Armenia

Mid-term Implementation Assessment

Promoting and strengthening the Universal Periodic Review
http://www.upr-info.org

Introduction

1. Purpose of the follow-up programme

> *The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*
>
> A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 25 March 2013

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/armenia

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

11 stakeholders' reports were submitted for the UPR. 10 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

6 NGOs responded to our enquiry. The UN agency did not respond. The State under Review provided a mid-term report. The domestic NHRI responded to our enquiry.

The following stakeholders took part in the report:

1. **State** of Armenia
2. **National Human Rights Institution** of Armenia (Human rights defender Institution, HRDI)
3. **NGOs**: (1) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (2) International Publishers' Association (IPA) (3) London Legal Group (LLG) (4) Partnership for open society (POS) (5) Tandem Project (TP) (6) World Coalition Against the Death Penalty (WCADP)

IRI: 42 recommendations are not implemented, 78 recommendations are partially implemented, and 43 recommendations are fully implemented. No answer was received for 1 out of 166 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
37	Disabilities,International instruments	page 64	fully impl.
38	International instruments,Justice	page 68	not impl.
39	Rights of the Child	page 120	partially impl.
40	National plan of action	page 145	fully impl.
41	Women's rights	page 122	partially impl.
42	Rights of the Child,Torture and other CID treatment	page 124	not impl.
43	Trafficking	page 72	partially impl.
44	Detention conditions	page 86	not impl.
45	Detention conditions,Human rights violations by state agents	page 90	partially impl.
46	Freedom of opinion and expression,Freedom of the press	page 16	not impl.
47	General	page 49	partially impl.
48	Right to education,Right to health	page 49	fully impl.
49	Human rights education and training,Minorities	page 59	partially impl.
50	Human rights education and training,Impunity	page 90	partially impl.
51	International instruments,Justice	page 68	not impl.
52	Detention conditions,Torture and other CID treatment	page 90	partially impl.
53	Detention conditions	page 86	not impl.
54	International instruments,Torture and other CID treatment	page 91	not impl.
55	Detention conditions,Rights of the Child	page 93	not impl.
56	Justice,Torture and other CID treatment	page 95	not impl.
57	Human rights education and training	page 51	partially impl.
58	Rights of the Child,Women's rights	page 126	partially impl.
59	Human rights education and training	page 52	fully impl.
60	Asylum-seekers - refugees,Migrants	page 60	not impl.
61	General	page 145	-
62	Right to health	page 44	partially impl.
63	Women's rights	page 128	partially impl.
64	Civil society,Human rights defenders	page 145	partially impl.
65	Human rights defenders	page 145	partially impl.
66	Disabilities	page 62	partially impl.
67	Elections	page 19	partially impl.
68	Death penalty,International instruments	page 67	not impl.
69	Freedom of the press	page 24	not impl.
70	Human rights education and training,Rights of the Child,Trafficking	page 97	partially impl.
71	Justice,Special procedures	page 69	partially impl.
72	Women's rights	page 128	not impl.
73	Torture and other CID treatment	page 97	partially impl.
74	Women's rights	page 122	partially impl.
75	Justice	page 85	partially impl.
76	Disabilities,International instruments	page 65	partially impl.
77	Enforced disappearances,International instruments	page 67	fully impl.
78	International instruments,Justice	page 68	not impl.
79	Right to health,Rights of the Child,Women's rights	page 129	fully impl.

rec. n°	Issue	page	IRI
80	Labour,Rights of the Child	page 129	partially impl.
81	NHRI,Rights of the Child	page 146	partially impl.
82	Justice,Special procedures	page 70	partially impl.
83	Treaty bodies	page 70	fully impl.
84	Rights of the Child,Women's rights	page 130	not impl.
85	Asylum-seekers - refugees,Disabilities,Rights of the Child	page 62	partially impl.
86	HIV - Aids	page 52	fully impl.
87	Women's rights	page 118	fully impl.
88	Disabilities,International instruments	page 65	partially impl.
89	Death penalty,International instruments	page 67	not impl.
90	International instruments,Torture and other CID treatment	page 91	not impl.
91	Women's rights	page 131	fully impl.
92	Freedom of association and peaceful assembly	page 25	fully impl.
93	General	page 145	-
94	Human rights education and training	page 51	fully impl.
95	Justice	page 75	partially impl.
96	Disabilities,ESC rights - general,Labour	page 63	partially impl.
97	Rights of the Child	page 132	fully impl.
98	Women's rights	page 122	fully impl.
99	Right to health	page 45	partially impl.
100	Women's rights	page 118	fully impl.
101	Rights of the Child	page 133	fully impl.
102	Rights of the Child	page 134	partially impl.
103	HIV - Aids	page 53	fully impl.
104	Public security	page 98	partially impl.
105	Disabilities,International instruments	page 65	partially impl.
106	Justice	page 99	partially impl.
107	Justice	page 101	fully impl.
108	Right to education,Right to health,Rights of the Child,Women's rights	page 135	partially impl.
109	NHRI	page 146	fully impl.
110	Disabilities,Right to health	page 45	partially impl.
111	Human rights education and training	page 54	fully impl.
112	Civil society,Special procedures,Treaty bodies,UPR process	page 70	fully impl.
113	Freedom of association and peaceful assembly,Freedom of opinion and expression	page 26	partially impl.
114	Freedom of religion and belief	page 26	not impl.
115	Freedom of the press	page 28	not impl.
116	Freedom of opinion and expression,Freedom of the press	page 29	not impl.
117	Freedom of association and peaceful assembly	page 31	partially impl.
118	Justice	page 101	partially impl.
119	Women's rights	page 110	partially impl.
120	Freedom of opinion and expression	page 31	not impl.

rec. n°	Issue	page	IRI
121	Freedom of association and peaceful assembly,Freedom of the press,Human rights defenders	page 74	partially impl.
122	Detention conditions,Special procedures	page 71	fully impl.
123	Civil society,UPR process	page 70	fully impl.
124	Civil society,Freedom of association and peaceful assembly,Freedom of opinion and expression	page 33	partially impl.
125	Justice	page 104	not impl.
126	Trafficking	page 72	partially impl.
127	Rights of the Child,Women's rights	page 139	not impl.
128	Rights of the Child,Trafficking	page 140	partially impl.
129	International instruments,Justice	page 68	not impl.
130	Human rights education and training,Women's rights	page 141	fully impl.
131	Development	page 55	partially impl.
132	Detention conditions,Torture and other CID treatment	page 97	partially impl.
133	Civil society,International instruments,Torture and other CID treatment	page 106	partially impl.
134	CP rights - general,Treaty bodies	page 69	fully impl.
135	Freedom of association and peaceful assembly	page 34	partially impl.
136	Justice	page 108	partially impl.
137	Death penalty,International instruments	page 67	not impl.
138	Freedom of the press	page 34	not impl.
139	Justice	page 75	partially impl.
140	Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of the press	page 35	not impl.
141	Elections	page 36	fully impl.
142	Women's rights	page 118	fully impl.
143	Freedom of association and peaceful assembly,Freedom of opinion and expression,Freedom of the press,Human rights defenders	page 40	fully impl.
144	Human rights violations by state agents	page 108	partially impl.
145	Detention conditions,Torture and other CID treatment	page 147	partially impl.
146	Human rights education and training	page 51	partially impl.
147	Treaty bodies	page 71	fully impl.
148	Women's rights	page 118	fully impl.
149	Justice	page 108	partially impl.
150	International instruments,Justice	page 68	not impl.
151	Death penalty,International instruments	page 67	not impl.
152	Rights of the Child,Women's rights	page 142	partially impl.
153	Freedom of association and peaceful assembly,International instruments,Justice	page 108	fully impl.
154	Civil society,Freedom of the press,Human rights defenders	page 41	partially impl.
155	Freedom of opinion and expression	page 42	not impl.
156	Freedom of the press	page 42	not impl.
157	Freedom of the press	page 44	not impl.
158	Freedom of association and peaceful assembly	page 25	partially impl.
159	International instruments,Torture and other CID treatment	page 91	not impl.

rec. n°	Issue	page	IRI
160	Human rights education and training,Minorities,Right to education,Rights of the Child,Torture and other CID treatment,Women's rights	page 124	not impl.
161	Special procedures	page 70	partially impl.
162	Women's rights	page 143	partially impl.
163	Enforced disappearances,International instruments	page 67	fully impl.
164	International instruments,Justice	page 68	not impl.
165	Justice	page 75	partially impl.

3. Feedbacks on recommendations

CP Rights

Recommendation nº17: *Ensure respect for the right to freedom of assembly, in line with its international obligations* (Recommended by *Azerbaijan*)

IRI: *fully implemented*

London Legal Group (LLG) response:
The Council of Europe Commissioner for Human Rights reported in May 2011 about the "unlawful and disproportionate impediments to the right of peaceful assembly, such as intimidation and arrest of participants, disruption of transportation means and blanket prohibitions against assemblies in certain places". The new Law on Assemblies was assessed by the Council of Europe's Venice Commission to be largely in accordance with international standards, but concerns remained. In this respect, the Commission highlighted the Law's blanket prohibition against assemblies organized within a certain distance from the presidential residence, the national assembly and courts; the seven-day notice period before a protest was allowed to take place as being unusually long; and the articles prohibiting assemblies which aimed at forcibly overthrowing the constitutional order, inciting racial, ethnic and religious hatred or violence as being too broad.

Partnership for open society (POS) response:
The ban on public assemblies in Yerevan's Freedom Square was lifted. The square had been closed to demonstrations since the March 2008 clashes. However, concerns continued. The Council of Europe Commissioner for Human Rights reported in May about the "unlawful and disproportionate impediments to the right of peaceful assembly, such as intimidation and arrest of participants, disruption of transportation means and blanket prohibitions against assemblies in certain places". The new Law on Assemblies was assessed by the Council of Europe's Venice Commission to be largely in accordance with international standards, but concerns remained. In this respect, the Commission highlighted the Law's blanket prohibition against assemblies organized within a certain distance from the presidential residence, the national assembly and courts; the seven-day notice period before a protest was allowed to take place as being unusually long; and the articles prohibiting assemblies which aimed at forcibly overthrowing the constitutional order, inciting racial, ethnic and religious hatred or violence as being too broad.

The exercise of the freedom of assembly has improved in 2012 and the campaigns of all political forces in the parliamentary elections of May 2012 were unhampered. However, it is still of concern that the Law on Rallies, Meetings and Demonstrations enables authorities with certain discretion to grant or deny permission for conducting meeting and rallies remained.

In the legislative field, despite overall improvement of the Law on Rallies, Meetings and Demonstrations adopted on April 14, 2011, some provisions within the new Law give authorities undisputed discretion to grant or deny permission for conducting meeting and rallies. Particularly, the law contains prohibitions for organization of public events in the vicinity of decision-making bodies , creates additional bureaucratic burden for event notification and bans public outreach for prohibited rallies.

In practice, throughout 2012 the situation with freedom of assembly remained positive, given numerous dynamic street activities carried out by social movements on public issues and political parties during the Parliamentary elections' campaign. The authorities did not hinder rallies and demonstrations. For example, during three-month long street protest activities of social movement on Mashtots park against installation of boutique-shops, the police did not interfere in the actions of the activists and environmentalists, except installation of a tent, which had been forcibly removed by the police forces.

The exercise of freedom of movements has improved in 2012. Particularly no restrictions by blocking the roads or other actions limiting free movement have been registered. However, the practice of creating obstacles with rental of premises continued in 2012. The situation with screening of the film "Parada" on the topic of non-discrimination and tolerance has become the best manifestation of it, when the venues being initially available, later were withdrawn, claiming technical difficulties for the venue's availability under the pressure of a group of protesters. It was remarkable that the authorities did not response adequately to such king of aggressive pressures.

State of Armenia response:
The new law of the Republic of Armenia "On freedom of assembly" was adopted on 14 April 2011. The law provides for all those legal mechanisms that are required to exercise rights and freedoms foreseen by the Constitution and by international legal instruments. In accordance with the Law of the Republic of Armenia "On dissemination of mass information" the journalists act freely based on the principles of legal equality, legality, freedom of speech and pluralism. In the course of his or her lawful professional activity, a journalist is protected by the legislation of the Republic of Armenia as a person executing public duties. In accordance with the Law of the Republic of Armenia "On freedom of information", the main principles of ensuring provision of information are important safeguards for the exercise of the right to receive information. Such principles are: determination of a common procedure for registering, classifying and storing information; protecting the freedom to search and receive information; ensuring access to information and its publicity. In May 2010 the Republic of Armenia decriminalised libel. The new Electoral Code of the Republic of Armenia prescribes rules for the coverage of official campaign with regards to free air time, news coverage and paid advertisements. The public and private broadcasters are obliged to ensure non-discriminatory conditions and provide non-biased news programs. In 2012 OSCE/ODIHR office monitored the work of news media during the elections of National Assembly in the Republic of Armenia. A mention has been made in the final report of the observation mission thereon, particularly the following

was noted: “The findings of monitoring of news media indicate that the news media have widely covered the elections. In general, the broadcasters were accessible for all major political parties. This enabled the voters to be informed of different political standings".

Recommendation nº19: *Fully ensure freedom of religion for all, without discrimination* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

Tandem Project (TP) response:
There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Many media outlets demonstrated bias against religious minorities and some criticized the Armenian Apostolic Church. - US State Dept. 2011 Religious Freedom Report

LLG response:
Freedom of religion is generally respected, though the dominant Armenian Apostolic Church enjoys certain exclusive privileges, and members of minority faiths sometimes face societal discrimination. Jehovah’s Witnesses are forced to serve prison terms for refusing to participate in either military service or the military-administered alternative service for conscientious objectors.

POS response:
The existing Law on Religious Organizations contradicts the RA Constitution and international standards in this field. Several attempts were made to propose amendments (in 2011 an attempt was made to pass a new Law) to the Law and all were harshly criticized both by civil society and Venice Commission. Attempts are made to prescribe restrictions through other legislation, such as the standards accepted by the NCTR in 2012 according to which it is prohibited to criticize the Holy Armenian Apostolic Church on television.

In September 2012, the RA Ombudsman initiated another round of circulation of the draft law. The discussion was held at the Ombudsman’s office with participation of stakeholders. Afterward, final and official document was sent to RA Ministry of Justice to be presented to the RA National Assembly.

State of Armenia response:
The state body for religious affairs authorised by the Government of the Republic of Armenia, i.e. the Department for National Minorities and Religious Affairs of the Government of the Republic of Armenia, that delivers, in accordance with law, expert opinion to religious communities expressing the willingness of being registered, has never hindered the process of submission of documents by the religious groups that apply for being granted state registration. Moreover, the process of state registration of religious organisations is rather transparent, without undue documentation troubles and is carried out within reasonable time period. At present about 70 religious organisations are registered at the State Registry of the Republic of Armenia where the most various religious movements and directions are represented therein.

At the request of religious organisations, the state authorised body also supports to reach an agreement with state bodies in respect of certain matters as well as acts as a mediator for settlement of issues and disputes arising among religious organisations of Armenia.

At the end of 2010 and in the beginning of 2011, the Ministry of Justice of the Republic of Armenia developed and put into circulation drafts providing for amendments to the new law in the field of religion as well as to other several laws which were communicated to the Venice Commission. It should be emphasised that in all these cases the process has been organised on the basis of publicly open and transparent principles, wherein all the interested parties were involved. Currently public discussions are ongoing and the Ministry of Justice of the Republic of Armenia coordinates not only the recommendations, viewpoints submitted by the Armenian organisations and citizens but also the comments and recommendations of prominent international bodies.

HRDI response:
There have been several complaints addressed to the [Human rights defender institution (HRDI)] concerning the alternative service by Jehovah's witnesses. Most male Jehovah's witnesses refuse to participate in alternative military service because it is not under civilian control. It is a positive improvement that steps have been taken to review the Law on Alternative service. However, the Law has not yet been amended, with the result that there are currently more than 50 people imprisoned for evasion from regular military service. Concerning draft Law on Alternative service, the Venice Commission stated the opinion that if the amendments and additions to the Law will be adopted by the National Assembly, that should be considered a step in the right direction and would be an attempt to extent the Law's conformity with international standards relating to conscientious objection to military service. However, the Venice Commission stressed its concern about the duration of the alternative labor service that lasts 42 months compared to 24 months of military service, which is not in conformity with the international standards relating to conscientious objection to military service. The latest draft prepared by the Ministry of Justice should be considered as a serious positive improvement, because it solves the main issues raised by the Venice Commission, ECHR as well as the Jehovah's witnesses. It also solves the issue of those who are imprisoned for evasion from regular military service based on their religious views. It mostly guarantees the rights of conscientious objection to military service, by eliminating the military supervision and providing civilian control. The Defender presented recommendations regarding the above mentioned, which referred to the duration of the alternative service and its types, and also regarding the military control over it. The Ministry of Justice has accepted the recommendation regarding the elimination of military control, and specifically stated that in no case will the military representatives have majority in respectful commissions. However the Ministry did not accept the Defender's recommendation which was based on the Council of Europe R(87)8 recommendation and on the position of the Venice Commission and the UN Human Rights Commitee, that the duration of two types of the alternative service should be the same not differentiated were not accepted. Our position was also justified with the presumption

that by providing different durations for two types of alternative service, a risk of discrimination can arise.

The draft law "On Freedom of Conscious and Religion" is not in line with international standards according to the opinion of the Venice Commission. Some of its provisions lack clear legal formulation and give space for their arbitrary interpretation in the future. For example, there is a need to provide an unambiguous definition of "proselytism" in the draft law, by particularly defining that the Law prohibits only the "improper proselytism" instead of "proselytism" as recommended by the Venice Commission; to clarify what constitutes "social benefit" that is provided to a person; "control" over community members, etc. Also it should be noted, that a number of concepts in the law do not have legal definition, but represent the theological sphere terminology and many of the provisions stated do not have implementation mechanisms.

Recommendation nº20: *Fully respect and promote freedom of expression* (Recommended by *Azerbaijan*)

IRI: *fully implemented*

POS response:

A new law regulating the exercise of the right to the freedom of assembly, the RA Law on the Freedom of Assembly, entered into effect on 2 May 2011. The law that existed prior to it had been amended and supplemented several times, including in the context of the events that followed the 1st of March 2008. Prior to March 1, 2008 events Armenia had a fairly progressive law on Freedom of Assembly, which was later amended in light of the post-election violent events. The new Law in fact, comes to restore the situation after the post March 1 negative amendments. The amendments had been harshly criticized by numerous organizations, including the Venice Commission, the RA Human Rights Defender and civil society.

Article 32 of the Law on the Freedom of Assembly provides that, if an assembly is peaceful, the police shall be obliged, within the limits of its authority, to facilitate the assembly. The Law also stipulates protection of protest participants from provocateurs by law enforcement agencies: organizers of a public event have the right to request the police officers to remove from the demonstration venue the persons that gravely violate the peaceful and natural course of the assembly (Para. 1(4) of Article 31). At the same time, implementation of this provision is problematic. During the sit-in of the opposition that started on September 30, 2011 there have been numerous requests by the organizers to remove agent provocateurs from the site with no adequate response from the police.

The Law does not contain special provisions on conduct and facilitation of counter-demonstrations.

Article 4 of the Law stipulates that officials and local government bodies in implementing their duties should be guided by principles of proportionality and administrative principles under the RA Law on Fundamentals of Administration and Administrative proceedings.

Article 5 of the Law stipulates that an assembly may be restricted only in instances of necessity in a democratic society in the interest of national security or public safety, public order protection of public health and morale or the protection of Constitutional rights and freedoms of others. Article 5(2) of the Law bans rallies aimed at "forcibly overthrowing the constitutional order, inciting ethnic, racial, or religious hatred, or advocating violence or war. The Venice Commission and OSCE/ODIHR review of this provision pointed out to the need of a reference to "element of violence" requirement to ensure adherence to international standards for this clause. With regards to the legal status of spontaneous demonstrations, in essence, the legal provisions stipulated by the new Law concerning spontaneous assemblies and the practical application of the new Law can be deemed compliant with the international commitments of Armenia.

Article 20 of the Law provides that an assembly conducted with the aim of immediately reacting to a certain event shall be called a "spontaneous" assembly. The right to the freedom of spontaneous assemblies is often violated in Armenia.
Article 15 of the Law stipulates that notifications on assemblies should immediately be registered by the authorized body and copies should be posted in the administrative building of the authorized body in a publicly visible place. If the authorized body has a website, the information on the rally should be posted on the website within 3 hours of notification registration but no later than the end of that working day. Previously, the authorized body would not take into consideration rally notifications claiming that there already is a public event planned for that particular space and in that time and the organizers had no way of checking whether in fact another event was planned.

The RA criminal law prescribes sanctions for hindering the conduct of or participation in assemblies: Article 163 of the Criminal Code criminalizes the obstruction of conducting lawful assemblies and the imposition of participation in lawful assemblies by violence or threat thereof.

A similar prohibition is prescribed by the RA Code of Administrative Offences: Paragraph 17 of Article 180.1 stipulates an administrative sanction in the form of a monetary penalty for obstruction of participation in lawful assemblies without violence or threat thereof.

The legislation contains no special provisions stipulating sanctions for the arbitrary use of force by law-enforcement bodies against demonstrators or for the disproportionate use of force in case its use is lawful. However, in case of such interference by law-enforcement staff, criminal sanctions may be imposed on them for abusing or exceeding their official powers (Articles 308 and 309 of the Criminal Code).

The exercise of the freedom of assembly has improved in 2012 and the campaigns of all political forces in the parliamentary elections of May 2012 were unhampered. However, it is still of concern that the Law on Rallies, Meetings and Demonstrations

enables authorities with certain discretion to grant or deny permission for conducting meeting and rallies remained.

In practice, throughout 2012 the situation with freedom of assembly remained positive, given numerous dynamic street activities carried out by social movements on public issues and political parties during the Parliamentary elections' campaign. The authorities did not hinder rallies and demonstrations. For example, during three-month long street protest activities of social movement on Mashtots park against installation of boutique-shops, the police did not interfere in the actions of the activists and environmentalists, except installation of a tent, which had been forcibly removed by the police forces.

The exercise of freedom of movements has improved in 2012. Particularly no restrictions by blocking the roads or other actions limiting free movement have been registered.

During 2012, there were numerous violations against the right to the freedom of expression. In April, law enforcement agencies, in the face of credible threats, demonstrated intentional passivity during an attempt by the "Asparez" Journalists' Club of Gyumri and the Vanadzor Branch of Helsinki Citizen's Assembly, to screen Azeri films in their respective cities. Similarly, in October, an EU and German Embassy film screening of the film "Parada", which shed light on LGBT issues, was met with the same response by the relevant authorities. In both instances, law-enforcement bodies neither prevented, nor held any suspects and perpetrators responsible.

Similarly, a cultural diversity march organized in May by the Women's Resource Center and PINK-Armenia NGO was labelled as a disguised gay parade. A counter – protest was organized by nationalist youth who attempted to stop the march. In this case the police intervened to stop potential violence.

State of Armenia response:
The new law of the Republic of Armenia "On freedom of assembly" was adopted on 14 April 2011. The law provides for all those legal mechanisms that are required to exercise rights and freedoms foreseen by the Constitution and by international legal instruments. In accordance with the Law of the Republic of Armenia "On dissemination of mass information" the journalists act freely based on the principles of legal equality, legality, freedom of speech and pluralism. In the course of his or her lawful professional activity, a journalist is protected by the legislation of the Republic of Armenia as a person executing public duties. In accordance with the Law of the Republic of Armenia "On freedom of information", the main principles of ensuring provision of information are important safeguards for the exercise of the right to receive information. Such principles are: determination of a common procedure for registering, classifying and storing information; protecting the freedom to search and receive information; ensuring access to information and its publicity. In May 2010 the Republic of Armenia decriminalised libel. The new Electoral Code of the Republic of Armenia prescribes rules for the coverage of official campaign with regards to free air time, news coverage and paid advertisements. The public and private broadcasters

are obliged to ensure non-discriminatory conditions and provide non-biased news programs. In 2012 OSCE/ODIHR office monitored the work of news media during the elections of National Assembly in the Republic of Armenia. A mention has been made in the final report of the observation mission thereon, particularly the following was noted: “The findings of monitoring of news media indicate that the news media have widely covered the elections. In general, the broadcasters were accessible for all major political parties. This enabled the voters to be informed of different political standings".

