

**Submission to the UN Universal Periodic Review
of Armenia**

*For consideration by the Office of the UN High Commissioner for Human Rights for the 35st
session
of the UPR Working Group in 2020*

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¹ London Legal Group (LLG), is a network of lawyers established in January 2012 in order to provide advice on and actively participate in legal and advocacy activities before international courts and institutions, including the European court of Human Rights (ECtHR), United Nations Human Rights Council and Treaty and Charter bodies, and the Organisation for Security and Co-operation in Europe (OSCE).

Introduction

1. This submission is based on London Legal Group (LLG)'s work in Armenia, and it outlines ongoing concerns in relation to the following human rights issues in Armenia:
 - a) Minorities;
 - b) Refugees and Internally Displaced Persons;
 - c) Torture.
2. Our concerns are based upon Armenia's obligations contained in a number of international treaties and conventions -signed and ratified by Armenia- and domestic remedies. Reference is also made to the recommendations Armenia received during the second Universal Period Review in 2015, as well as to the implementation of the accepted ones.
3. Despite accepting relevant recommendations in 2010 (recommendations 9, 68 and 89) and in 2015 (120.1, 102.2, 120,3 and 120,4)² Armenia has not yet signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty.³ The death penalty is a violation of the right to life as enshrined in the Universal Declaration of Human Rights and international human rights treaties to which Armenia is a State Party, and is the ultimate cruel, inhuman and degrading punishment.⁴ Despite officially abolishing the death penalty in 2003 ratification of the Optional Protocol would provide added protection against its future reinstatement.

² UPR of Armenia - Second Cycle Thematic list of recommendations, January 2015, United Nations Human Rights Council, available at:

<https://lib.ohchr.org/HRBodies/UPR/Documents/Session21/AM/ArmeniaMatriceRecommendations.pdf>

³ Ratification Status for Armenia, United Nations Human Rights – Office of the High Commissioner - UN Treaty Body Database, available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=8&Lang=EN

⁴ Amnesty International, "We know that, together, we can end the death penalty everywhere", available at:

<https://www.amnesty.org/en/what-we-do/death-penalty/>

4. Similarly, in spite of accepting recommendations to ratify⁵ the Rome Statute of the International Criminal Court (ICC), and the creating of a Commission for Constitutional reform which would allow Armenia to ratify the Rome Statute, Armenia has yet to complete the process of ratification.
5. In 1998, Armenia ratified the Council of Europe Framework Convention for the Protection of National Minorities.⁶ Under Article 25(2) of the Convention, the Republic of Armenia submitted its periodic reports on the implementation of the mentioned Convention,⁷ in accordance with point 21 of Resolution (97)10 of the Committee of Ministers of the Council of Europe.⁸ However, the implementation of the Convention remains still far from its realization.

Minorities

6. The London Legal Group (LLG) is particularly concerned with the situation of Armenia's Yazidi Girls, especially concerning child marriage. During the second cycle of the UPR, some countries expressed recommendations concerning minority groups that have been accepted by Armenia. For example, the Netherlands expressed concern at acts of violence against human rights defenders and hate speech by government officials and police officers against religious, ethnic and sexual minorities, or, Sierra Leone urged Armenia to enforce more effectively its laws on early marriage in the case of Yezidi girls.⁹ The Republic of Armenia made efforts to ensure the full implementation of these recommendations that have been accepted. Several legal and institutional measures had been taken to strengthen the protection of A/HRC/29/11 10 members of national minorities since the first UPR and the budget allocated to national minorities had been doubled since 2012.¹⁰ However,

⁵ Armenia signed the Rome Statute on 1 October 1999.

