as arbitrary detention and physical abuse.
3. This is related to the more general corruption in Armenia. This can be shown by the suppression of non-state watchdogs such as civic activists and journalists. Also, the lack of accountability of political leaders and businesses/business-people is another sign of corruption.



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4. Discrimination and ill-treatment of the LGBT population is also a concern in Armenia, especially because the majority public opinion regarding this group of people is negative.
5. The inability of disabled children to attend regular public schools only perpetuates the difficulties that these children are faced with in their youth and as adults. People with disabilities in Armenia also face the threat of being placed in institutions where ill-treatment is commonplace.
6. There was a law in 2017 making domestic and sexual violence and abuse illegal, yet the police enforcement of this law is not effective and the incidences of domestic and sexual violence and abuse continues to be dangerously high.

Analysis

Treatment of disabled members of Armenian society

7. Many disabled people in Armenia are sent to institutions and youth with disabilities are sent away for education separate from other children in the community. This is likely a violation of the disabled children's human rights as demonstrated by Article 7 of the Convention on the Rights of Persons with Disabilities, which states:
 1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
 2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
 3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.
8. Often when children are separated from their parents to be taken to institutions for education and care, they suffer emotionally. It has been shown that children sent to institutions suffer from separation anxiety.
9. More than half of the disabled adult population is unemployed, most have not acquired secondary school education, monthly payments from the government are unsubstantial, and many cities, including the capital Yerevan, are not accessible to people with disabilities.



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10. Although there is hope that these things will change with protestors bringing attention to the issues, there has been very little progress in addressing the rights of disabled individuals in Armenia.

Domestic violence and abuse

11. A bill was passed in Armenia at the insistence of the European Union, to prevent domestic violence in 2017, but the occurrence of such abuse and violence have not been decreasing. This is largely due to the lack of enforcement of this new law by the police. Also, the bill does not criminalize domestic violence and there is a focus on reconciliation, which can be problematic in domestic violence relationships. Implementing this bill will be difficult and will take time, but it is a step in the right direction.
12. Various international instruments provide rights for women, for example, the Declaration on the Elimination of Violence against Women demonstrates the universal rights of women to live free from violence and abuse. These rights are often violated in Armenia due to high rates of domestic violence against women.
13. The cultural/societal norms and focus on tradition in Armenia also lead to less reporting and less aid and response to claims of domestic violence. Countless stories of women unable to go to the police for fear of being turned away and for being ridiculed by family or members of the community for speaking out and/or leaving their abusive partners.
14. The Council of Europe standards require the existence of government run domestic violence shelters for abuse victims proportionately to the population of a region. Currently, Armenia has two shelters in the capital Yerevan, but is completely lacking any shelters in smaller cities and rural areas. Armenia would need to place shelters in every region and have one shelter for every 10,000 people. However, the number of shelters required is not specified in the Armenian domestic law on domestic violence, so there is no requirement to open more shelters.

Geopolitical struggles impacting Armenia

15. The conflict between Armenia and Azerbaijan over Nagorno-Karabakh has been ongoing since 1988 and is one of many geopolitical issues in Armenia. This conflict seems to have little impact on neighboring countries or any other country generally. However, this



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continued conflict could be seen as acts of aggression and in violation of the goal of international peace codified in the Charter to the United Nations.

16. Due to Armenia's conflict with Azerbaijan and tensions with Turkey, Armenia is economically dependent on Russia. This relationship between Russia and Armenia has been tried in the past couple years as Azerbaijan's economy and supply of oil have created a close connection between it and Russia, possibly at the expense of Armenia. One example is the disproportionate supply of weapons by Russia to Azerbaijan and Armenia. Russia has been supplying both countries with military equipment, but has been giving more to Azerbaijan, meaning if conflict broke out between the two countries, Azerbaijan would be better prepared.
17. Another area of interest regarding geopolitics in Armenia is the membership of Armenia in the Eurasian Economic Union (EAEU), as well as being an associated partner to the European Union (EU). As tensions between Russia and western Europe and the United States rise, the economy of Armenia can be negatively impacted as a result of being caught in between the two.