Recommendation nº46: *Put in place measures to ensure full respect for the right to freedom of opinion and expression, and create a more amenable climate for investigative journalism* (Recommended by *Canada*)

IRI: *partially implemented*

International Publishers' Association (IPA) response:
Measures to ensure the full respect for the right to freedom of opinion and expression have not been implemented.

LLG response:
Media freedom is inadequate. Outright harassment of journalists and media outlets has decreased, but there is still a glaring lack of diversity in television, from which an overwhelming majority of Armenians get their information. According to the Committee to Protect Freedom of Expression (CPFE), violence against journalists decreased in 2011 with three incidents reported in the first nine months of 2011, compared to eight incidents reported during the same period in 2010. However, several violent attacks in 2011 raised concerns about the safety of journalists. For the third time in five years the car of Lori TV’s editor-in-chief, Narine Avetisyan, was set on fire. Lori TV is known for its independent, critical reports on local government and business, and Avetisyan believes the attacks on her property are intended to intimidate her out of investigative journalism.

POS response:
Armenian legislation should get rid of the Soviet legacy approach according to which citizens are given their rights by the Government. For the purposes of the right to a peaceful assembly this means that the legislative changes should abolish the practices of giving state permission to exercise the right. The organizer of the peaceful public event should just let the authorities know about the intention of organizing an event. Any state interference should be deemed legitimate only based on certain grounds which come to light once the event started. An abstract intervention into an exercise of a right to a free assembly is arbitrary by definition and amounts to a prohibition to exercise a not-state-given constitutional right.

As of 2011, the exercise of the freedom of assembly has improved in comparison with the situation after the 2008 post electoral crisis. The Liberty Square, a traditional site for opposition’s rallies, was re-opened after closure for nearly three years following the tragic events of March 2008. As of May, the Armenian National Congress has been regularly holding meetings and rallies in the Square without undue police interference. Despite this improvement, civic groups enjoy less freedom

than political parties and the police continue to intervene and restrict small-scale demonstrations by non-partisan activist groups.

Throughout 2011, authorities continued to restrict small-scale demonstrations, which were usually outburst of public discontent with government's new regulations or social developments in the country. Taxi drivers from Gyumri and Vanadzor organized a series of rallies in protest of amendments to the RA Customs Code. On the days of planned rallies, authorities restricted both freedom of movement and assembly by blocking the roads in between these cities. Similarly, skirmishes followed the pickets organized by Yerevan city street vendors as police forced them away from the municipality building claiming that they are distributing the activities of the municipality. The authorities actively use the "disturbance to ordinary activities of the institution" as an argument to restrict access to the Government building, a traditional venue for small-scale demonstrations and pickets. Cases of intimidation and harassment of outspoken activists takes places through detentions, either under the charges of hooliganism and insult to police officers or without any legal justification at all.

In the morning of 21 September 2011, police officers apprehended, from the area near the status of Saryan in Yerevan, Levon Barseghyan and Arno Kur, two participants of an attempted peaceful march of protest against the participation of army units of another country with foreign flags in a parade dedicated to the Independence Day of Armenia. After keeping them in the police for several hours, they were released.

In the morning of 27 October 2011, a protest of the civil initiative called "The Army in Reality" was going to take place in front of the Government building. The demonstration was obstructed by police officers that blocked the way to the Government building from early morning. Therefore, the demonstrators continued protesting near the fountains on the Republic Square. During the demonstration, Lala Aslikyan, a participant of the demonstration, was apprehended to the Yerevan Central Station of the Police on the ground of violating the procedure of conducting demonstrations and failing to comply with the lawful demands of a police officer. After being held for two to three hours, Lala Aslikyan was released.

In practice, throughout 2012 the situation with freedom of assembly remained positive, given numerous dynamic street activities carried out by social movements on public issues and political parties during the Parliamentary elections' campaign. The authorities did not hinder rallies and demonstrations. For example, during three-month long street protest activities of social movement on Mashtots park against installation of boutique-shops, the police did not interfere in the actions of the activists and environmentalists, except installation of a tent, which had been forcibly removed by the police forces.

The Republic of Armenia has no legal regulation of indoors assemblies.

Organizations that are not favored by the authorities are very often denied rental of a hall by any entity that owns halls. In some cases, violence is exerted upon owners

that are not under the direct control of the authorities and try to provide space to such organizations. Such attacks were committed against the office of the Asparez Journalistic Club of Gyumri and the Vanadzor Office of the Helsinki Citizens' Assembly. The screening of the film Parada was obstructed several times.

State of Armenia response:
Since the independence, the Republic of Armenia has taken respective steps to ensure freedom of speech.

One of the laws adopted on 8 October 1991 by the Republic of Armenia was the Law "On press and other mass media". In 2003, the Law "On mass media" was adopted. The Law of the Republic of Armenia "On television and radio" adopted on 9 October 2000 closely relates with freedom of information the Article 4 whereof stipulates that the right to free choice, production and dissemination of television and radio programmes is guaranteed in the Republic of Armenia and the censorship of television programmes is prohibited.

As regards the preparation of investigative journalists, it is a purely financial issue and will be implemented in case of availability of appropriate funds.

The new law of the Republic of Armenia "On freedom of assembly" was adopted on 14 April 2011. The law provides for all those legal mechanisms that are required to exercise rights and freedoms foreseen by the Constitution and by international legal instruments. In accordance with the Law of the Republic of Armenia "On dissemination of mass information" the journalists act freely based on the principles of legal equality, legality, freedom of speech and pluralism. In the course of his or her lawful professional activity, a journalist is protected by the legislation of the Republic of Armenia as a person executing public duties. In accordance with the Law of the Republic of Armenia "On freedom of information", the main principles of ensuring provision of information are important safeguards for the exercise of the right to receive information. Such principles are: determination of a common procedure for registering, classifying and storing information; protecting the freedom to search and receive information; ensuring access to information and its publicity. In May 2010 the Republic of Armenia decriminalised libel. The new Electoral Code of the Republic of Armenia prescribes rules for the coverage of official campaign with regards to free air time, news coverage and paid advertisements. The public and private broadcasters are obliged to ensure non- discriminatory conditions and provide non-biased news programs. In 2012 OSCE/ODIHR office monitored the work of news media during the elections of National Assembly in the Republic of Armenia. A mention has been made in the final report of the observation mission thereon, particularly the following was noted: "The findings of monitoring of news media indicate that the news media have widely covered the elections. In general, the broadcasters were accessible for all major political parties. This enabled the voters to be informed of different political standings".

HRDI response:
As a result of amendments made to the RA Criminal Code in 2010, defamation and insult were decriminalized, whilst the order and terms of compensation of damages

caused by insulting or defamatory statements to honor, dignity and business reputation of a person have been prescribed in the RA Civil Code. One of the main purposes for the decriminalization was to prevent pressure on journalists. However, following the decriminalization in cases of complaints against journalists the courts have adopted a policy of making the journalist pay the maximum amounts of compensation allowed by the RA Civil Code.

Based on complaints concerning the courts' decisions, the HRD emphasized that the application of the law by the courts is hampered by irregular interpretation by judges and some ambiguity text of the law. After an appeal by the HRD in October 2011, the Constitutional Court of the Republic of Armenia outlined a number of important legal interpretations in its decision. The Constitutional Court noted that the expressions made in media cannot be considered as insult if they have factual basis and that a court must first apply forms of non-financial compensation, e.g. apology, denial etc. Financial compensation should be provided only in cases when the non-financial compensation is not enough to compensate the caused damage.

As a result of the Constitutional Court's decision cases regarding disproportional decisions made by courts in relation to defamation and insult by journalists, newspapers etc. have significantly reduced. There has only been an exceptional case, where an arrest of newspapers assets took place based on a decision of a first instance court, which was clearly disproportional and caused a serious financial burden for the newspaper.

An issue regarding freedom of media which can also be stated is the lack of comprehensive legal regulation towards mandatory digitalization of broadcasting network in Armenia. The HRD has regularly emphasized the importance of maintaining and protecting the freedom of media despite the process of digitalization. These concerns have emerged due to the unpreparedness of a number of TV channels, which had to meet the binding requirements. The HRD has presented these issues to the RA Ministry of Economy, RA National Commission on Television and Radio (NCTR) as well as the RA Sate Revenue Committee for their immediate consideration. The latter is one of the main challenges Armenia will face in future while providing the right of freedom of speech and expression in the country.
In general the freedom of media, newspapers magazines, TV and radio, Internet, etc. is sufficiently guaranteed and protected in Armenia. Despite the noticeable positive improvements concerning freedom of press in Armenia, the fact that certain vital legal provisions are not being effectively enforced by state bodies and courts should be considered as an obstacle towards the process of fully guaranteeing the right to freedom of speech and expression in Armenia.

Recommendation nº67: *Implement recommendations issued by the Office for Democratic Institutions and Human Rights of OSCE to improve the holding of the next general elections, in 2011, and the presidential elections in 2012* (Recommended by *France*)

IRI: *partially implemented*

POS response:
In spite of the introduced changes, neither the Electoral Code, nor its implementation ensures expression of the free will of the Armenian citizens. Parliamentary elections of 2012 were accompanied by a range of violations, such as multiple voting, vote-buying, circulation of pre-voted ballots ("carousel"), terror and intimidation of voters, observers and proxies, which were not adequately pursued by law enforcement bodies and condemned by courts. In addition, there was a widespread abuse of administrative resources, such as engagement of municipal community leaders in directing rural voters, drafting employees of educational and health institutions to attend campaign events and vote for the ruling party, instructions by the leadership of both public and private entities, use of students of kindergarten and schools in campaign events, etc. (Iditord.org crowd sourcing platform received about 150 complains related to the voters' lists, about 300 – to the vote-buying and pressure, about 180 - to the violations of the elections campaign, about 180 – to the violation of voting procedures on the day of elections, about 90 - to the falsification of results, about 180 - to the public order and about 300 – to miscellaneous types, including transportation of voters to the precincts and early disappearance of the seal intended for exclusion of multiple voting). Also, it is widely perceived that elections are falsified through illegal use of names of Armenian citizens that are abroad. These types of phenomenon, many of which are not forbidden by the Electoral Code, affect the expression of the free will of citizens and develop distrust in the power of own vote and the possibility to exercise the power of participation in governance of the state vested in Armenian citizens by the Armenian Constitution.
The new Electoral Code introduced a number of important changes in the electoral legislation. Some of those changes had a positive impact on the conduct and administration of elections, whereas others, as the practice of 2012 elections revealed, proved to be negative. Formally, all changes introduced into any legislation, pursue the goal to improve the legislation. However, many changes, though nominally positive, actually, considering political realities, bring negative effects. The ensuing discussion of the changes, introduced in the electoral legislation through the new Electoral Code, proves this proposition. Among the most important changes, introduced by the new Code were: Right (but not obligation) to video- and/or audiotape the voting process; Change of the principle of formation of the Central Election Commission (CEC) and territorial electoral commissions (TECs); Ban on corporate donations to the parties' or candidates' pre-election funds; Introduction of more fair mechanism of appointing the management (heads, deputy heads and secretaries) of precinct electoral commissions (PECs); More detailed regulation of the use of administrative resources during campaign (such as, for example, ban on locating electoral headquarters in the same buildings, where state or local self-government bodies are located); Introduction of the institute of re-voting in precincts, if serious violations were revealed during the vote; Training of local observers.

Although some legislative changes took place in the Electoral Code in 2012, however as the previous elections show we are still far away from free and fair elections in the RA. the new Electoral Code provides a generally solid framework for the conduct of democratic elections, but contains a number of substantive shortcomings that remain to be addressed. A lot of NGO reports and observers prove that the election process was carried out with many violations. There is need of increasing transparency of the

work of the electoral and state authorities, additional voter education on the secrecy of the vote, campaigns against vote buying and vote selling, and continuing efforts to improve the accuracy of voter lists.

In a number of polling stations, a key principle of the electoral process—the secrecy of the vote—was reportedly breached, as manifested in a variety of ways, such as open voting, wrong furnishing of the polling station (resulting in a breach of the secrecy principle), presence of a photo or video device in the voting booth, presence of another person while the voter is voting, and so on. Violation of the secrecy principle allows controlling the expression of the voter's will. Criminal liability is prescribed for breaching this principle, but it is not applied in practice. Among the reported violations were also breaches of the voting rules. The more obvious ones were concurrent voting by more than one person in the voting booth, multiple voting, and the voting of a person registered at a different address in another polling station. There is lingering concern over the giving and taking of bribes to vote for or against a particular candidate. A question of most serious concern is the ubiquitous lack of public trust in the elections and their outcome. The main issues casting doubt over the legitimacy of elections are concerned with abuse of administrative resources, inflation of voter lists, and distortion of the voting processes.

For detailed assessment on implementation of recommendations issued by the Office for Democratic Institutions and Human Rights of OSCE to improve the holding of the next general elections, in 2012, and the presidential elections in 2013, please refer to Annex II [...]

State of Armenia response:
The recent elections conducted in the Republic of Armenia were the elections of the National Assembly held in May 2012, which were assessed by the international observation mission as "elections that were held under reformed legal framework and were considered in the light of competitive, active and mainly peaceful electoral campaign". The process of implementing the recommendations and assignments of OSCE/ODIHR are constantly monitored by the Government of the Republic of Armenia. As regards the presidential elections 2013, a working group has been established upon the order of the President of the Republic of Armenia for the implementation of the recommendation of OSCE/ODIHR observation mission, which comprises the Minister of Justice, the Deputy Minister of Foreign Affairs of the Republic of Armenia, the Chairperson of Standing Committee on State and Legal Affairs of the National Assembly, the Chairperson of the Central Electoral Commission, the Deputy Prosecutor General, the Chairperson of the Administrative Court, the Deputy Head of Police and other high-ranking officials. The administration of activities of the Group has been assigned to the Head of Staff to the President of the Republic of Armenia. The mentioned Group has prepared a comprehensive action plan underlining the points of recommendations the implementation whereof is feasible prior to the conduct of presidential elections 2013. The information on the mentioned activities has been widely disseminated among different international organisations.

HRDI response:
Taking into consideration the importance of the parliamentary elections the Defender has prepared an ad hoc report of the 2012 parliamentary elections in Armenia. Several issues regarding the parliamentary elections will be presented below. The major reasons for the Armenian society's distrust toward the results of the Elections are the inaccuracies in the voter lists and the retention in the voter lists of persons extensively absent from Armenia. Keeping in the voter lists the data of persons extensively absent from Armenia is the requirement of law. Keeping the names of deceased persons in the voter lists as stated by the Ministry of Justice was the consequence of a software problem, which was emended prior to the day of Elections. Other inaccuracies in the voter lists are the consequence of insufficient work carried out by the Police. The above-mentioned voter list issues do not by themselves testify to existence of electoral frauds; however, these issues offer pretext for political speculations and intensify public distrust towards the electoral processes in the country. At the same time, existence of the issues mentioned above in creation of the voter lists can generate extensive possibilities for electoral fraud.

The expansive work carried out by the Police is very positive. Only a very small number of people who were entitled with the right to vote but whose names were not registered in the voter lists did not get the chance to vote. Furthermore, the Police displayed an unprecedented readiness to react to cases of legitimate requests and valid information with respect to the voter lists. The way the Police publicly conducted themselves is appreciated.
The process of candidate nomination and registration in the present Elections was generally satisfactory and allowed for truly competitive Elections. Nonetheless, two circumstances are worrisome. The residential qualifications of the candidates for MP still need clarification in the legislation. The current legislation interpretation and application by the CEC and Administrative Court is understandable and partially acceptable. However, as the legal interpretation of the term "place of residence" is neither included in the Electoral Code nor is clear who can be considered "a permanent resident of the Republic of Armenia for the last five years", this requirement of the law is not entirely obvious and predictable for someone considering running for MP.

The Pre-election campaign was in general free and without significant obstacles which created positive preconditions for the equal competition for all candidates. However, even the few cases registered were not sufficiently investigated by the Police and Prosecutor's Office. This stressed the inability of Police to find sufficient evidence to demonstrate the criminal act and/or identify of the perpetrator in each case. Consequently, the Police rejected to initiate a criminal case from any of these complaints. Such results considerably reduce public trust towards the mentioned bodies and electoral processes.

The most positive evaluation during the election was given to media coverage of the Elections by the interested entities and observer organizations. They state the media's unprecedented progress as compared to all the previous elections in the country. The media gave opportunities to all candidates and political parties to present their views, ideas and programs.

Unfortunately, competing parties did not succeed in using the available opportunities to initiate serious ideological and programmatic discussions. A significant part of the society did not receive alternatives to many worrisome external and internal political issues. This contributed to often apolitical and non-ideological voting choices by the electorate and in its turn creates perfect conditions for guiding the electorate by means of bribes.

The moderate number of registered and abovementioned violations testifies to the fact that during the Parliamentary Elections 2012 such previously widely imposed electoral violations as secret ballot, ballot stuffing, voting by other people, withdrawal of ballots from precincts and passing to other voters, etc. have been eliminated or significantly reduced. Even if all the above-mentioned alarms were proved and true, the number of recorded violations could not have a significant impact on the overall positive assessment of the organization of voting. Voting was conducted generally in accordance with the requirements of the law, well organized and without violence.

In the meantime, the violations registered and alarm calls received by the Central Electoral Committee were not sufficiently examined by the Committee, and CEC's approach to incidents and problems addressed to them in many cases can be characterized as legal formalism. Such practice does not promote public confidence in electoral processes and obscures the State and CEC positive progress registered.
The 2012 elections significantly and positively differed from the previous elections, when mass vote stuffing, fraud during the vote counting, violence, and multiple voting existed. The most concerning of all the violations registered in the 2012 election was distribution of electoral bribes. According to some parts of society, cases of electoral bribes were widespread. Despite this opinion, there is no substantial evidence supporting that view. The majority of the hundreds of registered complaints on electoral bribes was viewed as unreliable by the law enforcement bodies. The law enforcement bodies have the responsibility to reveal the actual volume of distribution of electoral bribes, yet the Police and Prosecutors work in almost all the above-mentioned cases was consistently and extremely inadequate. Such limited enforcement cannot prevent cases of electoral bribes during the next elections and reduces public confidence towards those authorities and the election outcome.

Reports of the misuse of administrative resources during the election were not widespread, and therefore it is not possible to state that misuse of administrative resources had a significant impact on the election outcome.

It is very important to mention that the cases of hindering activities of observers, proxies, journalists and other participants of the electoral process, as well as violence towards them were considerably less than in the previous election.

All the entities participating in the elections had a real and affordable possibility to appeal against decisions of the authorities affecting their interests. All the appeals were operated in a reasonable timeframe and followed the procedural legal requirements. The absence of complaints and negative assessments concerning violations of procedural and substantive norms in appeal processes demonstrates

the effectiveness of the appeals mechanism. Nonetheless, the uniform responses of all state bodies to all the incidents and issues are very suspicious. In the year 2013 on February 18 the Presidential elections took place in Armenia. The Defender made a decision to present an ad hoc report about it as well, however it has not been published yet.

Recommendation nº69: *Take the measures necessary to bolster the independence of the National Audiovisual Commission as a regulatory body for the media* (Recommended by *France*)

IRI: *not implemented*

LLG response:
No nationwide broadcasters are regarded as fully independent. Internet penetration rose sharply in 2011, resulting in increased access to a rapidly growing number of online media perceived as more independent and trustworthy than traditional print or broadcast sources.

POS response:
The broadcast licenses granted in December of 2010 under the current legislation are valid for 10 years. As a result of the tender, the number of TV channels deceased from 22 to 18, which would have a negative impact on freedom of expression by decreasing freedom of speech on the air. It became clear that the licensing system is not fair and leaves the door open for partiality. These licenses were granted through a tender conducted by a problematic regulatory body with a complete lack of real transparency, no clear licensing criteria and no guarantees of fair competition. The National Committee for TV and Radio (NCTR) is the only body regulating the digital environment under the current Law on Television and the Radio, and four of the eight members of the NCTR are elected by the National Assembly, and the other four members of the NCTR are appointed by the President. There is no mechanism through which society can influence the NCTR members' elections and oversee their activities. The current system of NCTR member selection and appointment do not guarantees for the independence of the NCTR, primarily because the election procedure stipulated by the By-Laws of the National Assembly is such that the parliamentary majority can always have its preferred candidate elected to the NCTR, and in Armenia, the parliamentary majority always consists of the parties that support the President. In other words, all eight members of the NCTR are representatives of the authorities. No mechanisms have been taken to provide guarantees for the independence of NCTR members by reforming the system of member selection and appointment.

State of Armenia response:
The law on television and radio is undergoing amendments for the purpose of ensuring the independence of the conduct of competitions. The non-governmental organisations play a big role in this process. The National Commission on Television and Radio has conducted 25 competitions in result of which 25 licences were granted. The competitions were held in accordance with the Law of the Republic of Armenia "On television and radio" by fully ensuring the transparency of the process. NCTR independence is ensured by the Constitution of the Republic of Armenia and laws. The non-governmental organisations play their role in the process of appointing

NCTR members, which provide recommendation letters thereto for the participation in the competition.

HRDI response:
[See response to recommendation n° 46]

Recommendation nº92: *Implement the Law on Meetings, Rallies and Demonstrations in a transparent and proportional manner* (Recommended by *Ireland*)

IRI: *fully implemented*

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Recommendation nº158: *Respect - in law and in practice - the right of individuals to assemble peacefully* (Recommended by *United States*)

IRI: *partially implemented*

POS response:
The ban on public assemblies in Yerevan's Freedom Square was lifted. The square had been closed to demonstrations since the March 2008 clashes. However, concerns continued. The Council of Europe Commissioner for Human Rights reported in May about the "unlawful and disproportionate impediments to the right of peaceful assembly, such as intimidation and arrest of participants, disruption of transportation means and blanket prohibitions against assemblies in certain places". The new Law on Assemblies was assessed by the Council of Europe's Venice Commission to be largely in accordance with international standards, but concerns remained. In this respect, the Commission highlighted the Law's blanket prohibition against assemblies organized within a certain distance from the presidential residence, the national assembly and courts; the seven-day notice period before a protest was allowed to take place as being unusually long; and the articles prohibiting assemblies which aimed at forcibly overthrowing the constitutional order, inciting racial, ethnic and religious hatred or violence as being too broad.

The exercise of the freedom of assembly has improved in 2012 and the campaigns of all political forces in the parliamentary elections of May 2012 were unhampered. However, it is still of concern that the Law on Rallies, Meetings and Demonstrations enables authorities with certain discretion to grant or deny permission for conducting meeting and rallies remained.

In the legislative field, despite overall improvement of the Law on Rallies, Meetings and Demonstrations adopted on April 14, 2011, some provisions within the new Law give authorities undisputed discretion to grant or deny permission for conducting meeting and rallies. Particularly, the law contains prohibitions for organization of public events in the vicinity of decision-making bodies , creates additional bureaucratic burden for event notification and bans public outreach for prohibited rallies.

In practice, throughout 2012 the situation with freedom of assembly remained positive, given numerous dynamic street activities carried out by social movements on public issues and political parties during the Parliamentary elections' campaign. The authorities did not hinder rallies and demonstrations. For example, during three-month long street protest activities of social movement on Mashtots park against

installation of boutique-shops, the police did not interfere in the actions of the activists and environmentalists, except installation of a tent, which had been forcibly removed by the police forces.