⁶ Council of Europe *"State parties to the Framework Convention for the Protection of National Minorities"*, Available at: <https://www.coe.int/en/web/minorities/etats-partie>

⁷ Council of Europe, *"The Framework Convention for the Protection of National Minorities"*, Strasbourg, February 1995, available at: <https://rm.coe.int/16800c10cf>

⁸ Committee of Ministers, *"Resolution (97) 10 – Rules adopted by the Committee of Ministers on the monitoring arrangements under articles 24 to 26 of the Framework Convention for the Protection of National Minorities"*, available at: <https://rm.coe.int/16804f9214>

⁹ United Nations, General Assembly, *"Report of the Working Group on the Universal Periodic Review* Armenia"*, 13 April 2015, available at: <https://www.refworld.org/pdfid/55716e704.pdf>

¹⁰ *Ibid.*

Armenia rejected a recommendation made by Azerbaijan, the n. 121, concerning the protection of the rights of national minorities.¹¹ Although, the incorporation of those minorities was seen as a cultural asset for Armenia, the minority group, known as Yezidis, continue to suffer. The impoverishment of Yazidi cultural life in Armenia is surprising and according to Boris Muraz - a journalist and chief-editor of an on-line journal - there is a very high level of discrimination at school.¹² They live secluded lives unprotected by the law, without access to education in their language, and without adequate health care facilities. While not subject to overt discrimination, they live as if in a vacuum.

7. It is mandatory to receive a 12-year education in Armenia.¹³ After finishing ninth grade, children typically choose whether they will go to a high school, college (in this case referring to a secondary school), or a vocational school for 10th through 12th grade. Approximately 40,000 Yezidis live in Armenia.¹⁴ They are the largest ethnic minority. Ethnic customs and upholding the national identity often are different from national laws. As a result, Yezidi girls often leave their secondary education unfinished, with higher education remaining merely a dream. Ethnic customs and the need to uphold national identity often contradict national laws.¹⁵ Frequently, Yezidi girls obey their parents and often leave their education and many of them are forced to get married at the age of 15 or 16.¹⁶ They are already brides and are preparing for marriage. For these reasons more efforts are required to ensure full implementation of the recommendations and consequently the access to education for all, especially children of the Yezidi national minority where school drop-out rates remain high; and to criminalize forced early marriages conducted under pressure or

¹¹ *Ibid.*

¹² Vicken Cheterian, 4 December 2019, "Yazidis Who Call Armenia Home", AGOS, Available at: <http://www.agos.com.tr/en/article/22303/yazidis-who-call-armenia-home>

¹³ Jayendrina Singha Ray, 24 June 2018, "Girls' Education in Armenia", available at: <https://borgenproject.org/girls-education-in-armenia/>

¹⁴ Statistical Committee of the Republic of Armenia, "Population Census 2011", available at: <https://www.armstat.am/en/?nid=21>

¹⁵ Nelly Babayan, "Interrupting education with the power of tradition", 21 May 2019, available at: <https://www.aravot-en.am/2019/05/21/236683/>

¹⁶ Neil Bowdler, 30 April 2019, "Early Marriage Means No School For Armenia's Yazidi Girls", available at: <https://www.rferl.org/a/armenia-yazidi-girls-school/29912653.html>

abuse – the tradition that undermines the chances of girls to complete the compulsory 12-year education cycle.¹⁷

Freedom of opinion and expression

8. The LLG shares the concern raised in the Annual Report of the Committee to protect freedom and expression - an Armenian NGO, member of Partnership for Open Society Initiative - which denounced that 2018 was a considerably tense period for the Armenian media and journalists. The Committee also registered a worsening in the situation of physical integrity and independence of journalists compared to 2015. In fact, in 2018 the CPFE recorded 21 cases of physical violence against journalists, 67 cases of various types of pressure on media and their employees and 98 cases of violating the right to receive and disseminate information.¹⁸
9. This alarming situation may be related to the velvet revolution that took place in the country in 2018.¹⁹ Despite Armenia's constitution states that "freedom of mass media and other means of mass information" is guaranteed in Article 27,²⁰ during that revolution in particular serious violations were registered, among which several journalists were deliberately targeted by police. Violence by plainclothes police became more frequent as the protests in Yerevan grew in size. Many journalists reported being attacked by plainclothesmen.²¹

Torture

10. Armenia accepted several recommendations made during the second cycle of the UPR as to ensure that the definition of torture in its national legislation fully

¹⁷ Council of Europe, "National minorities: new reports on Armenia and Republic of Moldova published", 1 March 2017, available at: https://www.coe.int/en/web/portal/news-2017/-/asset_publisher/StEVosr24HJ2/content/national-minorities-new-reports-on-armenia-and-moldova-published