Treatment of LGBT members of Armenian Society

18. Homosexuality was made legal in Armenia in 2003, but the public opinion and treatment of members of the LGBT community continues to be concerning.
19. The discrimination and violence against people based on sexual orientation is a violation against human rights, as evidenced by the UN Human Rights Council adoption of the Resolution titled *Protection against violence and discrimination based on sexual orientation and gender identity*. Thus, the violence and discrimination against the LGBT community in Armenia is likely a violation of their human rights.
20. In 2013, a poll showed that 72% of Armenians thought the government should take actions to fight against homosexuality and 94% of the population said they would not want a homosexual person as a neighbor. These statistics of public opinion regarding the LGBT community are problematic because the violence and discrimination that this group faces will be difficult to change if the public opinion does not change.
21. Members of the LGBT group claim to face discrimination in the workplace, schools, and their communities overall. An example of this is the death threats received by a transgender woman named Lilit Martirosian who spoke in parliament about the discrimination the LGBT community faces in Armenia. Also, a LGBT activist and



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friends were attacked by a group of about fifteen while in his home on August 3, 2018. The police responded to calls by the LGBT activists but have not made any arrests, even though six of the LGBT activists were injured by the homophobic attackers.

Corruption in Armenia

22. The government has improved in the area of corruption greatly since the “Velvet Revolution” in 2018. The close relationship between oligarchs and political circles are one source of corruption in Armenia. The courts in Armenia have been known to accept bribes in exchange for granting decisions favorable to the highest paying party.
23. These acts are contrary to the United Nations Convention Against Corruption, the purpose of which is found in Article 1:
 - (a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
 - (b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;
 - (c) To promote integrity, accountability and proper management of public affairs and public property.
24. A form of corruption that is rampant in Armenia today is law enforcement’s abuse of authority. An example of this abuse of authority is arbitrary detention and arrests by the police in Armenia. Additionally, law enforcement officers have used excessive force against protestors on multiple accounts, including in July of 2016 when police threw stun grenades into the crowd of protestors and physically assaulted protestors and journalists.

Recommendations

25. One suggestion on improving the situation of disabled people in Armenia is to increase government funding for disabled individuals, create better infrastructure for accessibility around the country, and promoting public awareness and education about disabilities. Perhaps increasing funding would make it possible for parents to care for their disabled children at home instead of sending them to institutions, which can be detrimental to the emotional health of the children. Promoting public awareness and education could be essential in reducing the discrimination that disabled members of the community face on a daily basis.



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26. Creating and implementing protocol for law enforcement in Armenia could be helpful in changing the response of police to calls about domestic violence. Additionally, educating the public on domestic violence and attempting to change the public opinion on the topic could be effective in reducing the prevalence of domestic violence.
27. Amending the bill addressing domestic violence to focus less on reconciliation as a response to cases of domestic violence could make the bill more effective in preventing domestic violence in Armenia. Additionally, criminalizing domestic violence could also be more effective in preventing the occurrence of domestic violence.
28. A possible solution to increasing the rights and acceptance of the LGBT community in Armenia includes attempts to alter public opinion through education and awareness of the discrimination the LGBT members face. Placing the LGBT community under protected groups in anti-discrimination laws could be effective as well.
29. Addressing law enforcement abuse of power would be challenging and could require multiple approaches. Developing civil review of police and holding police answerable to the public has been shown to work in areas of the United States. Creating an independent body that investigates law enforcement officer misconduct could fight the impunity that they have today.
30. Corruption can be difficult to address and requires a systemic solution in order to be effective. Reducing corruption in the court system could be achieved through making the judicial branch separate from the executive branch and increasing neutrality and transparency.

Respectfully submitted,

/s/ Inder Comar and Abby Gasser

of Just Atonement Inc.