The exercise of freedom of movements has improved in 2012. Particularly no restrictions by blocking the roads or other actions limiting free movement have been registered. However, the practice of creating obstacles with rental of premises continued in 2012. The situation with screening of the film "Parada" on the topic of non-discrimination and tolerance has become the best manifestation of it, when the venues being initially available, later were withdrawn, claiming technical difficulties for the venue's availability under the pressure of a group of protesters. It was remarkable that the authorities did not response adequately to such king of aggressive pressures.

State of Armenia response:
[See response to recommendation n° 17]

Recommendation nº113: *In line with the Government's commitment to protecting fundamental freedoms of its citizens, review its legislation and practices in order to guarantee the free exercise of the right to assembly and freedom of expression, without any limitations other than those permitted by international law* (Recommended by *Mexico*)

IRI: *partially implemented*

IPA response:
The only legislative change that has been made regarding the freedom of assembly and the freedom of expression has been the decriminalization of libel.

POS response:
[See response to recommendation n° 20]

State of Armenia response:
[See response to recommendation n° 17]

Recommendation nº114: *Take the legislative and administrative measures necessary to fully guarantee freedom of religion in the country, in particular to prevent any form of discrimination or undue obstacles in the registration of associations of religious minorities* (Recommended by *Mexico*)

IRI: *not implemented*

POS response:
The existing Law on Religious Organizations contradicts the RA Constitution and international standards in this field. Several attempts were made to propose amendments (in 2011 an attempt was made to pass a new Law) to the Law and all were harshly criticized both by civil society and Venice Commission. Attempts are made to prescribe restrictions through other legislation, such as the standards accepted by the NCTR in 2012 according to which it is prohibited to criticize the Holy Armenian Apostolic Church on television.

In September 2012, the RA Ombudsman initiated another round of circulation of the draft law. The discussion was held at the Ombudsman's office with participation of stakeholders. Afterward, final and official document was sent to RA Ministry of Justice to be presented to the RA National Assembly.

TP response:
To qualify for registration, religious organizations must "be free from materialism and of a purely spiritual nature," have at least 200 adult members, and subscribe to a doctrine based on "historically recognized holy scriptures." The registration requirements do not apply to the religious organizations of national ethnic minorities, though most have chosen to register. The Office of the State Registrar registers religious entities. The Department of Religious Affairs and National Minorities oversees religious affairs and performs a consultative role in the registration process. US State Dept 2011 IRFR

State of Armenia response:
The state body for religious affairs authorised by the Government of the Republic of Armenia, i.e. the Department for National Minorities and Religious Affairs of the Government of the Republic of Armenia, that delivers, in accordance with law, expert opinion to religious communities expressing the willingness of being registered, has never hindered the process of submission of documents by the religious groups that apply for being granted state registration. Moreover, the process of state registration of religious organisations is rather transparent, without undue documentation troubles and is carried out within reasonable time period. At present about 70 religious organisations are registered at the State Registry of the Republic of Armenia where the most various religious movements and directions are represented therein.

At the request of religious organisations, the state authorised body also supports to reach an agreement with state bodies in respect of certain matters as well as acts as a mediator for settlement of issues and disputes arising among religious organisations of Armenia.

At the end of 2010 and in the beginning of 2011, the Ministry of Justice of the Republic of Armenia developed and put into circulation drafts providing for amendments to the new law in the field of religion as well as to other several laws which were communicated to the Venice Commission. It should be emphasised that in all these cases the process has been organised on the basis of publicly open and transparent principles, wherein all the interested parties were involved. Currently public discussions are ongoing and the Ministry of Justice of the Republic of Armenia coordinates not only the recommendations, viewpoints submitted by the Armenian organisations and citizens but also the comments and recommendations of prominent international bodies.

HRDI response:
There have been several complaints addressed to the HRDI concerning the alternative service by Jehovah's witnesses. Most male Jehovah's witnesses refuse to participate in alternative military service because it is not under civilian control. It is a positive improvement that steps have been taken to review the Law on Alternative

service. However, the Law has not yet been amended, with the result that there are currently more than 50 people imprisoned for evasion from regular military service. Concerning draft Law on Alternative service, the Venice Commission stated the opinion that if the amendments and additions to the Law will be adopted by the National Assembly, that should be considered a step in the right direction and would be an attempt to extent the Law's conformity with international standards relating to conscientious objection to military service. However, the Venice Commission stressed its concern about the duration of the alternative labor service that lasts 42 months compared to 24 months of military service, which is not in conformity with the international standards relating to conscientious objection to military service. The latest draft prepared by the Ministry of Justice should be considered as a serious positive improvement, because it solves the main issues raised by the Venice Commission, ECHR as well as the Jehovah's witnesses. It also solves the issue of those who are imprisoned for evasion from regular military service based on their religious views. It mostly guarantees the rights of conscientious objection to military service, by eliminating the military supervision and providing civilian control. The Defender presented recommendations regarding the above mentioned, which referred to the duration of the alternative service and its types, and also regarding the military control over it. The Ministry of Justice has accepted the recommendation regarding the elimination of military control, and specifically stated that in no case will the military representatives have majority in respectful commissions. However the Ministry did not accept the Defender's recommendation which was based on the Council of Europe R(87)8 recommendation and on the position of the Venice Commission and the UN Human Rights Commitee, that the duration of two types of the alternative service should be the same not differentiated were not accepted. Our position was also justified with the presumption that by providing different durations for two types of alternative service, a risk of discrimination can arise.

The draft law "On Freedom of Conscious and Religion" is not in line with international standards according to the opinion of the Venice Commission. Some of its provisions lack clear legal formulation and give space for their arbitrary interpretation in the future. For example, there is a need to provide an unambiguous definition of "proselytism" in the draft law, by particularly defining that the Law prohibits only the "improper proselytism" instead of "proselytism" as recommended by the Venice Commission; to clarify what constitutes "social benefit" that is provided to a person; "control" over community members, etc. Also it should be noted, that a number of concepts in the law do not have legal definition, but represent the theological sphere terminology and many of the provisions stated do not have implementation mechanisms.

Recommendation nº115: *Amend its broadcasting laws so as to ensure the real independence of the regulatory body for television and radio* (Recommended by *Netherlands*)

IRI: *not implemented*

POS response:

The broadcast licenses granted in December of 2010 under the current legislation are valid for 10 years. As a result of the tender, the number of TV channels deceased from 22 to 18, which would have a negative impact on freedom of expression by

decreasing freedom of speech on the air. It became clear that the licensing system is not fair and leaves the door open for partiality. These licenses were granted through a tender conducted by a problematic regulatory body with a complete lack of real transparency, no clear licensing criteria and no guarantees of fair competition. The National Committee for TV and Radio (NCTR) is the only body regulating the digital environment under the current Law on Television and the Radio, and four of the eight members of the NCTR are elected by the National Assembly, and the other four members of the NCTR are appointed by the President. There is no mechanism through which society can influence the NCTR members' elections and oversee their activities. The current system of NCTR member selection and appointment do not guarantees for the independence of the NCTR, primarily because the election procedure stipulated by the By-Laws of the National Assembly is such that the parliamentary majority can always have its preferred candidate elected to the NCTR, and in Armenia, the parliamentary majority always consists of the parties that support the President. In other words, all eight members of the NCTR are representatives of the authorities. No mechanisms have been taken to provide guarantees for the independence of NCTR members by reforming the system of member selection and appointment.

State of Armenia response:
The law on television and radio is undergoing amendments for the purpose of ensuring the independence of the conduct of competitions. The non-governmental organisations play a big role in this process. The National Commission on Television and Radio has conducted 25 competitions in result of which 25 licences were granted. The competitions were held in accordance with the Law of the Republic of Armenia "On television and radio" by fully ensuring the transparency of the process. NCTR independence is ensured by the Constitution of the Republic of Armenia and laws. The non-governmental organisations play their role in the process of appointing NCTR members, which provide recommendation letters thereto for the participation in the competition.

HRDI response:
[See response to recommendation n° 46]

Recommendation nº116: *Ensure the implementation of the judgment of the European Court on Human Rights that found the Government's denial of a license to A1 broadcasting company to be in violation of Armenia's human rights obligations* (Recommended by *Netherlands*)

IRI: *not implemented*

IPA response:
Despite the European Court on Human Rights' judgment, Armenia's National Commission on Television and Radio denied a license to the A1 broadcasting company for the 13th time in December, 2010.

LLG response:
The government continued to deny a license to the independent television company A1+ despite a 2008 ruling in its favor by the European Court of Human Rights. A1+, which had been forced off the air by a government licensing decision in 2002, made

a fresh bid for a license in October 2010, but it was rejected in December, 2010 on the grounds that A1+ had submitted fraudulent documents.

POS response:
On June 10, 2011 the Resolution CM/ResDH(2011)39 on execution of the June 17, 2008 judgment of the European Court of Human Rights on the case of "Meltex" LLC versus Republic of Armenia was released. The Resolution was adopted at the June 8, 2011 Meeting of the Ministers' Deputies by the Committee of Ministers of the Council of Europe. According to which the case was closed. The tendering rules and the procedure satisfied the implementation requirements. the CoE Committee of Ministers Resolution stresses that over and above the payment of just satisfaction, the respondent state where appropriate should take individual measures to put an end to the violations and erase their consequences so as to achieve as far as possible restitutio in integrum. However, on the other side, the Resolution ignores the fact that the rights of "Meltex" LLC have not been restored in any way. Regarding this the Armenian Civil Society representatives found out that the decision had neither sufficient legal nor other grounds and A1+ company's rights are in ongoing violation procedure. Moreover, according to the Communication of 2009 to the Department for the execution of the judgments of ECHR on the state of execution of the above-mentioned case, the representatives highlighted the failure by Armenia in implementing individual measures for restoring to the extent as possible the violated rights of the Meltex ltd. after judgment of the European Court against Armenia on 17/06/2008.

Based on a judgment of the European Court, the domestic proceedings in the case of A1+ were reopened, but the domestic court applied a provision declared as invalid and contradicting the Constitution, and refused to review the judicial act and to restore the situation that existed prior to the violation of the right. A1+ then applied to the Constitutional Court of Armenia, and the latter found this fact, creating a new possibility for reviewing the former judicial act. A1+ again applied to the Cassation Court, and review proceedings were initiated again, but the Cassation Court now applied the new amendments enacted by the National Assembly, which contradicted the Constitutional Court's decision, and refused to review the former judicial act and to restore the situation that existed prior to the violation of the right. A1+ applied to the Constitutional Court again, and the latter invalidated the legal provision applied by the Cassation Court. A1+ got another opportunity to apply to the Cassation Court demanding enforcement of the judgment of the European Court. The Cassation Court, however, refused to initiate review proceedings to enforce the last three decisions of the Constitutional Court and the European Court's judgment, interpreting the legal provisions in a way that contradicted the previous decisions of the Constitutional Court. A1+ applied to the Constitutional Court again, demanding to declare the legal provisions as unconstitutional. The Constitutional Court did not admit the case, but in its decision declining admissibility, it noted that the decisions of the Constitutional Court are not being implemented. Therefore, the decision of the Committee to consider that Armenia has implemented the judgment of the European Court (i.e. removal of the judgment from the list) contradicts the official position expressed by the Republic of Armenia in decisions of the Constitutional Court. A1+ has filed an application to the European Court on the failure to implement the

judgment of the European Court and the resulting violation of the right safeguarded by Article 10 of the Convention, but the application has not been communicated to the Government of Armenia yet.

State of Armenia response:
The Republic of Armenia has fully upheld the judgement of the European Court of Human Rights (reference to CMCE CM/ResDH(2011)39 Resolution of 10 June 2011)

HRDI response:
[...]

Recommendation nº117: *Ensure, in its laws and regulations as well as in practice, that no arbitrary impediments are imposed with respect to exercising the right to freedom of assembly* (Recommended by *Netherlands*)

IRI: *partially implemented*

POS response:
[See response to recommendation n° 17]

State of Armenia response:
[See response to recommendation n° 17]

Recommendation nº120: *Ensure a fair and transparent process for issuing broadcasting licences and guaranteeing the independence of broadcasting regulatory bodies* (Recommended by *Norway*)

IRI: *not implemented*

IPA response:
The process for issuing broadcasting licenses remains opaque.

LLG response:
The 2010 licensing competition conducted in connection with a planned transition to digital broadcasting was heavily criticized by domestic and international actors, who noted that many licensing decisions appeared politically motivated. On 21 February 2011, A1+'s owners filed a suit against the National Broadcasting Commission (NBC), demanding annulment of the 2010 licensing competition results. On the same day, the Committee to Protect Freedom of Expression (CPFE) requested copies of the application packages submitted to the NBC by all television stations that took part in the 2010 tender. The NBC agreed to disclose the packages only in part, excluding material that may contain commercial secrets. The CPFE filed a complaint to the Administrative Court for the release of the full information, but lost its case on September 27. Despite having lost the 2010 tender, Gala TV, like all regional stations, is permitted to continue broadcasting until 2015.

POS response:
The broadcast licenses granted in December of 2010 under the current legislation are valid for 10 years. As a result of the tender, the number of TV channels deceased from 22 to 18, which would have a negative impact on freedom of expression by decreasing freedom of speech on the air. It became clear that the licensing system is not fair and leaves the door open for partiality. These licenses were granted through

a tender conducted by a problematic regulatory body with a complete lack of real transparency, no clear licensing criteria and no guarantees of fair competition. The National Committee for TV and Radio (NCTR) is the only body regulating the digital environment under the current Law on Television and the Radio, and four of the eight members of the NCTR are elected by the National Assembly, and the other four members of the NCTR are appointed by the President. There is no mechanism through which society can influence the NCTR members' elections and oversee their activities. The current system of NCTR member selection and appointment do not guarantees for the independence of the NCTR, primarily because the election procedure stipulated by the By-Laws of the National Assembly is such that the parliamentary majority can always have its preferred candidate elected to the NCTR, and in Armenia, the parliamentary majority always consists of the parties that support the President. In other words, all eight members of the NCTR are representatives of the authorities. No mechanisms have been taken to provide guarantees for the independence of NCTR members by reforming the system of member selection and appointment.

State of Armenia response:
The law on television and radio is undergoing amendments for the purpose of ensuring the independence of the conduct of competitions. The non-governmental organisations play a big role in this process. The National Commission on Television and Radio has conducted 25 competitions in result of which 25 licences were granted. The competitions were held in accordance with the Law of the Republic of Armenia "On television and radio" by fully ensuring the transparency of the process. NCTR independence is ensured by the Constitution of the Republic of Armenia and laws. The non-governmental organisations play their role in the process of appointing NCTR members, which provide recommendation letters thereto for the participation in the competition.

HRDI response:
[...] An issue regarding freedom of media which can also be stated is the lack of comprehensive legal regulation towards mandatory digitalization of broadcasting network in Armenia. The HRD has regularly emphasized the importance of maintaining and protecting the freedom of media despite the process of digitalization. These concerns have emerged due to the unpreparedness of a number of TV channels, which had to meet the binding requirements. The HRD has presented these issues to the RA Ministry of Economy, RA National Commission on Television and Radio (NCTR) as well as the RA Sate Revenue Committee for their immediate consideration. The latter is one of the main challenges Armenia will face in future while providing the right of freedom of speech and expression in the country.

In general the freedom of media, newspapers magazines, TV and radio, Internet, etc. is sufficiently guaranteed and protected in Armenia. Despite the noticeable positive improvements concerning freedom of press in Armenia, the fact that certain vital legal provisions are not being effectively enforced by state bodies and courts should be considered as an obstacle towards the process of fully guaranteeing the right to freedom of speech and expression in Armenia.

Recommendation nº124: *Take concrete steps to meet obligations with regard to creating an environment that fosters freedom of expression, including respect for the independence of civil society organizations and the right to assemble* (Recommended by *Norway*)

IRI: *partially implemented*

IPA response:
Although the government is taking steps to respect the right to freedom of assembly, it is still not fully guaranteed. In April 2011, the opposition party (Armenian National Congress) was allowed to hold a public demonstration. However, they were not allowed to join any of the larger rallies that followed. ANC activists have also been subject to violent treatment by the police.

POS response:
There are intensified efforts by the Armenian authorities to expand the controversial model of the Public Council under the President of Armenia, which is a consultative body, created by the decree of the President, however claims itself to represent the Armenian civil society. There are endeavors by this Public Council to elaborate a concept paper on the development of the civil society, which among other activities suggest a statement that the "government grants its citizens with rights and freedoms", endorse the principle of "interpenetration" of CSOs and government organizations, claim the expediency of "consolidation of the civil society", propose formation of public councils under different ministries, state the necessity to "regulate" the foreign funding and establish a centralized funding facility, urge the need for closely "watching" and auditing the activities of charitable organizations. These measures apparently contain a danger of undermining the idea of freedom of association, alienating independent watchdog organizations, silencing the critical voices, and substituting the broader and genuine public participation with imitated democracy. The efforts are planned to be culminated with adoption of a Law on Public Council of the RA.

There is a new "technology" that may be named as "counter-public" used to neutralize activities and impact of independent associations and public events, though not violating the right to association, right to assembly and right to expression. Events such as the counter-rally against the Diversity March, violent opposition against showing the Azerbaijani films in Gyumri and Vanadzor and homosexuals rights film in Yerevan, facebook attacks of "thousands of bloggers" on a human rights defender who publicized an anonymous criticism on a senior military officer, etc., which do not get adequate reaction from the law-enforcement bodies, but instead are accompanied with hate statements of government representatives and/or participation of government-employed persons, indicate that these are organized and concurred efforts, whereas nobody may directly blame the government that it violates citizens rights.

State of Armenia response:
The guidelines "On conducting negotiations while maintaining public order and ensuring public security", "On the actions of the officers of police subdivisions engaged in maintaining public order, on the use of physical force, special measures and firearms thereby during mass disorders", "Actions of the Police during

assemblies" have been developed which establish the principles and practical rules on the exercise of the powers of the Police.

Recommendation nº135: *Guarantee freedom of peaceful assembly, and amend Article 9.4.3 of the Law on Meetings, Assemblies, Rallies and Demonstrations* (Recommended by *Spain*)

IRI: *partially implemented*

State of Armenia response:

The new law of the Republic of Armenia "On freedom of assembly" was adopted on 14 April 2011. The law provides for all those legal mechanisms that are required to exercise rights and freedoms foreseen by the Constitution and by international legal instruments. In accordance with the Law of the Republic of Armenia "On dissemination of mass information" the journalists act freely based on the principles of legal equality, legality, freedom of speech and pluralism. In the course of his or her lawful professional activity, a journalist is protected by the legislation of the Republic of Armenia as a person executing public duties. In accordance with the Law of the Republic of Armenia "On freedom of information", the main principles of ensuring provision of information are important safeguards for the exercise of the right to receive information. Such principles are: determination of a common procedure for registering, classifying and storing information; protecting the freedom to search and receive information; ensuring access to information and its publicity. In May 2010 the Republic of Armenia decriminalised libel. The new Electoral Code of the Republic of Armenia prescribes rules for the coverage of official campaign with regards to free air time, news coverage and paid advertisements. The public and private broadcasters are obliged to ensure non-discriminatory conditions and provide non-biased news programs. In 2012 OSCE/ODIHR office monitored the work of news media during the elections of National Assembly in the Republic of Armenia. A mention has been made in the final report of the observation mission thereon, particularly the following was noted: "The findings of monitoring of news media indicate that the news media have widely covered the elections. In general, the broadcasters were accessible for all major political parties. This enabled the voters to be informed of different political standings".

Recommendation nº138: *Waive the moratorium on granting licenses to radio and television broadcasters and the 2008 amendments to the Law on Television and Radio of 2000, and carry out legislative measures safeguarding the independence of the National Commission on Television and Radio and the Council on Radio and Public Television* (Recommended by *Spain*)

IRI: *not implemented*

LLG response:

The authorities use informal pressure to maintain control over broadcast outlets, the chief source of news for most Armenians. State-run Armenian Public Television is the only station with nationwide coverage, and the owners of most private channels have close government ties. In June 2010, the National Assembly enacted legislation that fixed the maximum number of television stations at 18—down from at least 22 operating at the time—and obliged a number of the new total to focus on content

other than domestic news and political affairs. The legislation contributed to the revocation in 2011 of the license of GALA TV, the sole remaining station that regularly criticized the government.

POS response:
The Law on Television and Radio was modified 15 times since October 2000 and most recently on June 10, 2010. Due to amendments related to the migration to digital broadcasting, the restated Law on Television and the Radio was enacted on 10 June 2010. Competitions for air broadcasting via the digital broadcasting network were announced and their results were summarized in December 2010. As a result of these competitions, the number of TV channels decreased from 22 to 18. The competition showed that really no new broadcasters appeared in the television field. The competitions for air broadcasting via the digital broadcasting network were not transparent. Only 2 of 18 competitions, announced for republican and capital broadcasting, were applied by two participants for each. One of those competitions was applied by A1+ TV Company which in 2002 was deprived of air. And 8 out of 10 regional competitions had only one participant each, and there was a real rivalry only in case of 2 competitions. Naturally, one of them was the 'Gala' TV in Gyumri which did not receive a license for digital broadcasting. As to the A1+ TV Company, it again failed to return on the air.

No legislative measures were taken to amend the Law on Television and Radio in order to ensure independence of National Committee for TV and Radio and Public Television and Radio Company Council. The mechanisms to select and appoint NCTR members do not provide guarantees for the independence of NCTR. Public Television and Radio Company Council, which is in charge of all the public broadcasters, is perceived as an organization serving the interests of the authorities, rather than society.

State of Armenia response:
Following the adoption of the Law of the Republic of Armenia "On television and radio" on 10 June 2010 (entered into force on 28 June 2010) 25 competitions for licensing of television broadcasters with the aim of carrying out on-air broadcasting through digital broadcasting network were announced and conducted in July 2010. On 29 April 2009 the Law of the Republic of Armenia "On making amendments and supplements to the Law 'On television and radio'" was adopted which establishes a new procedure for the formation of the National Commission on Television and Radio. According to the new procedure members of the National Commission of Television and Radio may be deemed to be persons having professional experience in the fields of journalism, economics, religion, law, television and art. The appointment of members is carried out on a competitive basis.

Recommendation nº140: *Take all measures necessary to ensure full respect for freedom of expression, including freedom of the press, ensuring that no persons are deprived of their liberty solely for having exercised their freedom of expression, their right to peaceful assembly or their right to take part in the Government of their country* (Recommended by *Sweden*)

IRI: *not implemented*

IPA response:
Freedom of the press has not been guaranteed, as the number of lawsuits against newspapers for libel and defamation has greatly increased. Often, the monetary fines that media outlets have to pay as a result of these lawsuits can be damaging enough for the media outlet to have to shut down. Examples of media sources that have been affected by this include the opposition newspaper Zhamanak, and the daily newspaper Hraparak.

LLG response:
Under pressure from major opposition rallies in the spring of 2011 as well as criticism from the Council of Europe, the authorities ended the practice of forbidding demonstrations in the capital's Freedom Square, the traditional venue for political gatherings since the late 1980s. However, they continued to create artificial obstacles for people attempting to travel from the provinces to participate in such rallies.

POS response:
[See response to recommendation n° 46]

State of Armenia response:
[See response to recommendation n°46]

HRDI response:
[See response to recommendation n° 46]

Recommendation nº141: *Take measures to ensure free and fair elections in the future* (Recommended by *Sweden*)

IRI: *fully implemented*

LLG response:
On 24 and 26 May 2011, parliament amended the electoral code with changes drafted in consultation with the Venice Commission. Free and fair elections in 2012 would have depended on the implementation of amendments to the electoral code well ahead of the elections and in collaboration with the Parliamentary Assembly of the Council of Europe (PACE). The May 2012 parliamentary election, however, saw the reappearance of many old problems: abuse of administrative resources; inflated voters lists; vote-buying; lack of sufficient redress for election violations; and reports of multiple voting and pressure on some voters.