¹⁸ Committee to protect freedom of expression, "Annual report of CPFE on the Situation with Freedom of Expression and Violations of Rights of Journalists and Media in Armenia-2018" 30 January 2019, available at: <https://khosq.am/en/reports/annual-report-of-cpfe-on-the-situation-with-freedom-of-expression-and-violations-of-rights-of-journalists-and-media-in-armenia-2018/>

¹⁹ Reporters without borders, "Violence against reporters during 11 days of protests in Armenia", 25 April 2018, available at: <https://rsf.org/en/news/violence-against-reporters-during-11-days-protests-armenia>

²⁰ Republic of Armenia. National Assembly of the Republic of Armenia. Amendments to the Constitution of the Republic of Armenia. Yerevan, Armenia: Republic of Armenia, 2015. Accessed March 27, 2017.

²¹ Reporters without borders, "Violence against reporters during 11 days of protests in Armenia", 25 April 2018, available at: <https://rsf.org/en/news/violence-against-reporters-during-11-days-protests-armenia>

complies with that set out in the CAT (recommendations 120,89 and 120,90), however, the processes regarding the implementation of these measures are still in progress.²²

11. The LLG is highly concerned by the fact that, after years, studies conducted by both local and international organizations reveal continuous ill-treatment and torture cases in Armenia. According to Avetik Ishkhanyan, who heads the Helsinki Committee of Armenia NGO, *“The cases of inhuman or degrading treatment and torture in police were generally revealed to the public after those cases had a tragic outcome or the victims of violence were political activists who voiced about them.”*²³
12. The LLG shares the concern raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2015, according to which physical ill-treatment during questioning with the purpose of extracting a confession or information and the conditions of detention in Armenia are in violation of the prohibition of torture and inhumane treatment.²⁴ Notwithstanding international obligations, the situation in the country seems not to have improved, since there are continued reports of severe overcrowding, understaffing and inadequate food and health care.

Conclusion

13. Armenia seems to have implemented some recommendations to improve the human rights situation in the country. Nevertheless, some serious concerns remain and need to be fully addressed, to bring Armenian national legislation in compliance with its obligation under international law.
14. The LLG stresses the importance of fully implementing all the legal measures which might be necessary to fully guarantee and protect the rights of national minorities and their integration, the right of freedom and expression of journalists. Conditions

²² UPR of Armenia – *“Second Cycle Thematic list of recommendations”*, 2015, Available at <https://lib.ohchr.org/HRBodies/UPR/Documents/Session21/AM/ArmeniaMatriceRecommendations.pdf>

²³ Panorama.am, *“Human rights activist: Ill-treatment, torture continue in Armenia”*, 28. 11. 2018, available at <https://www.panorama.am/en/news/2018/11/28/ill-treatment-torture-Armenia/2039524>

²⁴ Council of Europe, Strasbourg, 22 November 2016, *“Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 15 October 2015”*, available at: <https://rm.coe.int/16806bf46f>

of detention need to be improved, so to meet international standards. Lastly, the abuse of power by the police and cases of impunity, which might importantly increase the credibility of authorities among the population and before the international community, must be promptly investigated and criminal proceeding should be carried out.

15. It is really important that the country put into place affirmative-action measures and the corresponding resources to ensure the full recognition and respect of the rights of Minorities, Refugees and Internally Displaced Persons, and the abolition of the use of force and torture. Some measures to put in practice:

Recommendations:

16. Sign the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty;
17. Organize campaigns about the rights of minorities, to raise awareness between citizens of the existence of different religions and cultures that should be recognized and respected;
18. Create a National Plan, which contains specific measures to realize minorities' inclusion and participation, at national and international level;
19. Ensure full access to education for Yazidi Girls, and support to victims of violence and child marriage to prevent the violations against them;
20. Stop the practice of torture and ensure the full implementation of international conventions and agreements concerning torture;
21. Stop any behaviour undermining the minorities' identity, language and culture;
22. Work towards a better implementation of the Rule of Law and respect the rights of freedom of opinion and expression;
23. Undertake the necessary measures to impartially conduct prompt and effective prosecutions of crimes committed by security forces and the sufficient measures to stop fostering impunity.