POS response:
In spite of the introduced changes, neither the Electoral Code, nor its implementation ensures expression of the free will of the Armenian citizens. Parliamentary elections of 2012 were accompanied by a range of violations, such as multiple voting, vote-buying, circulation of pre-voted ballots ("carousel"), terror and intimidation of voters, observers and proxies, which were not adequately pursued by law enforcement bodies and condemned by courts. In addition, there was a widespread abuse of administrative resources, such as engagement of municipal community leaders in directing rural voters, drafting employees of educational and health institutions to attend campaign events and vote for the ruling party, instructions by the leadership of both public and private entities, use of students of kindergarten and schools in

campaign events, etc. (Iditord.org crowd sourcing platform received about 150 complains related to the voters' lists, about 300 – to the vote-buying and pressure, about 180 - to the violations of the elections campaign, about 180 – to the violation of voting procedures on the day of elections, about 90 - to the falsification of results, about 180 - to the public order and about 300 – to miscellaneous types, including transportation of voters to the precincts and early disappearance of the seal intended for exclusion of multiple voting). Also, it is widely perceived that elections are falsified through illegal use of names of Armenian citizens that are abroad. These types of phenomenon, many of which are not forbidden by the Electoral Code, affect the expression of the free will of citizens and develop distrust in the power of own vote and the possibility to exercise the power of participation in governance of the state vested in Armenian citizens by the Armenian Constitution.

The new Electoral Code introduced a number of important changes in the electoral legislation. Some of those changes had a positive impact on the conduct and administration of elections, whereas others, as the practice of 2012 elections revealed, proved to be negative. Formally, all changes introduced into any legislation, pursue the goal to improve the legislation. However, many changes, though nominally positive, actually, considering political realities, bring negative effects. The ensuing discussion of the changes, introduced in the electoral legislation through the new Electoral Code, proves this proposition. Among the most important changes, introduced by the new Code were: Right (but not obligation) to video- and/or audiotape the voting process; Change of the principle of formation of the Central Election Commission (CEC) and territorial electoral commissions (TECs); Ban on corporate donations to the parties' or candidates' pre-election funds; Introduction of more fair mechanism of appointing the management (heads, deputy heads and secretaries) of precinct electoral commissions (PECs); More detailed regulation of the use of administrative resources during campaign (such as, for example, ban on locating electoral headquarters in the same buildings, where state or local self-government bodies are located); Introduction of the institute of re-voting in precincts, if serious violations were revealed during the vote; Training of local observers.

Although some legislative changes took place in the Electoral Code in 2012, however as the previous elections show we are still far away from free and fair elections in the RA. the new Electoral Code provides a generally solid framework for the conduct of democratic elections, but contains a number of substantive shortcomings that remain to be addressed. A lot of NGO reports and observers prove that the election process was carried out with many violations. There is need of increasing transparency of the work of the electoral and state authorities, additional voter education on the secrecy of the vote, campaigns against vote buying and vote selling, and continuing efforts to improve the accuracy of voter lists.

In a number of polling stations, a key principle of the electoral process—the secrecy of the vote—was reportedly breached, as manifested in a variety of ways, such as open voting, wrong furnishing of the polling station (resulting in a breach of the secrecy principle), presence of a photo or video device in the voting booth, presence of another person while the voter is voting, and so on. Violation of the secrecy principle allows controlling the expression of the voter's will. Criminal liability is

prescribed for breaching this principle, but it is not applied in practice. Among the reported violations were also breaches of the voting rules. The more obvious ones were concurrent voting by more than one person in the voting booth, multiple voting, and the voting of a person registered at a different address in another polling station. There is lingering concern over the giving and taking of bribes to vote for or against a particular candidate. A question of most serious concern is the ubiquitous lack of public trust in the elections and their outcome. The main issues casting doubt over the legitimacy of elections are concerned with abuse of administrative resources, inflation of voter lists, and distortion of the voting processes.

For detailed assessment on implementation of recommendations issued by the Office for Democratic Institutions and Human Rights of OSCE to improve the holding of the next general elections, in 2012, and the presidential elections in 2013, please refer to Annex II attached to this document.

State of Armenia response:
The recent elections conducted in the Republic of Armenia were the elections of the National Assembly held in May 2012, which were assessed by the international observation mission as “elections that were held under reformed legal framework and were considered in the light of competitive, active and mainly peaceful electoral campaign”. The process of implementing the recommendations and assignments of OSCE/ODIHR are constantly monitored by the Government of the Republic of Armenia. As regards the presidential elections 2013, a working group has been established upon the order of the President of the Republic of Armenia for the implementation of the recommendation of OSCE/ODIHR observation mission, which comprises the Minister of Justice, the Deputy Minister of Foreign Affairs of the Republic of Armenia, the Chairperson of Standing Committee on State and Legal Affairs of the National Assembly, the Chairperson of the Central Electoral Commission, the Deputy Prosecutor General, the Chairperson of the Administrative Court, the Deputy Head of Police and other high-ranking officials. The administration of activities of the Group has been assigned to the Head of Staff to the President of the Republic of Armenia. The mentioned Group has prepared a comprehensive action plan underlining the points of recommendations the implementation whereof is feasible prior to the conduct of presidential elections 2013. The information on the mentioned activities has been widely disseminated among different international organisations.

HRDI response:
Taking into consideration the importance of the parliamentary elections the Defender has prepared an ad hoc report of the 2012 parliamentary elections in Armenia. Several issues regarding the parliamentary elections will be presented below. The major reasons for the Armenian society’s distrust toward the results of the Elections are the inaccuracies in the voter lists and the retention in the voter lists of persons extensively absent from Armenia. Keeping in the voter lists the data of persons extensively absent from Armenia is the requirement of law. Keeping the names of deceased persons in the voter lists as stated by the Ministry of Justice was the consequence of a software problem, which was emended prior to the day of Elections. Other inaccuracies in the voter lists are the consequence of insufficient

work carried out by the Police. The above-mentioned voter list issues do not by themselves testify to existence of electoral frauds; however, these issues offer pretext for political speculations and intensify public distrust towards the electoral processes in the country. At the same time, existence of the issues mentioned above in creation of the voter lists can generate extensive possibilities for electoral fraud.
The expansive work carried out by the Police is very positive. Only a very small number of people who were entitled with the right to vote but whose names were not registered in the voter lists did not get the chance to vote. Furthermore, the Police displayed an unprecedented readiness to react to cases of legitimate requests and valid information with respect to the voter lists. The way the Police publicly conducted themselves is appreciated.

The process of candidate nomination and registration in the present Elections was generally satisfactory and allowed for truly competitive Elections. Nonetheless, two circumstances are worrisome. The residential qualifications of the candidates for MP still need clarification in the legislation. The current legislation interpretation and application by the CEC and Administrative Court is understandable and partially acceptable. However, as the legal interpretation of the term “place of residence” is neither included in the Electoral Code nor is clear who can be considered “a permanent resident of the Republic of Armenia for the last five years”, this requirement of the law is not entirely obvious and predictable for someone considering running for MP.

The Pre-election campaign was in general free and without significant obstacles which created positive preconditions for the equal competition for all candidates. However, even the few cases registered were not sufficiently investigated by the Police and Prosecutor’s Office. This stressed the inability of Police to find sufficient evidence to demonstrate the criminal act and/or identify of the perpetrator in each case. Consequently, the Police rejected to initiate a criminal case from any of these complaints. Such results considerably reduce public trust towards the mentioned bodies and electoral processes.

The most positive evaluation during the election was given to media coverage of the Elections by the interested entities and observer organizations. They state the media’s unprecedented progress as compared to all the previous elections in the country. The media gave opportunities to all candidates and political parties to present their views, ideas and programs.

Unfortunately, competing parties did not succeed in using the available opportunities to initiate serious ideological and programmatic discussions. A significant part of the society did not receive alternatives to many worrisome external and internal political issues. This contributed to often apolitical and non-ideological voting choices by the electorate and in its turn creates perfect conditions for guiding the electorate by means of bribes.

The moderate number of registered and abovementioned violations testifies to the fact that during the Parliamentary Elections 2012 such previously widely imposed electoral violations as secret ballot, ballot stuffing, voting by other people, withdrawal

of ballots from precincts and passing to other voters, etc. have been eliminated or significantly reduced. Even if all the above-mentioned alarms were proved and true, the number of recorded violations could not have a significant impact on the overall positive assessment of the organization of voting. Voting was conducted generally in accordance with the requirements of the law, well organized and without violence.
In the meantime, the violations registered and alarm calls received by the Central Electoral Committee were not sufficiently examined by the Committee, and CEC's approach to incidents and problems addressed to them in many cases can be characterized as legal formalism. Such practice does not promote public confidence in electoral processes and obscures the State and CEC positive progress registered.
The 2012 elections significantly and positively differed from the previous elections, when mass vote stuffing, fraud during the vote counting, violence, and multiple voting existed. The most concerning of all the violations registered in the 2012 election was distribution of electoral bribes. According to some parts of society, cases of electoral bribes were widespread. Despite this opinion, there is no substantial evidence supporting that view. The majority of the hundreds of registered complaints on electoral bribes was viewed as unreliable by the law enforcement bodies. The law enforcement bodies have the responsibility to reveal the actual volume of distribution of electoral bribes, yet the Police and Prosecutors work in almost all the above-mentioned cases was consistently and extremely inadequate. Such limited enforcement cannot prevent cases of electoral bribes during the next elections and reduces public confidence towards those authorities and the election outcome.

Reports of the misuse of administrative resources during the election were not widespread, and therefore it is not possible to state that misuse of administrative resources had a significant impact on the election outcome.

It is very important to mention that the cases of hindering activities of observers, proxies, journalists and other participants of the electoral process, as well as violence towards them were considerably less than in the previous election.

All the entities participating in the elections had a real and affordable possibility to appeal against decisions of the authorities affecting their interests. All the appeals were operated in a reasonable timeframe and followed the procedural legal requirements. The absence of complaints and negative assessments concerning violations of procedural and substantive norms in appeal processes demonstrates the effectiveness of the appeals mechanism. Nonetheless, the uniform responses of all state bodies to all the incidents and issues are very suspicious. In the year 2013 on February 18 the Presidential elections took place in Armenia. The Defender made a decision to present an ad hoc report about it as well, however it has not been published yet.

Recommendation nº143: *Guarantee freedom of expression and assembly for all political parties, media and human rights defenders* (Recommended by *Switzerland*)

IRI: *fully implemented*

IPA response:
Issues regarding freedom of expression and assembly are being addressed. In April 2011, the Human Rights Defender of Republic of Armenia hosted a Media Freedom

Forum to discuss issues concerning freedom of media. The Forum was a dialogue between representatives of media outlets, international media experts, and human rights activists.

LLG response:
The ban on public assemblies in the central square of the capital was lifted and an improved Law on Assemblies was adopted. However, concerns remained regarding the implementation in practice of the right to freedom of peaceful assembly.

POS response:
[See response to recommendation n°20]

State of Armenia response:
The new law of the Republic of Armenia "On freedom of assembly" was adopted on 14 April 2011. The law provides for all those legal mechanisms that are required to exercise rights and freedoms foreseen by the Constitution and by international legal instruments. In accordance with the Law of the Republic of Armenia "On dissemination of mass information" the journalists act freely based on the principles of legal equality, legality, freedom of speech and pluralism. In the course of his or her lawful professional activity, a journalist is protected by the legislation of the Republic of Armenia as a person executing public duties. In accordance with the Law of the Republic of Armenia "On freedom of information", the main principles of ensuring provision of information are important safeguards for the exercise of the right to receive information. Such principles are: determination of a common procedure for registering, classifying and storing information; protecting the freedom to search and receive information; ensuring access to information and its publicity. In May 2010 the Republic of Armenia decriminalised libel. The new Electoral Code of the Republic of Armenia prescribes rules for the coverage of official campaign with regards to free air time, news coverage and paid advertisements. The public and private broadcasters are obliged to ensure non- discriminatory conditions and provide non-biased news programs. In 2012 OSCE/ODIHR office monitored the work of news media during the elections of National Assembly in the Republic of Armenia. A mention has been made in the final report of the observation mission thereon, particularly the following was noted: "The findings of monitoring of news media indicate that the news media have widely covered the elections. In general, the broadcasters were accessible for all major political parties. This enabled the voters to be informed of different political standings".

Recommendation nº154: *Ensure that civil society activists and journalists are able to carry out their work free from harassment or violence* (Recommended by *United States*)

IRI: *partially implemented*

POS response:
[See response to recommendation n° 46]

State of Armenia response:
[See response to recommendation n° 46]

HRDI response:
[See response to recommendation n° 46]

Recommendation nº155: *Ensure that, if the amended law decriminalizing libel is adopted, it is implemented in a way that protects freedom of expression* (Recommended by *United States*)

IRI: *not implemented*

IPA response:
The law decriminalizing libel was passed in May 2010. However, amendments made in the civil code meant that publications could be fined for libel. This has led to an increase in lawsuits against media sources, especially by government officials. The fines can be very high and damaging to the publication.

LLG response:
Although defamation was decriminalized in 2010, the fines for slander and insult prescribed by the civil code are exorbitant for the country's struggling print media.

POS response:
On May 8, 2010 amendments were made in the Civil and Criminal Procedure Codes of Armenia that decriminalized libel and insult. However, decriminalization of libel and insult was still constricted with introduction of high monetary fines, which served to further restrict the freedom of expression and the press. Introduction of the institute of moral damage composition created financial risks for the media. On October 13, 2011 Armenia's Human Rights Defender appealed to the Constitutional Court questioning the constitutionality of the respective provisions of the Civil Code. On November 15, 2011 the Constitutional Court upheld the legality of the clause but issued several instructions on how it should be enforced by the judiciary. In particular, it ruled that media outlets could not be held liable for their "critical assessment of facts" and "evaluation judgments." The decision of the Constitutional Court fostered improvement of situation to some extent; courts received 10 defamation cases against journalists and media as of Jan-Sep 2012 compared to 25 cases for the same period in 2011. Nevertheless, "false crime reporting" still remains in the Criminal Code and lacks proper definitions, which causes vague interpretation and gives grounds to assert that complete decriminalization of defamation is not ensured.

State of Armenia response:
Based on the application of the Human Rights Defender of the Republic of Armenia the Constitutional Court of the Republic of Armenia adopted Decision No 997 of 15 November 2011 whereby the framework and nature of legal liability in case of insult and slander have been clearly defined.

Recommendation nº156: *Ensure the swift, transparent and effective prosecution of violence against journalists* (Recommended by *United States*)

IRI: *not implemented*

LLG response:
Nikol Pashinian, editor in chief of the independent daily Haykakan Zhamanak, was released from prison in 2011 as part of the amnesty for those arrested during the

2008 postelection crackdown. He had reportedly been beaten while in detention and was held in solitary confinement.

POS response:
The RA Constitution provides freedom of speech and freedom of the press, however the government does not always respect these rights in practice. Consequently there are incidents of violence and intimidation of the press and press self-censorship. According to the report on "Human Rights practices in different countries" of US Department of State, during 2010 in the RA journalists were subject to physical attacks in connection with their professional activity. Many of the perpetrators remained unidentified, while representatives of law enforcement agencies also occasionally harassed journalists. There were no new developments in the investigation of attacks against journalists recorded in previous years, there were no reports authorities took any special measures to protect journalists or to punish those who sought to intimidate them. According to the annual report of 2010 attacks on press of the US-based Committee to Protect Journalists, the following incidents occurred with media representatives in the RA without sufficient investigation: free-lance journalist Gagik Shamshian at the RA Procuracy building on February 24; detention of “Haykakan Zhamanak” correspondents Ani Gevorgian, Syuzanna Poghosian, and correspondent of “Hayk” newspaper Lilit Tadevosian during the opposition rally on May 31 in Yerevan.
In some cases such as the case of Grisha Balasanian, correspondent of “Hetq” newspaper against RA National Assembly MP Ruben Hayrapetyan, the complaint of violation was revoked without any effective investigation. In the case of Chief Editor of “Lori” TV company Narineh Avetisian although proceedings were instituted, however the assaulters were not revealed and the case was dropped. If previously rare defamation suits were observed, during 2011 the courts received around 25 cases against print media. In the vast majority of cases the plaintiffs were representatives of political and business elites and the fines claimed for moral damages and inflicted by the courts were the maximum amounts envisaged by the law. This undermines the financial viability of newspapers, putting them on the verge of bankruptcy and is regarded as a new leverage in the hands of the authorities to greatly hamper freedom of expression. Only the family of ex-President Kocharian filed three suits against various newspapers. One of the newspapers, Haykakan Zhamanak, had to organize fundraising to be able to pay off about 9000 USD for moral damage to three well known oligarchs. Almost in all the cases the plaintiffs demanded and received the highest amount for moral damage compensation, in addition to the court expenses. During 2012 the number of defamation suits against journalists and media has dropped compared with the previous year. Courts received 10 cases against journalists and media as of Jan-Sep 2012. The November 15, 2011 decision of the Constitutional Court fostered an improvement of the situation to some extent, which was adopted in response to the Armenia’s Human Rights Defender’s appeal to the Constitutional Court. In particular, it ruled that media outlets could not be held liable for their “critical assessment of facts” and “evaluation judgments.” However, decriminalization of libel and insult still raises concerns regarding introduction of high monetary fines for insult and defamation to restrict freedom of expression and media.

State of Armenia response:
The cases of attacks against journalists have been condemned by high-ranking political actors, including the President of the Republic of Armenia and the Prime Minister, and criminal proceedings have been instigated in respect of any such case. No cases of attacks against opposition members and human rights defenders have been registered.

Recommendation nº157: *Establish a transparent process for the digitalization process to ensure space on the airwaves for independent and small regional media outlets* (Recommended by *United States*)

IRI: *not implemented*

POS response:
The digitalization process so far has only resulted in diminishing pluralism on air by de-facto decreasing the number of TV companies on air. The broadcast licenses granted in December of 2010 under the current legislation are valid for 10 years. These licenses were granted through a tender conducted by a problematic regulatory body with a complete lack of real transparency, no clear licensing criteria and no guarantees of fair competition. As a result of the tender, the number of TV channels deceased from 22 to 18, and those 18 TV channels were allowed to provide both analog and digital broadcasting until 2015. The TV companies that received the licenses do not have sufficient information on the digitalization process or expectations from them, financial or technical. As a positive step, the government allowed the regional TV companies that failed to get licenses to continue analogue broadcasting till 2015 but it is not clear what will happen to them afterwards.

State of Armenia response:
In accordance with the Law of the Republic of Armenia “On television and radio” the validity period of the licences of all regional, community TV companies has been extended till 1 January 2015, i.e. during the process of digitalisation such companies freely carry out broadcasting.

HRDI response:
[See response to recommendation n° 46]

ESC Rights

Recommendation nº3: *Guarantee access to health care for vulnerable social groups and populations in rural and remote zones* (Recommended by *Algeria*)

IRI: *partially implemented*

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Recommendation nº62: *Continue to enhance and expand access to and the affordability of health-care services, with a specific emphasis on rural and remote areas, as well as most vulnerable groups* (Recommended by *Egypt*)

IRI: *partially implemented*

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Recommendation nº99: *Improve the quality of primary health care, especially in rural areas* (Recommended by *Kuwait*)

IRI: *partially implemented*

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Recommendation nº110: *Continue efforts to improve access to health care for all, particularly those in the most vulnerable categories, persons with disabilities and rural populations* (Recommended by *Libya*)

IRI: *partially implemented*

LLG response:

In its 2011 report, the European Commission against Racism and Intolerance (ECRI) has recommended Armenian authorities to set up a system to inform refugees and asylum-seekers of their rights under the health-care system.

POS response:

Most at risk population: Despite the fact that some changes and law reforms are made in the health sector there are gaps in legislation. Moreover the procedural sub-legislative legal acts regulating the clinical issues of treatment, stipulating implementation of patient's rights especially right to accesses (including territorial, financial and other components of this right) are missing.

Sector Laws of the Republic of Armenia define specific aspects of the right of access to medical care and services for the most vulnerable groups of society However, certain marginal groups of the population face extreme stigma due to universal public denial, intolerance, and obvious discrimination, which essentially deprives them of their right of access to various (including state-guaranteed free-of-charge) health care services.

Another key aspect is the fact that not all members of society are protected against financial risks in case if their health condition deteriorates. The legislation does not stipulate a system of mandatory medical insurance, which means that a large segment of is not protected against financial risks in case of deterioration of their health. A person with stable employment, who receives a low wage, but is not included in any of the groups that receive state-guaranteed or co-payment medical care, will be unable, if necessary, to benefit from paid medical services, which are at times very The aforementioned rights stipulated by laws of the Republic of Armenia, including the right to medical care and services for persons with diseases that are dangerous for the surroundings, for victims of emergency situations, and foreign citizens and stateless persons, are not supported by legal acts stipulating the procedure of exercising such rights, which makes this aspect of the right of access incomplete. For instance, the extremely inadequate accessibility of narcotic pain relief and psychotropic drugs, which is directly related to deficiencies of the public health framework for preventing the illegal circulation of narcotics.

It is worth to mention about lack of human recourses in primary health care in rural areas. Particularly there are villages where, for example, a nurse provides services for approximately 1200 people (for some of them as a family doctor). Because of low wages and insufficient conditions no one wants to work in regions especially in border villages.

Injecting drug use: Many drug users have problems with law enforcement bodies, some of them are under investigation and usually investigators took their passports for the period of investigation. Without identification document people are not able to get medical services, particularly related with addiction. The most recent case was connected to a person who was under investigation and whish to get MST. After negotiations with authorities and some pressure from an attorney the investigator office provided all necessary documents for applying to MST program. Currently this person receives substitution treatment.

Medically assisted therapy with methadone has low geographic coverage. Only 1 site in Yerevan and 1 site in Vanadzor provide substitution treatment. The number of clients of MST programs is low (200-210 in case of 12 600 estimated number of people, who inject drugs).

Needle and syringe programs have also low coverage because of restrictive laws and existing stigma towards drug users.

TB services are not specific for PUD. They have access to TB testing and treatment as every citizen of the Republic of Armenia.

Palliative Care: Each year, thousands of people suffer from untreated moderate to severe pain in Armenia due to excessively restrictive drug regulations. The United Nations has found that more than 7,000 people die each year in Armenia from cancer and HIV/AIDS. Yet, analysis of the use of strong pain medicines suggest that only about 600 were able to gain access to pain relief in the last stage of their illness, which is often characterized by excruciating pain. Although morphine is a safe, effective, and inexpensive way to improve the lives of the terminally ill, Armenia's current consumption levels of morphine and alternative strong opioids medicines are insufficient to provide care to all terminally ill cancer patients.

Human Rights Watch for Armenia research has shown that Armenia has unnecessarily onerous drug regulations that impede the delivery of adequate palliative care. Oral morphine is not available at all. Prescription procedures are overly cumbersome. Only oncologists are authorized to prescribe strong injectable opioids, and the procedure for prescriptions is cumbersome. Every polyclinic has a standing commission, including a deputy chief doctor, oncologist, and a general practitioner, and they all need to visit a patient together and examine him/her before strong pain medications are prescribed; the commission has to visit the patient again each time the dose is to be increased. The majority of doctors interviewed by Human Rights Watch start by prescribing a single injection of morphine, and there might be two weeks or more before additional doses are added. One injection of morphine is enough to treat severe pain for 4 to 6 hours, leaving the patients in pain for the larger part of the day and night.

The procedure for obtaining strong opioids is also onerous. Most polyclinics visited by Human Rights Watch only provide patients or family members with a two day supply of morphine, requiring them to come to the clinic three times a week, and

every time the patient's relative has to account for the empty ampoules prior to receiving a new supply. He or she also has to obtain three different stamps on the prescription before filling it in a special pharmacy. Accessing this pharmacy may also require a special trip. Only one pharmacy in the capital, Yerevan, for example, fills opioids prescriptions. Requirements for obtaining licenses to dispense opioids drugs can be too costly and onerous, particularly for smaller health clinics and drug stores.
As a matter of practice, Armenian police tightly control opioids prescriptions. Oncologists inform police every time strong pain medications are prescribed, including details about a patient's name, address even diagnosis and dosage. Police are regularly involved in the destruction of unused, returned (when a patient dies) ampoules and sometimes also in the disposal of used ampoules: they check that the patient names attached to the ampoules match the names provided by oncologists.

Oncologists in Armenia face significant bureaucratic burdens, which interfere with their ability to provide essential healthcare. They lack necessary training in palliative care and on how to hold difficult conversations with patients. Most oncologists interviewed by Human Rights Watch do not inform their patients of the diagnosis, even when asked directly; and some would even lie to a patient. In many cases, this leads to the absurd situation where police officers know the diagnosis while the patients themselves do not.

Mental health services: "Mental health services in Armenia are insufficient, and what is available is poorly integrated into the primary care system. The current system focuses on inpatient care.

There is a lack of trained social workers and other mental health professionals which ends up at limiting the potential for providing services at community level. Essentially, psychiatric care is still exclusively provided in specialized mental health institutions including hospitals and social psychoneurological centers".

There are no community-based services in the Republic of Armenia. The provision of psychiatric assistance, at present, mainly lies upon 10 psychiatric establishments, 4 of which are situated in Yerevan and are of closed and centralized nature. Psychiatric service is provided also by a few psychiatric organizations which are also located in Yerevan, and by psychiatric departments of 21 polyclinics. Thus, psychiatric service in the majority of communities of the Republic of Armenia is not available /"Article 25 of the UN Convention "On the Rights of Persons with Disabilities"/, as a result of which the right of a person to receive psychiatric help is violated.

State of Armenia response:
The development of the field of primary health care is one of the priorities of health care system of the Republic of Armenia, it should be mentioned to this regard that primary health care services are free for all groups of population of the Republic of Armenia. With the aim of developing the field of primary health care about 147 primary health care rural establishments have been repaired/constructed during 2000-2011. Repaired/constructed dispensaries have been fitted with standard collections of medical devices, accessories, furniture and computer equipment. Until present 1655 family doctors and 1770 family nurses have undergone professional

training. With the aim of continuous development of the health care system of rural settlements of the Republic of Armenia construction/repair of a number of medical dispensaries, fitting with equipment and furniture are expected during 2012-2014.

Moreover, within the framework of Modernization Programme for Hospital System of Marzes, from December 2009 up to now modernization works have been carried out for 8 medical centres of marzes, including capital repair of buildings, fitting them with modern medical devices, accessories and furniture, as well as staff training and various consulting works aimed at introduction of modern principles and systems of management of medical organisations. As regards the increase of access to hospital and other services, the disabled, socially unprotected and other vulnerable groups in the Republic of Armenia enjoy the right to receive medical aid guaranteed by the State and the State takes steps aimed at enhancing the categories enjoying this right.

With the aim of guaranteeing and improving the quality of health care services the Government of the Republic of Armenia adopted a comprehensive programme of measures (Protocol Decision No 40 of 14 October 2010 of the Government of the Republic of Armenia) within the framework whereof quality assessment boards have been established aimed at improving the quality of primary health care medical organisations.

Recommendation nº26: *Take measures to eradicate poverty* (Recommended by *Azerbaijan*)

IRI: *fully implemented*

State of Armenia response:
Article 34 of the Constitution of the Republic of Armenia provides that everyone shall have the right to adequate standard of living for himself or herself and for the family thereof, including the right to housing as well as the right to improvement of living conditions.

With the aim of improving the standard of living and living conditions of the population and of ensuring the right to food within the Republic the Government of the Republic of Armenia has taken a number of measures, has adopted decisions, has developed relevant programmes.

Thus, “Food Safety Policy of the Republic of Armenia” was adopted in 2005, “Strategy for Sustainable Development of Agriculture of the Republic of Armenia” — in 2006.

With the aim of efficient organisation of elaboration works on “Strategic Programme for Poverty Reduction” (SPRP) a coordination board of elaboration works on strategic programme was established upon the Decision of the Government of the Republic of Armenia No 267 of 15 May 2000.

In 2001 and 2003 the abovementioned board elaborated and the Government of the Republic of Armenia approved the “Interim Strategic Programme for Poverty Reduction” and “Strategic Programme for Overcoming Poverty”, which was revised in

2008 and renamed as “Sustainable Development Programme”. The “Sustainable Development Programme”, in addition to other actions, provides for the formation of assessment and monitoring system, ensuring accountability, transparency and public awareness.

The National Statistical Service of the Republic of Armenia (NSS) carries out integrated surveys of household living standards or, that is to say, poverty analysis.

Recommendation nº47: *Continue to promote human rights cooperation based on its actual conditions* (Recommended by *China*)

IRI: *partially implemented*

POS response:
In 2012, November 17, National Strategy on Human Rights Protection came into force by the RA President's decree from 2012 Oct 29, NK -159 N-N. This strategy is a list of good ideas with no indication of how to achieve them. There is no analysis of key problems and deficiencies, prioritization of issues, nor an allocation of plans and resources (institutional, human and financial) for implementing the priorities. Moreover, It does not correlate with either the UPR and PACE recommendations nor the issues raised within CAT review.

With regards to the participation of local human rights groups in developing the strategy- all and any of the recommendations proposed were ignored, claiming that they were not submitted to the Security Council. In fact there is proof that the recommendations had been submitted and received within the set deadline for contributions.

Adjustments have not been made to distinguish general measures from concrete actions, and additional measures have not been introduced.

State of Armenia response:
National Strategy on Human Rights Protection was approved in the year 2012 that refers to all fields of human rights, including political and civil, economic, social and cultural rights.

Recommendation nº48: *Continue to implement programmes aimed at guaranteeing quality education and health services to its population, at all levels* (Recommended by *Cuba*)

IRI: *fully implemented*

State of Armenia response:
Giving importance to the role of pre-school education aimed at creating equal starting conditions for the comprehensive development and school education of children, in 2008 the Government of the Republic of Armenia approved the “2008-2015 Strategic Programme for Pre-School Education Reforms” which is intended to extend the inclusion of senior pre-school age group (those aged 5 years) up to 90% by 2015 through the introduction of cost effective educational services. Within the framework of the Programme the priority is given to poor families and to the communities where no pre-school establishments (PSE) are operating. Having regard to the main provisions of the strategic programme about 3600 children have been additionally

involved in pre- school programs only during the last three years. For the purpose of ensuring the continuity of the implementation of pre-school programmes, since 2011 funds have been provided in the State Budget of the Republic of Armenia in respect of current expenditures for the organisation of one-year education of children of senior pre-school age as of the amount of annual sum allocated for each learner according to the weighted student-funding formula. For this purpose appropriate funds will be hereinafter allocated from the State Budget of the Republic of Armenia as of years.

In 2008 a separately operating system of high schools was introduced. High school is the main circle ensuring pre-vocational education where the correct professional orientation and further learning success of learners greatly depend on the activities thereof. Three-year school programme will enable to ensure the readiness of school graduates to enter the job market and possibility of receiving appropriate professional education in compliance with the inclinations and abilities thereof.

The uniform examination system of school graduation and university admission has been introduced, which has facilitated the transition of learners from school to university. In the field of general education shift has been made to the twelve-year education system, new subject criteria and programmes have been approved. An extensive training programme for teachers has been implemented aimed at the application of new programmes, criteria, assessment system, modern teaching methods and information technologies. The application of modern information and communication technologies in the field of general education has commenced as a new means of teaching and studying. Therefore, internet access of schools and equipment thereof with computers has been improved.

After the constitutional reforms of the Republic of Armenia of 2005, several dozen acting laws were brought into line with the Main Law.

Currently, together with EU, the mechanism of legal guillotine is established, which will contribute to the repeal of unduly aggravating laws; an appropriate structure has already been established and is in force.

The development of the field of primary health care is one of the priorities of health care system of the Republic of Armenia, it should be mentioned to this regard that primary health care services are free for all groups of population of the Republic of Armenia. With the aim of developing the field of primary health care about 147 primary health care rural establishments have been repaired/constructed during 2000-2011. Repaired/constructed dispensaries have been fitted with standard collections of medical devices, accessories, furniture and computer equipment. Until present 1655 family doctors and 1770 family nurses have undergone professional training. With the aim of continuous development of the health care system of rural settlements of the Republic of Armenia construction/repair of a number of medical dispensaries, fitting with equipment and furniture are expected during 2012-2014.

Moreover, within the framework of Modernization Programme for Hospital System of Marzes, from December 2009 up to now modernization works have been carried out

for 8 medical centres of marzes,, including capital repair of buildings, fitting them with modern medical devices, accessories and furniture, as well as staff training and various consulting works aimed at introduction of modern principles and systems of management of medical organisations. As regards the increase of access to hospital and other services, the disabled, socially unprotected and other vulnerable groups in the Republic of Armenia enjoy the right to receive medical aid guaranteed by the State and the State takes steps aimed at enhancing the categories enjoying this right.

With the aim of guaranteeing and improving the quality of health care services the Government of the Republic of Armenia adopted a comprehensive programme of measures (Protocol Decision No 40 of 14 October 2010 of the Government of the Republic of Armenia) within the framework whereof quality assessment boards have been established aimed at improving the quality of primary health care medical organisations.

Recommendation nº57: *Strengthen human rights education provided to the police, prison staff and the military* (Recommended by *Czech Republic*)

IRI: *partially implemented*

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Recommendation nº94: *Set up training programmes on human rights for police officers* (Recommended by *Italy*)

IRI: *fully implemented*

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Recommendation nº146: *Take the measures necessary for the in-service training of the judges regarding judicial improvements on issues of human rights* (Recommended by *Turkey*)

IRI: *partially implemented*

LLG response:

Still, in 2011, the UN Working Group on Arbitrary Detention has recommended to Armenia to implement training and capacity-building of all State law enforcement agencies such as the police, National Security Services and military personnel on international human rights standards.

POS response:

The RA Judicial School is cooperating with international organizations in order to organize courses and seminars and to conduct the trainings based on European standards for human rights protection. However, the training in human rights should be included into the initial study courses for judges. The ECHR should be mainstreamed into different courses in the curriculum and training materials. Human rights training should be based on ECtHR jurisprudence and therefore made more valuable for future judges as well as acting ones.

Although the Armenian government approved the 2010-2011 Police Reform Program, which was developed in cooperation with the Organization for Security and Cooperation in Europe which recommended structural, organizational, and educational reforms in the police, yet there is no clear program and information about trainings for police officers.

State of Armenia response:
During upcoming two years it is foreseen to establish a Justice Academy instead of the Judicial School for the preparation and training of staff for the judiciary and to regulate the activities thereof by relevant laws; the law- drafting activities have been already launched. As regards the prison staff, all the penitentiary officers undergo mandatory trainings in "Legal Institute of the Ministry of Justice of the Republic of Armenia" SNCO, including in relation to human rights. The Judicial School of the Republic of Armenia has implemented training programs relating to human rights both within the framework of the training conducted at School (twice a year) and jointly with a number of international organisations. The judgements of the European Court of Human Rights based on individual Articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as the judgements rendered against the Republic of Armenia have been taught within the framework of trainings implemented in the Judicial School.

Courses on the introduction to human rights and legal mechanisms for the protection thereof have been held within the Bachelor's and Master's Degree programmes of the Legal Department of the Police Educational Complex of the Republic of Armenia within the framework of the subjects on "Human rights and the police", "Issues of human rights theory". During the educational process particular attention has been paid to certain judgments rendered by the European Court of Human Rights which are related with the legal solutions to the relations between a human being-citizen and a police officer.

Recommendation nº59: *Continue to promote human rights education in school curriculums at all levels* (Recommended by *Djibouti*)

IRI: *fully implemented*

State of Armenia response:
The subjects of Life Skills and Human Rights have been introduced in elementary and middle schools since 2001. The policy of development of the field of education in Armenia is, in its current phase, closely connected with the development trends of the international educational community. The reforms in the field are aimed at liberalisation and humanisation of education and the establishment of such values in the society as tolerance, freedom, justice and respect for others. To that end, education standards and programmes have been reviewed and new subjects and professions have been introduced at all levels of education. In particular, such subjects as Life Skills, Ecological Education, Social Sciences, Healthy Lifestyle, Me and the Environment have been introduced in the field of general education. Thematic units on fundamental human rights, gender equality, the rights of national minorities, tolerance, and civil society have been included in the curriculum of the subject of Social Sciences. The teacher's manual on Tolerance has been developed.

Recommendation nº86: *Continue its efforts to promote public knowledge about HIV-AIDS, particularly among young people* (Recommended by *Iran*)

IRI: *fully implemented*

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Recommendation nº103: *Expand the programme to prevent the spread of HIV-AIDS, in particular in remote areas* (Recommended by *Kyrgyzstan*)

IRI: *fully implemented*

POS response:

In the area of HIV/AIDS the Government of Armenia has received the amount of approximately USD 21.5 million for HIV and tuberculosis programmes for the years 2007 to 2012. The funds were contributed to developing a National Strategy Plan on HIV/AIDS for 2012-2016 in order to reduce the transmission of and morbidity and mortality caused by HIV. Armenia has joined all the conventions of the UN and European Union on Elimination of Discrimination, as well as ILO N111 Convention concerning Discrimination in Respect of Employment and Occupation. The Government of Armenia lifted its travel restrictions for people living with HIV on 14 July 2011; amended supplements to the "Law on the prevention of disease caused by Human Immunodeficiency Virus" which was approved by the National Assembly of the Republic of Armenia on 19 March 2009, particularly the article related to condition of entry into Armenia as well as the prohibition of mandatory HIV-testing of targeted groups; adopted Law on General Education in September, 2009. During 2008-2009 TOT courses were delivered to 24 teachers with the support of UNESCO. Selected teachers from 204 schools of Armenia underwent training courses. In 2010, within the frame of the Global Fund Program to Fight HIV/AIDS, Tuberculosis and Malaria the capacity of the National Institute of Education has been strengthened and 4-day training module on "Healthy Life Style" has been developed and incorporated into the teacher's retraining curricula. About 1230 teachers were retrained on the expended curricula during August-September, 2010. To fill the gaps the strategy envisages: to assess and amend legislation concerning human rights priorities in areas of particular relevance to the effective response to HIV (this includes the improvement of the drug dependence treatment system, elimination of the registration of people who using drugs, limitation of wide provisions for drug testing, removing the compulsory drug dependence treatment;

- To amend the legislative acts by which ARV treatment will be ensured by the government of RA
- To discuss and amend, if necessary, any relevant laws that are discriminatory and to advocate for the formation of anti-discriminatory laws relating to PLHIV and key affected populations.

State of Armenia response:

The Republic of Armenia has been implementing ongoing national programmes on the response to HIV/AIDS since 2002, within the framework of which complex measures are implemented aimed at the prevention (including among adolescents and young people), treatment, care and support of HIV/AIDS. As a result of the projects implemented:

- Among children born to HIV-infected mothers who received prevention of mother-to-child transmission (PMTCT), no case of HIV infection has been administered since 2007.
- Antiretroviral therapy (ART) has been carried out since 2005. Currently, ART is accessible for all HIV/AIDS patients who have a prescription for treatment and have given their consent.

- No case of HIV infection through donated blood has been administered in the Republic since 2001.
- In general, the diagnosis and detection of HIV have improved, and the efficiency of epidemiological surveillance system has increased in recent years.
- HIV/AIDS-infected injection drug users (IDUs) have been provided with methadone substitute treatment since December 2009.
- Within the framework of the second National Programme on Response to HIV/AIDS Epidemic in the Republic of Armenia, numerous prevention and harm reduction programmes were implemented in 2007-2011 among population groups vulnerable to HIV, including those in penitentiary institutions and among young people.

2012-2016 National Programme on Response to HIV/AIDS Epidemic is currently under consideration. The programme envisages a large set of measures aimed at organising advocacy campaigns on HIV/AIDS issues, disseminating HIV/AIDS-related issues in printed press, conducting trainings for the representatives of mass media on the peculiarities of dissemination of HIV/AIDS-related issues, developing and broadcasting television and radio programmes, social advertisements on HIV/AIDS issues, etc. The programme envisages as well to continue and expand the implementation of activities carried out within previous years.

The educational course "Healthy Lifestyle" has been introduced and is being instructed in the eighth to eleventh grades of general education schools based on the curriculum and educational materials recommended by the RA Ministry of Education and Science. Annually, 14 class hours are allocated for the course in each class. Such topics as Sexual Maturity, Reproductive Health, HIV/AIDS Prevention, Sexual Roles, as well as information on the fight against illicit drug trafficking and drug use among young people are included in the course. A teacher's manual has been developed for the educational course Healthy Lifestyle, and training materials package (module, distribution materials) for the teachers of the mentioned course for the eighth and ninth grades has also been developed. The teachers instructing the subject are accordingly trained.

Information on the fight against illicit drug trafficking and HIV/AIDS is included in the topics of Globalisation and Armenia: Positive Changes and Negative Trends of the Philosophy component of the twelfth grade subject of Social Sciences.

Recommendation nº111: *Ensure the integration of human rights into all school curriculums, and train law enforcement officers in human rights* (Recommended by *Libya*)

IRI: *fully implemented*

State of Armenia response:

Training courses are as well organised at the Law Institute of the Ministry of Justice of the Republic of Armenia for the servicemen of penitentiary institutions and compulsory enforcement officers, at the Judicial School of the Republic of Armenia - for judges and judicial servants, and at the Police Academy of the Republic of Armenia - for the police officers.

The subjects of Life Skills and Human Rights have been introduced in elementary and middle schools since 2001. The policy of development of the field of education in Armenia is, in its current phase, closely connected with the development trends of the international educational community. The reforms in the field are aimed at liberalisation and humanisation of education and the establishment of such values in the society as tolerance, freedom, justice and respect for others. To that end, education standards and programmes have been reviewed and new subjects and professions have been introduced at all levels of education. In particular, such subjects as Life Skills, Ecological Education, Social Sciences, Healthy Lifestyle, Me and the Environment have been introduced in the field of general education. Thematic units on fundamental human rights, gender equality, the rights of national minorities, tolerance, and civil society have been included in the curriculum of the subject of Social Sciences. The teacher's manual on Tolerance has been developed.

Recommendation nº131: *Carry on its work to implement a national programme for sustainable development that would contribute to the further improvement of the human rights situation in the country* (Recommended by *Russian Federation*)

IRI: *partially implemented*

State of Armenia response:

Armenia plays an active role in the international process of sustainable development in the face of the international treaties ratified and the commitments assumed. The Republic of Armenia elaborated and adopted Rio +20 National Assessment Report which was presented at 2012 World Summit on Sustainable Development held in Rio de Janeiro. Urgent national issues of vital importance were reflected in the national assessment report.

Indigenous & Minorities

Recommendation nº10: *Ensure that children belonging to all minority groups have equal access to education* (Recommended by *Austria*)

IRI: *partially implemented*

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Recommendation nº15: *Adopt measures to ensure access for minority groups, especially children, to education in their mother tongue* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

POS response:

In Paragraph 2 of Article 2 of the Republic of Armenia Law on Language ("in ethnic minority communities of the Republic of Armenia, general education and rearing may be organized in their native tongue, under the state curriculum and sponsorship, with mandatory teaching of Armenian"), the expression "may be organized" allows schools of communities where ethnic minorities reside to follow the general secondary education curriculum, rather than the ethnic minority curriculum.

In 2011, a survey conducted in eight Yezidi communities under the "The Voice of Communities for the Protection of Human Rights" project showed that the teachers of the Yezidi language are mostly just persons who speak the language, rather than language specialists. There are some Yezidi communities in which the Yezidi language has not been taught at all for several years due to the absence of a teacher.

Although the Yezidi alphabet and textbooks for children of up to the 9th grades were published with the Armenian Government's support in 2012, representatives of the Yezidi community complain about the absence of textbooks, especially the history, mother tongue, and literature textbooks, claiming that the existing ones do not reflect their real history and literary heritage.

Effective teaching is also hindered by the fact that, during a classroom hour, a teacher concurrently works with two or more classes.

The poor conditions of the school buildings and assets directly affect education quality.

The children are engaged in agricultural work from a very young age, and often miss school (especially in September and May, when Yezidi children live in the mountains with their parents, looking after livestock, and so on) or do not consider education to be necessary at all.

In Yezidi communities, there are reported cases especially of girls dropping out of school due to early marriage. In July 2012, the Government of Armenia submitted a draft law to the National Assembly, which provided that the mutual voluntary consent of the man and the woman are required for concluding a marriage, provided that they have reached the marital age of 18 (presently, under Article 10 of the Family Code of the Republic of Armenia, the age threshold for marrying is 17 for women and 18 for men). This news caused dissatisfaction in the Yezidi community. A. Tamoyan announced that the draft law was a misfortune for them, because Yezidi girls are marrying around 15 or 16 years of age, and that "an 18 year-old girl is already a crone for us, and the Yezidi community is opposed to the adoption of this law." As a result, the inclusion of the draft law in the session agenda was postponed by a year according to a decision dated 10 September.

State of Armenia response:
The Constitution of the Republic of Armenia was amended in 2005 wherein the fundamental rights and freedoms of a human and citizen are enshrined. In Article 14.1 the following provision on discrimination has been enshrined: "Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, ideology, political or other opinion, affiliation to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited". In Article 39 the right to education has been enshrined: everyone shall have the right to education. Basic general education shall be mandatory. Secondary education in state educational institutions shall be free of charge. Every citizen shall have the right to free education on a competitive basis in state higher and other

vocational education institutions, as prescribed by law. The State shall — in the cases and under the procedure provided for by law — provide financial and other assistance to educational institutions implementing higher and other vocational education programmes and to learners therein.

In 1999 the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "On education" which, based on the constitutional provisions, certainly directs the development of education system. State guarantees for the right to education have been enshrined in this Law according to which "The Republic of Armenia shall ensure the right to education, irrespective of national origin, race, gender, language, religion, political or other opinion, social origin, property status or other circumstances.".

Within the communities of national minorities of the Republic of Armenia general education instruction and upbringing may be organised in their native language under the state programme and support, with mandatory teaching of Armenian.

The admission of a learner to a school of general education shall be carried out according to the "Procedure for admission, transfer of a learner to another educational institution and removal thereof" which is approved upon the Order of the Ministry of Education and Science of the Republic of Armenia. According to the existing procedure the admission to school of a child of a citizen belonging to a national minority shall be carried out at school (class) ensuring the instruction in the national (native) language of the child or providing a course in this language, whereas in case of non-availability thereof the choice of the language of instruction shall be made by the parents of children (learners).

According to the Constitution of the Republic of Armenia all citizens, irrespective of ethnic origin, may receive higher education free of charge on a competitive basis. That is to say, there is no any restriction envisaged by legislation in the field of higher education for the citizens representing national minorities.

At the same time upon the relevant decision of the Government of the Republic of Armenia of 2002 in individual cases (at schools in mountainous, highland, borderline rural settlements, in urban and rural schools providing classes in the languages of national minorities and in other cases) a class with less number of learners may be opened upon the authorisation of the Ministry of Education and Science of the Republic of Armenia. This decision provides an opportunity to open classes, comprised only Yezidi children, in the communities with Yezidi population.

For the population of Russian and Slavic national origin at 44 schools of general education classes are available with the teaching of Russian language, wherein the teaching of general education subjects is carried out in the Russian language, except for the subjects of the Armenian language and literature, as well as the History of Armenia.

Yezidis and Assyrians residing in Armenia, have established a methodological base in the system of general education with the support of state authorities. In the

National Institute of Education of the Ministry of Science and Education of the Republic of Armenia operate subject committees for “Iranian studies” and “Semitology”, which carry out an expert examination of education programmes, text-books, manuals drawn up in Yezidi, Kurdish and Assyrian languages.

A programme and a timetable for the development of education of national minorities has been developed, according to which each year text-books are published in order to study the language, literature and culture of the national minorities of the Republic of Armenia.

The “Model curriculum of a school (class) of general education of national minorities” has been approved according to which 41 academic hours have been allocated per week for teaching the native language and literature of national minorities in 1-12 grades. The criteria and programme for 1-12 grades have been approved for Kurdish and Assyrian.

On the basis of preliminary applications submitted by communities of national minorities residing in Armenia funds are allocated from the State Budget for the publication of text-books. Due to the allocated funds the Assyrian text-books for the 1-st and 2-nd grades, the Kurdish “ABC book” and the Kurdish text-books for 2-nd to 4- rt grades have been published. The Yezidi text-books for the 1-st to 8-th grades have been developed and published, the text-book “Yezidi 9” has undergone expert examination. The Yezidi community has actively participated in the development works of these text-books, the specialists of Yezidi national origin of the National Institute for Education have been involved therein as well.

The cooperation in respect of the issues of teaching the Russian language is more comprehensive. The Ministry of Education and Science of the Republic of Armenia have translated the text-book “National Studies-5” and text-books of mathematics for senior grades into Russian and have provided them to the pupils of schools of national minorities.

The National Institute of Science of the Ministry of Science and Education of the Republic of Armenia conducts regular trainings of teachers of Yezidi national origin, as well as teaching courses on the Armenian language have been organised for the representatives of the national minorities.
The Ministry of Science and Education of the Republic of Armenia has endorsed for publication of the textbook “Introduction to Aramaic and Assyrian studies” with the aim of introducing it into the higher education system. The process of developing and publishing the text-book is continuous and new text-books will also be published in the nearest future. The subject “History of the Armenian Church” is taught at schools of general education, wherein information on the history, cultures and religions of other nations and nationalities has been included. “The Tolerance Programme” is being implemented in the field of general education by the support of the UNDP. A manual for the teacher teaching this subject has been developed for that purpose. The programme teaches tolerance, cooperation to learners, promotes conflict resolution etc..

Recommendation nº25: *Take measures to eliminate discrimination against Yezidis* (Recommended by *Azerbaijan*)

IRI: *not implemented*

LLG response:

According to 2011 ECRI report Yezidi parents do not always make informed choices about their children's education. Yezidi families in the Zovuni village live in illegally built houses in the Zovuni village under high voltage lines and cannot obtain ownership certificates because of the proximity of their house to high-voltage cables. Yezidis get same financial support as very small minority groups which amount to discrimination. The process of producing textbooks and curricula for teaching most minority languages is far from complete. For example the only Yezidi-language books available for some grades still refer to Lenin. No independent has been set up to investigate any allegations of discrimination in the police force against Yezidis and other vulnerable groups.

Recommendation nº28: *Continue the consistent and successful policy aimed at ensuring the rights of all national minorities residing in the country, as well as support for their social, educational, informational and cultural needs* (Recommended by *Belarus*)

IRI: *not implemented*

LLG response:

In its 2011 report, ECRI has noted that the Government has not put at the disposal of the Department of Minorities and religious affairs enough resources. As for education, On April 2011 the UN Committee on the Elimination of Racial Discrimination, while welcoming the adoption of measures aimed at achieving this goal, has noticed that in practice effective enjoyment of the right to education is not guaranteed for all children from national minorities and other vulnerable groups, such as refugees and asylum-seekers, and that very few of them achieve higher education. Also, in its 2011 report, ECRI stated that the grant put at the disposal of the Co-ordination Council of Ethnic Minorities is distributed equal shares independently of each minority's size be abandoned and the system of distribution of grants to minorities should be replaced by a new one based on the ground of their real needs. Also, ECRI has recommended that priority be given to the setting-up of kindergartens facilities in communities whit ethnic-minority children lacking the necessary linguistic skills to attend elementary schools. ECRI recommended inter alia the adoption of a law on facilitating access to higher education for ethnic-minority secondary-school graduates.

State of Armenia response:

Detailed information on the issues regarding the rights of national minorities is included in the reports of the Republic of Armenia on the implementation of the “Framework Convention for the Protection of National Minorities” of the Council of Europe. See the website of the Council of Europe.

Recommendation nº49: *Continue to hold awareness-raising campaigns within Armenian society about the rights of national minorities, with the aim of further*

enhancing tolerance and non-discrimination in all spheres of public life (Recommended by *Cyprus*)

IRI: *partially implemented*

State of Armenia response:

The issues on raising awareness of rights of national minorities remain under continued focus of the Government of the Republic of Armenia. The project "Tolerance" being implemented particularly in the general education sector is one of the latest developments regarding this issue. This programme is designed to teach learners to be tolerant, collaborative, have respect towards one another. At the same time, information related to history, culture and religion of other people and nations was included in the courses World History, Armenian History and History of Armenian Church.

Recommendation nº60: *Take adequate measures to better protect the fundamental rights of migrant workers and refugees living in Armenia* (Recommended by *Djibouti*)

IRI: *not implemented*

LLG response:

According to the report of the Working Group on Arbitrary Detention the Law on Refugees exempts from criminal prosecution asylum-seekers who enter Armenia illegally, while the Law on State Borders considers all persons illegally crossing the border as transgressors. Border guards consider themselves bound by the Law on State Borders and, in practice, illegally entering asylum-seekers are detained by border officials and turned over to National Security Services for criminal investigation. Illegal entry into the country is considered a penal offence, in breach of international law. Persons illegally crossing the State party's borders are usually condemned to 18 months' imprisonment. However, arrivals in an irregular situation, such as people entering the Armenian territory without the necessary entry visa, or those who overstay beyond the date of its expiry, are usually subjected to a fine and deported from the country, with prohibition to return to the country during a determined period. The Working Group has noted concerns about the opportunity to claim asylum when refugees are turned away at the border. There are further concerns about the treatment of border-crossing as a criminal offence in this context. Migrants in an irregular situation who have entered Armenia through Zvartnots Airport are held in a special room and can be detained there for periods longer than 72 hours, which is the prescribed maximum time under the Law on Refugees and Asylum. Lack of identification and referral mechanisms for persons held in such a dwelling may result in prolonged "detention-like" situation for persons kept in this place.

Also, in 2011 the European Committee of Social Rights has noticed that the situation in Armenia is not in conformity with Article 19§11 of the European Social Charter on the ground that there are no measures in place to enable migrant workers and their families to learn the Armenian language.

POS response:

According to the procedure defined by the Republic of Armenia legislation, a large number of young men that were forced to migrate to Armenia from Azerbaijan during the period from 1988 to 1992 or were born in Armenia during such period were

registered as refugees and had refugee certificates, but lost their refugee status due to illegal decisions of an administrative body—the State Migration Service of the Republic of Armenia, which took the initiative to decide terminating these young men's refugee status, leaving them with an indefinite status. These young men are now 23 to 37 years old and do not wish to adopt citizenship of the Republic of Armenia. The State Migration Service of the Republic of Armenia adopted these decisions in order to force a large number of young men to adopt Armenian citizenship and to be forced to be drafted to the Republic of Armenia army.

Paragraph 1 of Article 64 of the Republic of Armenia Law on Asylum and Refugees provides that persons forced to migrate to the Republic of Armenia from the Republic of Armenia during the period from 1988 to 1992, as well as those granted temporary asylum in the Republic of Armenia shall be recognized as refugees and persons granted asylum in the Republic of Armenia, if they received, prior to the entry into force of the law (24 January 2009), and are holding, under the procedure defined by the Republic of Armenia legislation, a valid refugee or temporary asylum certificate, respectively. These persons' refugee status has not been terminated under the procedure defined by law prior to the entry into force of the Republic of Armenia Law on Asylum and Refugees. Consequently, they could not be deprived of refugee status.

Interestingly, the legal grounds (Article 16 of the Republic of Armenia Law on Citizenship and Article 20 of the Republic of Armenia Law on Refugees) cited by the State Migration Service as bases for its decision were once obstacles to the Service either issuing statements confirming that such young men were refugees or extending the validity term of their refugee certificates. In other words, the State Migration Service of the Republic of Armenia cited legal provisions that were in effect before these young men turned 16 and after that—before the issuance of refugee certificates, the extension of the validity term thereof, and the issuance of new certificates. It means that the Service violated the requirements of the Republic of Armenia legislation and applied the law arbitrarily.

State of Armenia response:
Chapter 4 of the Law of the Republic of Armenia "On foreigners" totally covers the employment issues of foreigners in the Republic of Armenia. According to Article 22 of the Law foreigners may be engaged in labour activities within the Republic of Armenia on the basis of a work permit issued by the state authorised body. As the body concerned has not yet been determined by the Government of the Republic of Armenia, an employment contract concluded between foreigners and employers constitutes a sufficient ground for granting them a temporary residence status in Armenia and for enabling them to engage in labour activities in the Republic of Armenia.

The formation of the legislative framework regulating the field during 2010-2012 serves as an additional guarantee for the protection of the rights of refugees, 8 decisions and 3 departmental acts of the Republic of Armenia ensuring the implementation of the Law of the Republic of Armenia of 27 November 2008 "On refugees and asylum".

Recommendation nº66: *Work effectively in order to bring all laws into line with the revised Constitution on the Rights of Persons with Disabilities* (Recommended by *Finland*)

IRI: *partially implemented*

POS response:
No steps have been taken in this respect, insofar as civil society is aware. It was expected that a professional group would be set up to take stock of the provisions of laws adopted prior to the Constitution, which would need to be brought into line with the revised Constitution.

State of Armenia response:
After the constitutional reforms of the Republic of Armenia of 2005, several dozen acting laws were brought into line with the Main Law.

Currently, together with EU, the mechanism of legal guillotine is established, which will contribute to the repeal of unduly aggravating laws; an appropriate structure has already been established and is in force.

Recommendation nº85: *Continue its efforts to address discrepancies in the enjoyment of rights by vulnerable groups, including children with disabilities, refugee children and children living in rural areas* (Recommended by *Iran*)

IRI: *partially implemented*

LLG response:
In a 2012 report UNICEF has noticed that while according to the European Academy of Childhood Disabilities a disabled children rate of at least 2.5 per cent is to be the expected 'norm' (with 1 per cent having serious conditions), in Armenia the rate is close to 1 per cent of the child population. This means that, there may be around 12,000 children with different kinds of disabilities that are not certified and therefore are ineligible to receive services entitled to them by the law. Some families do not apply for disability certification to avoid stigmatization or because they do not see its benefit for the child. The other possible reason is that the criteria for defining disability status in Armenia depend too heavily on medical diagnosis and thus leave out many children that need disability related services while including more children with chronic diseases. The Armenian Government needs to make a transition from the medical model to the bio-psychosocial model of disability. Also, according to the same report, health, education and social protection services should cooperate through mechanisms of referral, exchange of information and coordinated service provision to children. In addition, new community level prevention services, as well as health and social rehabilitation and care services should be created to fill the current gaps. Also, While increasing all the possible efforts to ensure the reunification of children with families, efforts, the Armenian Government should ensure that the fundamental rights of children currently living in institutions are not violated. In particular, Ministry of Education and Science and Ministry of Labour and Social Issues should cooperate to ensure that all the children attend regular school outside residential care institutions.

State of Armenia response:
According to the RA law “On education”, “The education of children with special educational needs may be provided by the choice of parents both at general education institutions and special institutions through special programmes”. According to this provision of the law, actions have been taken aimed at organising the instruction of children with special educational needs at general education schools and fully integrating them into the society. Currently, inclusive education is being practiced in 81 general education schools where around 2136 children with special educational needs study. According to the procedure approved by the RA government, the mentioned schools receive an additional allotment from the State Budget for organising the education of children with special educational needs. Parents’ and resource rooms are available in schools where individual classes are organised for children with special educational needs based on an Individual Education Plan. Yerevan Medico-psychological Pedagogical (MPP) Assessment Centre was founded for the assessment of the educational needs of children. Eleven types of educational and methodical manuals and other educational materials were developed, printed and acquired within 2011 for organising the education of children with special educational needs. Special general education institutions and schools practicing inclusive education have been provided with auxiliary materials.

The issues related to the enjoyment of equal rights by vulnerable groups in the Republic, including refugee children and children living in rural areas, are settled through ongoing programmes implemented in the fields of the protection of children’s rights, education, regional development and others.

Recommendation nº96: *Ensure the right to work of persons with disabilities, and establish effective mechanisms and strong legislative regulations to protect their economic, social and cultural rights* (Recommended by *Kazakhstan*)

IRI: *partially implemented*

State of Armenia response:
For the purposes of promoting employment opportunities for people with disabilities, the “State Employment Service" Agency, in accordance with the Law of the Republic of Armenia "On employment of population and social protection in case of unemployment”, implements a number of programmes, going in particular, as follows: “Vocational training, rehabilitation of working abilities of non-employed job seekers with disabilities”, “Compensation paid to the unemployed persons for the expenses incurred at relocation to another work place and those of non-employed job seekers with disabilities”, “Financial support to the unemployed persons and non- employed job seekers with disabilities for state registration of entrepreneurial activities”, “Partial compensation of salary to the employer in case of employing persons uncompetitive in the labour market”, “Organising occupational training at the employer’s office for the unemployed and non- employed job seekers with disabilities having a profession, yet lacking professional experience”, “Adjusting job places to the needs of non-employed job seekers with disabilities at the employer’s office.” The draft Law of the Republic of Armenia "On protection of rights of persons with disabilities and ensuring their social inclusion” is currently being elaborated aimed at protecting the rights of persons with disabilities.

International Instruments

Recommendation nº1: *Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by *Algeria*)

IRI: *partially implemented*

LLG response:
Up to November 2012, Armenia has not even signed it.

State of Armenia response:
The ratification of the convention is in the centre of attention of the Government of the Republic of Armenia, particularly, this issue is included in point 5.4.4 of the "Action plan for the years 2012-2016 of implementing policy concept of the Republic of Armenia on state regulation of migration" approved by the Decision of the Government of the Republic of Armenia 1593-N of 10 November 2011.

Recommendation nº2: *Finalize the ratification of the Convention on the Rights of Persons with Disabilities* (Recommended by *Algeria*)

IRI: *fully implemented*

+

Recommendation nº37: *Consider expediting the ratification of the Convention on the Rights of Persons with Disabilities* (Recommended by *Brazil*)

IRI: *fully implemented*

LLG response:
Armenia has done it on 22 September 2010

POS response:
The Convention on the Rights of Persons with Disabilities (CRPD) was ratified in September 2010 and came into force on October 22. The new law on the social inclusion and the rights of people with disabilities is drafted based on the UN CRPD. The key advantage of the law is the fact that it defined the term "disability" based on the UN CRPD definition. National Disability Council established in 2008 is granted more responsibility to act as a platform for the government and civil society organizations to enter into a dialogue for proper protection of the rights of persons with disabilities in Armenia. However, the main changes are still at the legal level. In practice, no significant changes are anticipated. Development of clear mechanisms that will ensure the implementation of the new legislation in the country is still pending.

The Convention defines that State Parties are obliged to ensure complete implementation of the rights and fundamental freedoms of persons with disabilities. On November 3, 2005 the RA adopted the Project for Social Protection of Persons with Disabilities 2006-2015, and on September 27, 2012 the RA Government adopted the Annual Project for Social Protection of Persons with Disabilities 2013. While it becomes obvious even from the title of the project that the state did not adopt

the approach of the Convention "On the Rights of Persons with Disabilities", specifically the premise that persons with disabilities must be treated not as an object of benevolence, medical assistance, and social protection, but as full members of society exercising rights. Point 31 of the concept of the Project directly states that, as in previous years, so in 2013, measures directed at social protection of persons with disabilities and their involvement and improvement of the quality of their life will be implemented.

There are a number of open questions at the moment regarding the country's commitments in the scope of the CRPD such as: accessibility of the environment and public transport; inclusive professional education and training; access to labor market and employment. Moreover no significant attempts have been undertaken to decrease the number of children and youth with disabilities leaving in orphanages.

State of Armenia response:
The convention is ratified on 5 October 2010 and entered into force on 22 October 2010. A working group was established to bring the internal legislation in compliance with the mentioned convention. The state will deal with the ratification of the optional protocol, as soon as it finishes the approximation of the internal legislation to the provisions of the Convention on the Rights of Persons with Disabilities.

Recommendation nº6: *Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto* (Recommended by *Argentina*)

IRI: *partially implemented*

+

Recommendation nº76: *Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as soon as possible* (Recommended by *Greece*)

IRI: *partially implemented*

+

Recommendation nº88: *Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto* (Recommended by *Iraq*)

IRI: *partially implemented*

+

Recommendation nº105: *Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto* (Recommended by *Kyrgyzstan*)

IRI: *partially implemented*

LLG response:
Up to November 2012, Armenia has not ratified [the Optional Protocol].

POS response:
The Convention on the Rights of Persons with Disabilities (CRPD) was ratified in September 2010 and came into force on October 22. The new law on the social inclusion and the rights of people with disabilities is drafted based on the UN CRPD. The key advantage of the law is the fact that it defined the term "disability" based on the UN CRPD definition. National Disability Council established in 2008 is granted more responsibility to act as a platform for the government and civil society

organizations to enter into a dialogue for proper protection of the rights of persons with disabilities in Armenia. However, the main changes are still at the legal level. In practice, no significant changes are anticipated. Development of clear mechanisms that will ensure the implementation of the new legislation in the country is still pending.

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There are a number of open questions at the moment regarding the country's commitments in the scope of the CRPD such as: accessibility of the environment and public transport; inclusive professional education and training; access to labor market and employment. Moreover no significant attempts have been undertaken to decrease the number of children and youth with disabilities leaving in orphanages.

Government undertakes no steps and demonstrates no willingness to ratify CRPD Optional Protocol (OP). The problem is that a huge number of individual applications to Committee on the Rights of Persons with Disabilities will follow if the Government ratifies the OP. Meanwhile, the Government is not able to ensure full accessibility and it does not consider OP ratification rationale now.

The positive developments can be expected if the RA National Assembly adopts the law on social inclusion and the rights of people with disabilities. Adoption of the law will follow with the adoption of a number of legislative acts which will ensure the implementation of the law. It can be anticipated that the situation is improved and the ratification of the OP can become realistic in 3-5 year period. Otherwise, the ratification of the OP is not realistic in near future.

State of Armenia response:
The convention is ratified on 5 October 2010 and entered into force on 22 October 2010. A working group was established to bring the internal legislation in compliance with the mentioned convention. The state will deal with the ratification of the optional protocol, as soon as it finishes the approximation of the internal legislation to the provisions of the Convention on the Rights of Persons with Disabilities.

Recommendation nº7: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by *Argentina*)

IRI: *fully implemented*

+

Recommendation nº21: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by *Azerbaijan*)

IRI: *fully implemented*

+

Recommendation nº77: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible* (Recommended by *Greece*)

IRI: *fully implemented*

+

Recommendation nº163: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by *Uruguay*)

IRI: *fully implemented*

LLG response:
Armenia has done it on 24 January 2011

State of Armenia response:
It is ratified on 5 October 2010 and entered into force on 23 February 2011.

Recommendation nº9: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty* (Recommended by *Argentina*)

IRI: *not implemented*

+

Recommendation nº68: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty* (Recommended by *France*)

IRI: *not implemented*

+

Recommendation nº89: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty* (Recommended by *Iraq*)

IRI: *not implemented*

+

Recommendation nº137: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty* (Recommended by *Spain*)

IRI: *not implemented*

+

Recommendation nº151: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty* (Recommended by *United Kingdom*)

IRI: *not implemented*

World Coalition Against the Death Penalty (WCADP) response:
Protocol not ratified.

LLG response:
Up to November 2012, Armenia has not even signed it yet.

State of Armenia response:
The implementation process is ongoing and is at the stage of interagency coordination.

Recommendation nº13: *Ratify the Rome Statute of the International Criminal Court* (Recommended by *Austria*)

IRI: *not implemented*

+

Recommendation nº38: *Consider expediting the ratification of the Rome Statute of the International Criminal Court* (Recommended by *Brazil*)

IRI: *not implemented*

+

Recommendation nº51: *Proceed with ratifying the Rome Statute of the International Criminal Court* (Recommended by *Cyprus*)

IRI: *not implemented*

+

Recommendation nº78: *Ratify the Rome Statute of the International Criminal Court* (Recommended by *Greece*)

IRI: *not implemented*

+

Recommendation nº129: *Accelerate the ratification of the Rome Statute of the International Criminal Court* (Recommended by *Romania*)

IRI: *not implemented*

+

Recommendation nº150: *Ratify the Rome Statute of the International Criminal Court, signed on 1 October 1999, to implement it in national law* (Recommended by *United Kingdom*)

IRI: *not implemented*

+

Recommendation nº164: *Ratify the Rome Statute of the International Criminal Court* (Recommended by *Uruguay*)

IRI: *not implemented*

LLG response:
Up to November 2012 Armenia has not ratified the Rome Statute of the ICC yet.

State of Armenia response:
The process of ratification of Rome Statute of the International Criminal Court may be possible only when the existing discrepancies with the Constitution of the Republic of Armenia are eliminated.

Recommendation nº14: *Submit its overdue report under ICCPR* (Recommended by *Austria*)

IRI: *fully implemented*

+

Recommendation nº134: *Carry out the submission of its pending report to the Human Rights Committee as soon as possible* (Recommended by *Spain*)

IRI: *fully implemented*

LLG response:
Armenia has submitted the report to the CCPR on November 2010.

State of Armenia response:
Armenia has submitted to the UN treaty bodies all its periodic reports, the process of the revision of which is currently in progress. The RA communicates timely and detailed responses to all the rapporteurs supervising the course of the reports.

The RA second periodic report was submitted to the Human Rights Committee in 2010 and reviewed by the latter at the 105th session of the Committee on 16-17 July 2012, resulting in adoption of relevant recommendations for Armenia.

Recommendation nº22: *Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities* (Recommended by *Azerbaijan*)

IRI: *not implemented*

LLG response:
Up to November 2012, Armenia has not ratified it yet.

POS response:
Government undertakes no steps and demonstrates no willingness to ratify CRPD Optional Protocol (OP). The problem is that a huge number of individual applications to Committee on the Rights of Persons with Disabilities will follow if the Government ratifies the OP. Meanwhile, the Government is not able to ensure full accessibility and it does not consider OP ratification rationale now.

The positive developments can be expected if the RA National Assembly adopts the law on social inclusion and the rights of people with disabilities. Adoption of the law will follow with the adoption of a number of legislative acts which will ensure the implementation of the law. It can be anticipated that the situation is improved and the ratification of the OP can become realistic in 3-5 year period. Otherwise, the ratification of the OP is not realistic in near future.

State of Armenia response:
The convention is ratified on 5 October 2010 and entered into force on 22 October 2010. A working group was established to bring the internal legislation in compliance with the mentioned convention. The state will deal with the ratification of the optional protocol, as soon as it finishes the approximation of the internal legislation to the provisions of the Convention on the Rights of Persons with Disabilities.

Recommendation nº71: *Invite the Special Rapporteur on the independence of judges and lawyers* (Recommended by *Germany*)

IRI: *partially implemented*

+

Recommendation nº82: *Invite the Special Rapporteur on the independence of judges and lawyers* (Recommended by *Hungary*)

IRI: *partially implemented*

+

Recommendation nº161: *Consider extending an invitation to the Special Rapporteur on the independence of judges and lawyers* (Recommended by *Uruguay*)

IRI: *partially implemented*

LLG response:
Up to November 2012, Armenia has not invited the Special Rapporteur yet.

POS response:
As to the Republic of Armenia, neither visit requests nor extended invitations to the Rapporteur were sent.

State of Armenia response:
The Republic of Armenia extended an open invitation to all special UN procedures, as well as to the Special Rapporteur on the Independence of Judges and Lawyers in April 2006.

Recommendation nº83: *Urgently submit the overdue reports to treaty bodies* (Recommended by *Hungary*)

IRI: *fully implemented*

State of Armenia response:
Armenia has submitted to the UN treaty bodies all its periodic reports, the process of the revision of which is currently in progress. The RA communicates timely and detailed responses to all the rapporteurs supervising the course of the reports.

The RA second periodic report was submitted to the Human Rights Committee in 2010 and reviewed by the latter at the 105th session of the Committee on 16-17 July 2012, resulting in adoption of relevant recommendations for Armenia.

Recommendation nº112: *Create an inter-ministerial mechanism to accord due attention to the recommendations of international mechanisms, including those emanating from the universal periodic review, with the participation of civil society* (Recommended by *Mexico*)

IRI: *fully implemented*

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Recommendation nº123: *Establish an effective and inclusive process with independent nongovernmental organizations to follow up on the universal periodic review recommendations* (Recommended by *Norway*)

IRI: *fully implemented*

State of Armenia response:
An Interagency Commission was established on 28 June 2011 according to Decision No 598-A of the Prime Minister of the Republic of Armenia, aimed at ensuring the fulfilment of obligations undertaken by the Republic of Armenia in the field of Human Rights, including within the framework of General Periodic Review Mechanism.

Recommendation nº122: *Ensure that the visit by the Working Group on Arbitrary Detention, which has been agreed upon in principle, is also given priority and that it takes place in the near future* (Recommended by *Norway*)

IRI: *fully implemented*

LLG response:
Already taken place (Sept 2010)

POS response:
The Working Group conducted a country mission to Armenia between 6 and 15 September 2010, at the invitation of the Government. During the visit, the Working Group held meetings with various authorities of the executive, legislative and judicial branches of the State. It also had the opportunity to meet with detainees, prisoners, representatives of the civil society and the United Nations agencies.

The Working Group visited 14 detention facilities, including prisons with convicted and pretrial detainees; police stations and police detention centers; an immigration reception centre; psychiatric hospitals; and facilities for women and juveniles. The facilities visited were located in Yerevan, Aboviyan, Artik, Goris, Sevan and Vanadzor. Three unannounced visits were also made to police stations in Aparan, Goris and Sevan. The Working Group was able to privately interview 153 detainees chosen mostly at random.

State of Armenia response:
The members of the Working Group on Arbitrary Detention visited Armenia within the period of from 6 to 15 September 2010.

Recommendation nº147: *Submit its periodic reports to the relevant treaty bodies and make responses to the letters of allegations and urgent appeals as well as to questionnaires on thematic issues in due course* (Recommended by *Ukraine*)

IRI: *fully implemented*

State of Armenia response:
Armenia has submitted to the UN treaty bodies all its periodic reports, the process of the revision of which is currently in progress. The RA communicates timely and detailed responses to all the rapporteurs supervising the course of the reports.

Justice

Recommendation nº8: *Reinforce measures aimed at punishing and preventing the trafficking in persons and supporting victims* (Recommended by *Argentina*)

IRI: *fully implemented*

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Recommendation nº32: *Continue its efforts with regard to the trafficking in human beings, through the elaboration of the third national action plan for 2010-2012, and*

take further steps to improve assistance to the victims of trafficking (Recommended by *Bosnia & Herzegovina*)

IRI: *fully implemented*

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Recommendation nº43: *Build on its existing legal framework by devoting additional resources to providing assistance to victims of trafficking* (Recommended by *Canada*)

IRI: *partially implemented*

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Recommendation nº126: *Establish special services and reintegration programmes for victims of trafficking* (Recommended by *Poland*)

IRI: *partially implemented*

LLG response:

According to 2012 report of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA),the Armenian authorities have taken a number of measures to prevent and combat trafficking in human beings (THB) . However the current system is not sufficiently effective as it risks leaving out those who are unable or unwilling to co-operate with the authorities and take part in judicial proceedings against the alleged traffickers. Armenian legislation does not contain a specific reference to a recovery and reflection period for victims of THB . There is currently no system for collecting data concerning all aspects of action against THB in Armenia. The report of GRETA states that there were instances when victims' data were not adequately protected due to shortcomings in the communication system between the Police and NGOs. Information concerning victims of trafficking has to be filed according to special forms of the MLSA and the Ministry of Health, which, according to NGOs, do not safeguard the protection of personal data. In some cases, the protection of personal data concerning victims has been jeopardised by journalists publishing articles on THB. Despite positive measures to raise awareness and provide education on THB-related issues, GRETA noted that there is a need to design future prevention campaigns and activities on the basis of research on the trends of trafficking and the most effective means to inform the public. The procedure for identification of victims of THB aims to motivate victims to co-operate with law enforcement authorities in order to facilitate criminal investigation and prosecute traffickers. Unless victims of THB co-operate in the framework of criminal proceedings, formal identification is not possible. As a result, persons who are not ready to co-operate are not formally identified as victims of trafficking and are not entitled to assistance and protection measures envisaged for formally identified victims. The organisation of assistance and protection of victims of THB is, at times, accompanied by administrative and practical difficulties, which diminish the access of service-providing NGOs to public funds envisaged for this purpose . There is a legal gap in Armenian legislation as to the conditions and procedures for granting residence permit to foreign victims of THB. As regards legal aid to victims of THB, it is not provided under the existing legal aid scheme. Legal assistance, including during court proceedings, is provided by NGOs which contract lawyers and cover the costs from their own budget. The National Referral Mechanism for Trafficked Persons (NRM) does not set out the procedure for repatriation of victims of THB who are not Armenian nationals. At present the criminal liability of legal persons for their involvement in THB offences is not envisaged under Armenian law. According to the

GRETA the doctrine of criminal responsibility in Armenia is based on the subjective element of guilt, which, according to the authorities, cannot be established in respect of legal persons.

State of Armenia response:
The Third National Action Plan for Combating Trafficking in Human Beings in the Republic of Armenia for 2010 – 2012 was adopted back in September 2010. An independent monitoring on the implementation of the Plan is currently being conducted, the outcomes of which will serve as a basis for developing the next tri-annual Plan for 2013-2015. In November 2008 the Government of the Republic of Armenia approved the National Referral Mechanism for Victims of Trafficking. The main aim of the Mechanism is to provide an effective way to refer victims of trafficking to services in terms of professional support, medical and psychological care, counselling, facilitate access to education or training. Support to victims of trafficking is offered both by specialised NGOs and by respective authorised public administration body. This support entails in-kind contribution, medical care, psychological and legal counselling, inclusion in various social projects, provision of shelter. Allocations from the State Budget of the Republic of Armenia have been made since 2009 for implementing measures aimed at combating trafficking, inter alia for the psycho-social rehabilitation of the victims. Medical care to the victim is provided free-of-charge under state funding. In December 2010 an amendment was made to the Law of the Republic of Armenia "On employment of population and social protection in case of unemployment" providing for the inclusion of the 'victims of human trafficking' group in the list of groups uncompetitive in labour market as defined by law. This provides additional guarantees to victims in order to be involved in specific employment programmes. Latest amendments and supplements to the Criminal Code of the Republic of Armenia were made in 2011 resulting in the aggravation of punishment, which makes the act committed grave or particularly grave crime; property confiscation and deprivation of right to occupy certain positions or carry out certain activities were also envisaged. Making use of services of a person being exploited was also criminalised. A separate article envisages trafficking and exploitation of a child or a person being deprived of the possibility of realising the nature and significance of his or her act or to control it as a result of mental disorder. Armenia acceded to all international and regional legal instruments regarding the combat against trafficking. Armenia achieves active cooperation within the scope of international organisations.

As to the targeted awareness raising in vulnerable groups, in particular among children, this issue remains under continued focus of Armenian authorities and is prescribed in the National Plan, within the scope of which numerous relevant projects are carried out in general education schools, higher education institutions, as well as in special institutions for childcare. This process is an ongoing effort.

No cases of exploitation of children from Armenia outside the country have been registered.

Recommendation nº16: *Effectively investigate the cases concerning attacks against journalists, opposition members and human rights defenders* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

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Recommendation nº121: *Ensure that crimes and violations against human rights defenders, journalists and members of the opposition are effectively investigated and prosecuted, and that those responsible are brought to justice* (Recommended by *Norway*)

IRI: *partially implemented*

LLG response:

Investigations into the arrests made during the March 2008 events were reopened on presidential order, but no substantial progress was made on these cases in 2011. According to a report by Commissioner for Human Rights of the Council of Europe in May 2011, the investigation has not led to the identification of those responsible for the deaths, and it appears that command responsibility was not seriously examined in this context. On June 2012 the Parliamentary Assembly of the Council of Europe has expressed its concern in relation to the same issue. On July 2012, the President of the Human Rights Committee has defined regrettable the lack of any credible investigation to assure the perpetrators of the crimes to justice.

POS response:

The RA Constitution provides freedom of speech and freedom of the press, however the government does not always respect these rights in practice. Consequently there are incidents of violence and intimidation of the press and press self-censorship. According to the report on "Human Rights practices in different countries" of US Department of State, during 2010 in the RA journalists were subject to physical attacks in connection with their professional activity. Many of the perpetrators remained unidentified, while representatives of law enforcement agencies also occasionally harassed journalists. There were no new developments in the investigation of attacks against journalists recorded in previous years, there were no reports authorities took any special measures to protect journalists or to punish those who sought to intimidate them. According to the annual report of 2010 attacks on press of the US-based Committee to Protect Journalists, the following incidents occurred with media representatives in the RA without sufficient investigation: free-lance journalist Gagik Shamshian at the RA Procuracy building on February 24; detention of “Haykakan Zhamanak” correspondents Ani Gevorgian, Syuzanna Poghosian, and correspondent of “Hayk” newspaper Lilit Tadevosian during the opposition rally on May 31 in Yerevan.

In some cases such as the case of Grisha Balasanian, correspondent of “Hetq” newspaper against RA National Assembly MP Ruben Hayrapetyan, the complaint of violation was revoked without any effective investigation. In the case of Chief Editor of “Lori” TV company Narineh Avetisian although proceedings were instituted, however the assaulters were not revealed and the case was dropped. If previously rare defamation suits were observed, during 2011 the courts received around 25 cases against print media. In the vast majority of cases the plaintiffs were representatives of political and business elites and the fines claimed for moral

damages and inflicted by the courts were the maximum amounts envisaged by the law. This undermines the financial viability of newspapers, putting them on the verge of bankruptcy and is regarded as a new leverage in the hands of the authorities to greatly hamper freedom of expression. Only the family of ex-President Kocharian filed three suits against various newspapers. One of the newspapers, Haykakan Zhamanak, had to organize fundraising to be able to pay off about 9000 USD for moral damage to three well known oligarchs. Almost in all the cases the plaintiffs demanded and received the highest amount for moral damage compensation, in addition to the court expenses. During 2012 the number of defamation suits against journalists and media has dropped compared with the previous year. Courts received 10 cases against journalists and media as of Jan-Sep 2012. The November 15, 2011 decision of the Constitutional Court fostered an improvement of the situation to some extent, which was adopted in response to the Armenia's Human Rights Defender's appeal to the Constitutional Court. In particular, it ruled that media outlets could not be held liable for their "critical assessment of facts" and "evaluation judgments." However, decriminalization of libel and insult still raises concerns regarding introduction of high monetary fines for insult and defamation to restrict freedom of expression and media.

State of Armenia response:

The cases of attacks against journalists have been condemned by high-ranking political actors, including the President of the Republic of Armenia and the Prime Minister, and criminal proceedings have been instigated in respect of any such case. No cases of attacks against opposition members and human rights defenders have been registered.

Recommendation nº18: *Ensure the full independence of the judiciary* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

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Recommendation nº95: *Undertake effective measures to ensure the independence of the judiciary* (Recommended by *Italy*)

IRI: *partially implemented*

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Recommendation nº139: *Make efforts to ensure the implementation of legislative provisions on the impartiality and transparency of the judicial system, including by allocating sufficient funding* (Recommended by *Sweden*)

IRI: *partially implemented*

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Recommendation nº165: *Strengthen measures to ensure the full independence of the judiciary* (Recommended by *Uruguay*)

IRI: *partially implemented*

LLG response:

The judicial system is perceived as neither independent nor competent: the prosecutor dominates procedures, and mechanisms to hold authorities accountable are largely ineffective. In its report dated February 2011, the UN Working Group on Arbitrary Detention noted that most sentences and judicial decisions lacked proper reasoning and legal basis. Moreover, according to the Working Group, magistrates

and judges were favouring and granting requests to the prosecutor and rarely giving regard to those coming from the defence. In so doing, violating the principle of equality of arms between accusation and defence, one of the basic prerequisites of a fair trial, On June 2012 the Parliamentary Assembly of the Council of Europe has urged the Armenian Parliament to pursue reform of the police and the judiciary with a view to guaranteeing its independence.

POS response:
The judiciary is not fully independent from the executive. The Judicial Code vests the President with undue authority in appointment, promotion and in taking disciplinary measures against judges. Loopholes in the legislation allow the executive to exercise control and put pressure on judiciary.

Strong links exist between judiciary and prosecution as close relatives serve in both camps and there is no discrete conflict of interest regulation between these two structures. All newly appointed judges in 2011 were former prosecutors or police servicemen. The Council of Justice by its decision on 15.07.2011 endorsed a list of judicial candidates for civil and criminal specialization. Out of nine candidates for criminal specialization, eight are former prosecutors or investigators. Among them is the son of the Prosecutor General, and the son of the Deputy Head of National Security Service. Such dependence is also illustrated by the rate of acquittals, which is not increasing and stands at less than 1% of all rulings.

The 2012-2016 RA Strategic Program for Legal and Judicial Reforms and the RA President's order to approve a list of actions to implement the program went into force on July 1, 2012. Despite the set goals, the activities envisaged by the judicial reform program do not completely address these goals. Moreover, the reform program failed to address the following issues: the existence of several bodies managing the courts, limited influence of the courts' self-governing body (the RA Council of Justice) on the adoption of the budget, termination of judicial powers on the grounds of temporary incapacity to work, the right of the Minister of Justice to instigate disciplinary proceedings against a judge.

State of Armenia response:
In accordance with Article 94 of the Constitution of the Republic of Armenia, the independence of courts is guaranteed by the Constitution and laws. The powers of courts, the organisation and rules of procedure thereof is defined by the Constitution and laws. When administering justice, a judge is independent, obeys only the Constitution and laws, the guarantees for the activities thereof as well as the grounds and procedure for subjecting him or her to liability are defined by the Constitution and laws. A judge may not be detained, involved as an accused, as well as no claim on subjecting to administrative liability through judicial procedure may be instituted thereagainst without the consent of the Council of Justice. A judge may not be arrested except for the cases where the arrest is carried out at the time of committing a crime or shortly thereafter. In such cases the President of the Republic and the Chairperson of the Court of Cassation are immediately informed of the arrest (Article 97 of the Constitution of the Republic of Armenia).

In accordance with Article 11 of the Judicial Code of the Republic of Armenia, a judge is independent in course of administering justice and exercising other powers provided for by law. When administering justice and exercising other powers provided for by law, a judge is not accountable to anyone, including is not obliged to give any explanations except for the cases provided for by law. Interference, not provided for by law, with the activities of a judge is prohibited. Such act is criminally prosecuted. It also results in disciplinary liability for state servants up to dismissal from the position or service occupied as prescribed by respective laws regulating state service. A judge is obliged to immediately inform the Ethics Commission of the Council of Court Chairpersons of the Republic of Armenia of the interference, not provided for by law, with his or her activities in respect of administration of justice and exercise of other powers provided for by law. If the Ethics Commission finds that an interference, not provided for by law, with the activities of a judge has taken place, it is obliged to apply to relevant bodies with a motion of subjecting guilty persons to liability. During the term of office and after the termination of the powers thereof, a judge may not be interrogated as a witness with regard to the case examined thereby.

Recommendation nº23: *Take measures to combat corruption* (Recommended by *Azerbaijan*)

IRI: *not implemented*

LLG response:
The judiciary is subject to political pressure from the executive branch and suffers from considerable corruption.

POS response:
According to the national Anti-corruption Strategy 2009-12 Action Plan an annual report on the implementation of the measures enlisted in the that Action Plan shall be published for each year of its implementation. After substantial delay, on December 29, 2011, the Government finally posted on its web-site the Report on the Monitoring of the 2010 Results of the Implementation of 2009-12 Anti-Corruption Strategy Action Plan and Report on the Monitoring of the first half of 2011 Results of the Implementation of 2009-12 Anti-Corruption Strategy Action Plan. The preparation of both reports was funded by USAID Mobilizing Action against Corruption (MAAC) Program and was carried out by experts, hired by the Government. Both reports are available only in Armenian. By December 13, 2012, there is no similar report neither for the second half of 2011, nor the whole period of 2011. Also, there is no information in print media or on the web-site of the Government on the meetings of the Council on the Fight against Corruption and/or Anti-Corruption Strategy (ACS) Monitoring Commission. Neither the Council, nor the Monitoring Commission met during the reporting period.

According to the mentioned above reports, many outputs foreseen to be achieved in 2010 and 2011 have not been implemented. In particular, out of 351 outputs to be achieved in 2010, only 148 were completely achieved, 141 were achieved in part and 62 outputs were not achieved (see p. 15 of the Monitoring Report on 2010 Results). For the first half of 2011 out of 271 outputs to be achieved by the ACS Action Plan 97

were completely achieved, 116 were achieved in part and 58 outputs were not achieved (see p. 14 of the Monitoring Report on First Half of 2011 Results).

There were a number of legal acts adopted in 2012, which could reduce the risk of corruption in some spheres, if properly implemented. Among them were changes and amendments introduced to the Law on National Assembly Procedures: the rules of ethics regulating conflict of interest situations for parliamentarians; Law on Public Service: strengthening preventive measures against involvement of public officials in business and related conflict of interest situations; and Government decrees stemming from that Law, Law on Political Parties - stricter regulations on party property and donations and the requirement of an audit for parties having large assets (more than 10 mln. AMD), as well as for parties receiving funding from the state budget. Transparency International Anti-Corruption Center (TIAC) is closely monitoring Public Service Law implementation just from its adoption by Armenian National Assembly on May 26, 2011, in particular, functioning of the Commission on Ethics of High-Ranking Public Officials. Legal analysis carried out by TIAC at the beginning of 2012 revealed several new ones, as well. First, declarations on assets and income together with the high-ranking official shall be submitted only by those of his/her relatives, who live with him/her. This means that his/her close relatives, such as adult child(ren), siblings or parents, who live separately from that official, are not obliged to submit such declarations, which seriously restricts the scope of legitimate persons, who shall submit their declarations. Second, as mentioned before, neither the Law, nor related sub-legislative acts do not set clear terms and/or procedures for the analysis of declarations aimed at their verification. Finally, information about already acquired income and assets, which is contained in the declaration, is not publicly available.

Starting from June 20, 2012 Armenia is under a one-year peer review on the compliance of its legislation to the provisions of Chapters 3 (Criminalization and Law Enforcement) and 4 (International Cooperation) of UN Convention against Corruption, to which Armenia is party (it ratified the Convention on March 8, 2007). On December 5, 2012 the completed Country Self-Assessment Questionnaire was posted on the web-site of the Armenian Ministry of Justice. According to the unofficial statement of one of the Armenian Deputy Ministers of Justice, who is the country focal point for the UNCAC peer review process, the on-site visit of peer reviewers will take place in the middle of March 2013.

In 2012, calculated using new methodology and new scale (0 to 100 instead of 0 to 10) Transparency International's Corruption Perception Index (CPI) score for Armenia (CPI 2011 launch was on December 5, 2012) changed very little compared to CPI 2011 and was equal to 34 on the 0 to 100 scale, where 0 is a perception of absolutely corrupt and 100 – of absolutely clean from corruption country (in 2011 the score was 33) sharing 105-112th places among 176 countries. Though was no decline in CPI, it is, however, difficult to predict the trends in corruption perception in the coming years. Such low value of Armenia's CPI score points to the existence of widespread corruption in the country, making Armenia less attractive for foreign investors.

State of Armenia response:
The Republic of Armenia implements its anti-corruption policy in accordance with own national legislation and international commitments. According to GRECO proposals the Criminal Code was supplemented and elaborated, new corpora delicti of corruption were added, the framework of current corpora delicti was expanded and Anti-corruption guidelines and a package of legislative amendments were developed, a Commission for Ethics was formed by the Prosecutor General's Office.

HRDI response:
Despite elaboration of the Anti-corruption strategy and its implementation action plan for 2009-2012 the latter were not effectively implemented. In particular, in some cases demanders' rights have been violated by the Compulsory Enforcement Service (CES) employees; as a result the judicial acts' requirements continued to remain undone or done partially. In certain cases the CES did not take appropriate measures to reveal fugitive debtors. Compulsory electronic auctions were often objectivity controversial, which also caused corruption. The CES continued its inactivity towards public officials who did not carry out verdict requirements. Differentiated and subjective approaches were demonstrated by the medical institutions which caused corruption risks. Though, measures have been undertaken for elimination of corruption in secondary, middle and higher educational institutions, however, they were not sufficient for prevention and elimination of cases of money collection in schools and corruption in the sphere of education. In the anti-corruption strategy program framework, prescribed by the RA decision N1272, 08.10.2009 "About Establishing the Program of Events of the RA Anti-corruption Strategy Implementation during 2009-2012", the RA General Prosecutor's Office took some measures in the sphere of prevention of corruption in the respect of elimination of gaps in legislative and law enforcement practices and other issues as well. There have been continuous cases of arbitrary constructions, which create corruption risks and are connected with the Yerevan Municipality and Other Local Self-government Bodies. Nevertheless, the main conditions promoting the reduction of corruption are appropriate social conditions, in the context of which legislative settings regarding salaries of prosecutors should be reconsidered – possibly increasing them and making independent from the executive body's discretion. The same should be conducted for other state body officials. The cases of corruption are highly disturbing mostly because they lead to the distrust of the society towards the state bodies, as well as prevent people from exercising their constitutional rights of receiving effective legal remedies, protecting his/her rights and freedoms before public bodies.

It should be also noted that the Government is not developing successor documents towards implementation of the Anti-corruption strategy.

Recommendation nº27: *Investigate cases of police abuse to prevent impunity and put an end to ill treatment by police* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

LLG response:
In 2011 the Working Group on Arbitrary Detention has stated that there is concern that abuse and ill-treatment of military personnel is used obtain information from victims who are being investigated. Investigations carried out by investigators on

crimes committed in the Army are under the control of Military's Prosecutor's Office, which is part of the Prosecutor General's Office, rather than the Ministry of Defence. While Armenian legislation provides several essential standards regarding juvenile justice, issues relating to prevention, alternative punishment and rehabilitation for minor offenders remained unsolved. Cases were reported of physical abuse of juveniles when they enter the criminal justice system. There were no special standards of interrogation of juveniles who were suspects, accused, witnesses and victims, nor were there special court procedures for juveniles. The Working Group recommended to Armenian authorities to "Systematically investigate all cases of police, military and National Security services abuse to avoid impunity and put an end to widespread ill-treatment of detainees".

POS response:
In 2012 the Prosecutor General made a decision to start treating reports of bodily injuries (that are also written down in medical records) as sufficient grounds for initiating a criminal case. In practice, the independence and effectiveness of investigations into torture allegations are compromised as the police themselves are in charge of such investigations. A Special Investigation Service, which is charged with investigating cases on possible abuses by public officials, in practice, becomes involved in the investigation after the official opening of the criminal case. Prior to that, it is the police that are responsible for verifying the grounds and reasons for instituting a criminal case. The Police Monitoring Group reports alleged incidents of torture within the investigation rooms of the RA Police but cannot verify allegations as Group lacks access to these facilities.

Criminal prosecution of perpetrators of ill-treatment and torture in police stations is not guaranteed yet, because the fact of torture is not proven in the courts, and the perpetrators of torture go unpunished. Legal protection is not safeguarded for victims. Restitution and compensation are not available, either. When a trial participant makes an allegation of being tortured during the pre-trial stage, judges normally do not follow up on such allegations and often rely on the pre-trial testimonies.

Torture in the army remains an issue of concern, particularly in the light of widespread impunity and the number of non-combat deaths. According to official statistics, 44 deaths were registered in 2010, in 2011 – 39 deaths, and 46 deaths in 2012. Despite statements from high officials to carry out full and impartial investigation into the deaths, family members of the deceased have no trust towards the integrity of the investigation process and the fact that in the end the real perpetrators are held accountable. Civil society also raises concerns about the use of self-incriminating evidence is during the investigation.

The competent bodies of the Republic of Armenia do not make enough efforts to ensure the equal treatment of all apprehended persons, especially the treatment of apprehended persons who are homosexual, bisexual or transgender. There is a discriminatory attitude towards homosexual, bisexual or transgender apprehended persons, who have many times been accompanied by inhuman and degrading treatment and torture towards them. The torture of these persons has been accompanied by both physical and psychological violence by the representatives of

competent authorities (police forces). Here is an illustrative example of the issue raised above:

"A transgender person, who has been in her [male to female transgender person] car on Shahumyan Street at the time of accident, was with no reason apprehended by some police officers to the Central Police department which has been accompanied by name calling, inhuman attitude towards the victim and beatings. Moreover, the person was isolated in a dark room in police, where she has been beaten repeatedly, that has been accompanied by inhuman and degrading treatment towards the victim. After while, she was apprehended for the second time from hospital, where she went for recovering from the beatings of police officers, was harassed and threatened with physical violence to sign an unfilled paper later to be filled by the officers".

A detained transvestite who is in Penitentiary of “Nubarashen” of RA Ministry of Justice, who has serious health concerns and suffers from pain and diseases, needed to receive appropriate medical care and services which was not being provided to him by persons responsible to provide such services in the penitentiary for the reasons not known. The relevant medical services were provided to him after the intervention of human rights NGOs, which made several phone calls to the Ministry of Justice, wrote letters of concerns to the Ministry of Justice and Prison Monitoring Group.

Men who have sex with men (MSM) continue to face ill treatment in detention places and during military service. MSM factor is considered as a cause for humiliating a person that is reflected in following attitude towards MSM prisoners: separating the MSM prisoner’s chair, household utensils, forcing to clean the toilet and its adjacent places, etc. There has also been a case, when the MSM prisoner has tried to commit suicide as a result of being subjected to ongoing derogation and psychological pressures by other prisoners. MSM prisoners are usually subjected to sexual violence acts up to rape cases when the person refuses to have sex with the perpetrator.

It is also worth mentioning that all the above mentioned cases are considered to be a part of prison culture, which the inspectors not only do not interfere for preventing future violation cases and maintaining order, but also adapt themselves to this culture.

For detailed information on cases of allegation of torture and inhuman or degrading treatment please refer to Annex I [...].

State of Armenia response:
Within the meaning of Article 92 of the RA Constitution and Article 15(4) of the RA Judicial Code, legal standings expressed in the decisions of the RA Cassation Court shall be binding upon other judicial instances of Armenia. In the decision on the case of A. Gzoyan, the Court of Cassation of Armenia documented, that the courts should apply to the Prosecutor with a motion on instigating criminal proceedings pursuant to Article 184(1) of the RA Criminal Procedure Code when revealing evident elements of crime during an examination of a case within their proceedings. In other words, if

judges reveal evident elements of ill-treatment during the examination of a criminal case within their proceedings, they shall be obliged to apply to the Prosecutor with a motion on instigating criminal proceedings pursuant to Article 184(4) of the RA Criminal Procedure Code. It is clearly stipulated in Article 17 of the Constitution of the Republic of Armenia that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. Arrested, detained persons and those deprived of liberty shall have the right to humane treatment and respect for dignity. Violence is also prohibited by the Law of the Republic of Armenia "On Police", as well as the by the Law "On confining arrested and detained persons". The latter also stipulates the procedure for submission of complaints by arrested and detained persons. In accordance with Chapter 7 of the Decision of the Government of the Republic of Armenia "On adopting internal regulations for the places of confinement functioning in the system of the Police of the Republic of Armenia" No 574-N of 5 June 2008, the administrative servicemen of the places of detention, in the course of their daily rounds, should collect proposals, applications and complaints in written and verbal form submitted by arrested persons. At the same time, the questions addressed by citizens during "Direct interaction" established by the RA Police, are deliberated and examined in a prescribed manner, and, if necessary, official investigations are conducted. About 33 official investigations were conducted by the RA Police within the course of six months in 2012 into cases involving abuse by police officers, violence and ill-treatment in respect of citizens and arrested persons.

Moreover, inadmissibility of any evidence obtained through ill-treatment is enshrined in law.

For the purposes of increasing the efficiency of examination of statements on tortures of arrested and detained persons, as well as for improving the prosecutorial control in this field, the RA Prosecutor General's Office has undertaken the procedure for adoption of draft law on making amendments and supplements to the Law of the Republic of Armenia "On confining arrested and detained persons". The draft law prescribes that, when being admitted to confinement institutions, arrested and detained persons should undergo mandatory medical examination organised by the administration of the institution, the findings of which serve as a basis for compiling a protocol recording a bodily injury, location and nature thereof, statements of the arrested or detained persons on the consequences under which they got the injuries. The protocol is signed by the medical worker having conducted the medical examination and also by the arrested or detained person. Results of the medical examination are recorded in personal file in a prescribed manner. A copy of protocol is provided to the arrested or detained person, the body conducting criminal proceedings, as well as prosecutors conducting preliminary investigation and inquest, exercising control over the lawfulness of applying punishments and other coercive measures.

HRDI response:

According to the results of analyses numerous complaints against the Police most cases of torture or ill-treatment are conducted in places allotted for detainment in order to receive information and/or testimonies. There have been a number of cases when the police operational staff has engaged in physical and mental ill-treatment of

detained persons and witnesses during initial interviews in the period of inquest and preliminary investigation.

Based on the complaints of physical and mental ill-treatment conducted by the police operational staff and after thorough analysis of those cases the HRDI has sent recommendations to the Head of the Police. In most of those cases, service investigations were conducted, but the results were not satisfactory as the police often concluded that the individuals had suffered physical harm before their apprehension or by the use of force during their apprehension and not as a consequence of ill-treatment towards them by the police. Thus, effective investigation of complaints on police brutality remains a serious concern. Starting from the year 2009 till 2012 more than 300 visits and studies were carried out by the HRD in the penitentiary institutions, police departments, military units, psychiatric hospitals, orphanages, special schools, care homes of the Republic of Armenia by the Torture Prevention Expert Council with the aim of revealing and preventing cases of torture and other inhuman or degrading treatment or punishment. Only in the year 2012 the NPM had already made approximately 100 visits. During visits the administrations of the above mentioned places did not create any obstacles or difficulties for the NPM staff. During the interviews it was revealed that most cases of torture or ill-treatment are conducted in places allotted for detainment in order to receive information and/or testimonies.

According to the results of analyses of complaints regarding alleged torture cases which were filed to the HRDI the complaints are mostly against the Police. In the year 2012 the Rapid response team of the HRD Staff revealed cases when the police operational staff have engaged in physical and mental ill-treatment of detained persons and witnesses during initial interviews in the period of inquest and preliminary investigation. The Head of the Police of RA in a public statement gave paramount importance to the recommendations of the HRD regarding alleged torture cases by police officers. In response to HRD recommendation the Special Investigation Service of RA started an investigation regarding the actions of the Police officer, and the investigation is still pending. One of the main recommendations that the Defender has stressed regarding the prevention of such cases is that the State should take steps to provide police stations with video recording equipment, specifically in interrogation rooms for recording the process of the interviews and in other rooms where possible contact between suspects or witnesses and police officers can occur. Video recording of police interviews will provide facts concerning the duration of interrogations, prevent the potential ill-treatment or pressure that may be conducted towards the above mentioned individuals. Moreover, such kind of monitoring mechanism would indicate the time period starting from which the individuals were in the police department and whether the compiling/preparation of the protocol of the arrest of suspects exceeded the three hours limit.

Recommendation nº30: *Fulfil its intention to develop and adopt a national programme for 2010-2013 to counter the trafficking in persons, and actively cooperate in the international arena on that issue* (Recommended by *Belarus*)

IRI: *fully implemented*

State of Armenia response:
[See response to recommendation n° 8]

Recommendation nº31: *Carry out further activities aimed at supporting the rehabilitation and reintegration of remand prisoners and convicts by organizing professional training for them* (Recommended by *Bosnia & Herzegovina*)

IRI: *partially implemented*

POS response:
The legislation of the Republic of Armenia presently contains no provisions on professional training for convicts. State bodies do not work with former convicts at all after they finish serving the sentence. No social work is carried out for persons conditionally exempted from the sentence and persons conditionally released early from serving the sentence, and the only means of supervising persons exempted from the sentence is their registration and regular visits. The 2012-2016 Strategy for Legal and Judicial Reforms in the Republic of Armenia contemplates the creation of a probation service. There is a concept paper on the implementation of the probation service, the aim of which is to carry out post-penitentiary probation, including supervision, support, and assistance for re-socialization of persons conditionally exempted from the sentence, persons conditionally released early from serving the sentence, and persons that completed serving the sentence. At this stage, the plan is to carry out educational, social-psychological, and other rehabilitation programs for persons released from the sentence. The law on the probation service is expected to come into effect in 2014.

State of Armenia response:
The 2012-2016 Legislative and Judicial Reforms Programme addresses as well the formation of a probation service and will contribute to increasing the effectiveness of actions towards the correction of offenders and their reintegration into society. The RA cooperates with OSCE and other international organisations towards the development of this service and a probation institute in Armenia.

HRDI response:
First of all, although the 2012-2016 Legislative and Judicial Reforms Programme addresses the probation service for increasing the effectiveness of actions towards the correction of offenders and their reintegration into society, this measure alone does not solve the problem raised. There exists almost no professional training in penitentiary institutions both for remand prisoners and for convicts. The argument of the RA Ministry of Justice that prisoners are not interested in getting professional training is not sufficient. Furthermore the situation is aggravated due to the issue of overcrowding. Analyzing this issue, the [Human rights defender institution] stresses the opinion that persons serving sentences for different criminal offenses and different criminal behavior have to share the same cell due to a dense population, which seriously hinders the rehabilitation process of prisoners and also brings to an atmosphere, were those who have committed lesser criminal offenses are being physically and mentally abused by the others. It is our position that the probation service may be a positive improvement for issues in this field, however the overcrowding issues and the conditions in penitentiary institutions have to be solved immediately. From our perspective a program increasing the professionalism of the

staff of penitentiary institutions should be prepared by the Government. This recommendation is justified by the fact, that the Defender receives numerous complaints regarding the professionalism and indifferent attitude of the staff of penitentiary institutions.

Recommendation nº34: *Make additional efforts to strengthen the judicial system, carrying out its reform and the training of judges* (Recommended by *Bosnia & Herzegovina*)

IRI: *partially implemented*

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Recommendation nº75: *Push forward further reforms that will guarantee in practice the separation of powers and, in particular, the independence of the judiciary, including through the training of judges* (Recommended by *Greece*)

IRI: *partially implemented*

LLG response:
Several reforms of the judicial system were launched in 2011, beginning with the reform of notary services. All remaining persons jailed in connection with the March 2008 postelection unrest were released in advance of the 2012 parliamentary elections.

POS response:
(Additionally, please, see comments on recommendation [n° 18, 57, 94, 95, 146, and 165])
The Draft law on the Judicial Academy should be amended to exclude its subordination to the Ministry of Justice. The Council of Justice should become the executive representative body of the judiciary. In the relations with the President of Armenia, the Council's status should be the same as that of the Parliament, with extrapolation of this approach onto the decisions made by the Council of Justice. This would mean that the Council of Justice should cease from being a consultative body, but rather it should make the judicial appointments (the same was as the Parliament submits to the approval of the President not the draft laws, but the laws per se). In addition, this means that the Council of Justice should be empowered with the right to overcome the veto imposed by the President and thus, the Council's decisions should go into legal force signed by the Chief Justice (ex-officio – the Chairman of the Council of Justice), the same way as the Parliament's decisions can override the Presidential veto.

State of Armenia response:
Measures aimed at raising the efficiency of the system of criminal justice and criminal punishments, ensuring an independent judiciary accountable to public, as well as those aimed at implementing reforms in the system of the practice of the profession of advocate are envisaged according to 2012-2016 Strategic Programme for Legislative and Judicial Reforms. Extensive legislative amendments are as well envisaged with a precise agenda and a list of responsible bodies, inter alia, part of these amendments has already been launched. The training of judges is permanently being ensured by the Judicial School (the Judicial School is a legal entity having the status of a non- profit state non-commercial organisation), in accordance with the developed training programme. The Judicial School regularly organises and conducts

training courses which are compulsory for judges. The training programmes consist of a total of at least 80 academic hours and not more than 120 academic hours annually. The training programmes are designed so that they result in guaranteeing and strengthening the impartiality and skilfulness of judges. The training includes lectures, seminars, moot courts, disputes, discussions of adopted judicial acts, as well as didactic materials encouraging self-education, videotapes, audio lectures and other modern educational methods. In addition to the abovementioned, it is worth mentioning that the Code of Conduct of Judges has been established by Decision No 01-N adopted on 23 April 2010 by the RA General Council of Judges, according to Rule 6 of which "The judge is obliged to take measures aimed at enriching his or her knowledge and ensuring ongoing improvement of his or her skills and personal qualities, using for that purpose all the training opportunities under the supervision of judges". Based on the quoted rule, judges improve their knowledge on an ongoing basis during the whole term of their office, participate in the educational events organised for judges, including the training courses of the Judicial School.

Recommendation nº35: *Take additional measures for the elimination of cruel and inhuman treatment through the training of law-enforcement officers* (Recommended by *Bosnia & Herzegovina*)

IRI: *partially implemented*

LLG response:
Police make arbitrary arrests without warrants, beat detainees during arrest and interrogation, and use torture to extract confessions. Following the visit that occurred on September 2010, the UN Working Group on Arbitrary Detention stated on February 2011 that there was a need to train police and National Security Service staff to improve the practice of inviting persons as witnesses to police interviews to subsequently consider them as suspects.

State of Armenia response:
Officers of various subdivisions of law-enforcement bodies undergo training on human rights. In particular, classes are designed for this discipline at the Prosecutor's School; specific courses are organised for judges, pamphlets are published. Police Ethics academic discipline was included in the list of disciplines taught at the Police Academy of the Republic of Armenia. In addition, police officers are regularly enrolled in courses held on similar topics in a number of foreign countries. These topics are also included in the syllabi of practical classes held at subdivisions.

Recommendation nº44: *Continue its efforts to bring its penitentiaries and detention centres into compliance with international human rights standards* (Recommended by *Canada*)

IRI: *not implemented*

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Recommendation nº53: *Ensure in practice regular access to all places of detention, including police stations* (Recommended by *Czech Republic*)

IRI: *not implemented*

LLG response:
Prison conditions in Armenia are poor, and threats to prisoner health are significant. In December 2011, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made a visit to assess the steps taken by the Armenian authorities to implement long-standing recommendations made by the CPT, in particular those concerning the treatment of prisoners sentenced to life imprisonment. The Committee's delegation visited Yerevan-Kentron Prison and carried out a targeted visit to the unit for lifers and the disciplinary unit of Nubarashen Prison. The delegation received no recent allegations of deliberate physical ill-treatment of prisoners by staff in either of the prisons visited. In general, the delegation observed that the attitude of staff towards prisoners was quite correct. However, the poor material environment and impoverished regime at Kentron Prison made it unsuitable for lengthy periods of detention. As for the conditions of detention of life-sentenced prisoners held at Kentron, the CPT states that they could be considered as amounting to inhuman treatment. More generally, the Committee has noted that virtually none of the recommendations made after previous visits as regards the detention of lifers have been implemented. More recently, in November 2012, self-mutilation by hunger-striking prisoners have raised a public clamour about treatment of the country's roughly 4,800 inmates. In an attempt to attract greater attention to demands for improved living conditions behind bars, one prisoner sewed his eyes shut; two others sewed their mouths. A third cut off his little finger. Armenia's government says it is prioritizing the issue of prison conditions, and officials contend that a four-year strategy will solve the prison-overpopulation problem by 2017, but rights activists have been reported to be sceptical by Eurasianet.org.

POS response:
Prison overcrowding remains an unaddressed issue - approximately 4800 inmates are detained in penal institutions with an overall capacity of about 4400 places. To attract attention to this situation the prisoners have resorted to such means as hunger-strikes and self-mutilation: one prisoner sewed his eyes shut, while two others sewed their mouths and a third cut off his finger. The response that came from the authorities did not address the problem properly as the Minister of Justice stated that this practice has become common for inmates. The government does not make effective use of alternatives to imprisonment, which could remedy the situation with overcrowding.

The European Committee for the Prevention of torture and inhuman or degrading Treatment and Punishment reflected on the conditions of penal institutions and detention centers after its visit to Armenia in 2010 and 2011. In its report CPT noted that the conditions are not uniform across the country and highlighted the need to address prison overcrowding. The same issue was also raised during Armenia's third periodic review under CAT.

Currently, there are three public monitoring groups conducting independent oversight of closed institutions: (1) A group of public observers conducting public monitoring of penitentiary institutions and bodies under the RA Ministry of Justice, established in 2004 ("Prison Monitoring Group"); (2) A group of public observers of the places

where arrested people are held under the RA Police, established in 2005 ("Police Monitoring Group"); and (3) A Public Monitoring Group of Special Boarding Schools under the RA Ministry of Education, established on 16 December 2009. The Police Monitoring Group has access to detention centers but doesn't have access to the investigation rooms within the police, where allegedly human rights violations occur.

State of Armenia response:
The general conditions for holding arrestees under custody have been considerably improved with the adoption of the Law of the Republic of Armenia of 6 February 2002 "On holding arrested and detained persons". Particularly, the arrestees have been granted rights that were previously non-available, for example, that to receive information on their rights and obligations in a language they were supposed to understand, to apply to mass media and international organisations in case of violation of the rights thereof, to have visits with the advocate and close relatives, to be examined by the doctor selected thereby, to receive legal assistance, to communicate with external world, to participate in civil-law transactions.

Moreover, the rights and obligations of the arrestees have been posted in every cell and front office. According to the measures deriving from the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe respective amendments and supplements have been made to the Law of the Republic of Armenia of 8 July 2005 "On holding arrested and detained persons", as of which wider rights have been granted to the Human Rights Defender, the 2.5 sq m of living space designed for each arrestee has been increased to 4 sq m. According to the Law of the Republic of Armenia "On holding the arrested and detained persons", prosecutorial oversight has been established over the activities of police holding facilities, as well as the procedure for the judicial, departmental and public supervision has been established. To this end, "The rules of procedure of the Group of Public Observers in police holding facilities of the Police System of the Republic of Armenia" has been approved upon the Order of the Head of the Police of the Republic of Armenia No 1-N of 14 January 2005. The composition of the Group of Public Observers has been approved upon the Order No 368-A of 10 March 2006, which has been regularly changed. The Group is considered as a supervisory body dealing with issues on maintenance of the rights and freedoms of persons held in police holding facilities within the Police. The Group exercises oversight through submitting reports to the Head of the Police of the Republic of Armenia or the deputy thereof and the general public on the basis of carrying out visits to police holding facilities. The reports or the sections thereof are published and presented to the general public together with the commentaries of the Police. The observation missions of the Human Rights Defender of the Republic of Armenia, the International Committee of Red Cross, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and other organisations regularly carry out visits to police holding facilities.

'See also the responses delivered by the Republic of Armenia to the report drawn up as a result of regular visit carried out by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Republic of Armenia in May 2010.

HRDI response:
Problems concerning providing a free access of the Police monitoring group to police stations as well as implementing recommendations of the civil monitoring groups still exist. Additionally, one of the main issues connected with PIs still remains the issue of overcrowding, which confirms that the international and national legislative provisions on the population of detainees and convicts in penitentiaries are not always enforced. Analyzing this issue, the [Human rights defender institution (HRD)] pointed out that if a PI is overcrowded, cases of violence are unavoidable. When detainees and convicts are transferred to penitentiaries, the issue of selection of persons that share the same cell is important. Persons serving sentences for different criminal offenses and different criminal behavior often have to share the same cell due to the overcrowding, which is a violation of Article 68 of the Penitentiary Code. This hinders the rehabilitation process of prisoners and creates an atmosphere where those who have committed lesser criminal offenses are physically and mentally abused by the others. Therefore, it should be of paramount importance for state body officials to take strict measures in order to exclude the above mentioned cases. The HRD expressed the opinion that best method for preventing cases when persons serving sentences for different criminal offenses and different criminal behavior share the same cell is to solve the issue of overcrowding in Penitentiary Institutions. The issue of overpopulation is aggravated due to the irregular and unequal approaches of the administrations of penitentiary institutions and the independent committee of early conditional release concerning cases when the remaining term of sentence can be changed into a milder punishment. One of the concerns connected with the policy of the independent committee of early conditional release (hereafter the Committee) is the reluctance to change the remaining term of sentence in cases of deprivation of liberty with a conditional release or other form of punishment that is not connected with deprivation of liberty. The prisoners usually complain that the Committee simply rejects the option of an early conditional release without going into the details of the cases. Although it is of great importance that the Committee should be independent from any state official, a mechanism should be implemented which would oblige the Committee to make a thorough analysis of each case prior to making a reasonable decision. That could bring to the end the atmosphere of distrust towards the Committee by the prisoners. Recently the HRD sent a package of recommendations to the Deputies of the National Assembly, and one of the recommendations was that the decisions of the Committee have to be strictly justified in all cases.

In response to the inquiry of the HRD on addressing the overcrowding, the RA Minister of Justice stated that the issue would be resolved completely within ten years. From the perspective of human rights, this is not a reasonable period of time, especially when the overcrowding of the penitentiary institutions is increasing. It is our position that the issue of overpopulation should be addressed urgently by State authorities, because it is one of the main reasons for generating violence and inhuman treatment in Penitentiary Institutions. Several approaches are recommended:

- Implement the international practice which suggests that smaller penitentiary institutions are now recommended;
- Improvement of premises;

- Implementation of legislative amendments which will relieve the PIs;
- Increase the application of alternative measures of prevention;
- Increase the possibilities of replacing detention by milder forms of punishment

Recommendation nº45: *Ensure that allegations of the ill treatment of persons detained by the security-police forces are investigated and that perpetrators are held accountable* (Recommended by *Canada*)

IRI: *partially implemented*

LLG response:
At the end of its 105th session, on 17 July 2012, the President of the Human Rights Committee has considered insufficient the information and the statistics provided by the Government in relation to this alleged practice.

POS response:
[See response to recommendation n° 27]

State of Armenia response:
[See response to recommendation n° 27]

HRDI response:
[See response to recommendation n° 27]

Recommendation nº50: *Make every possible effort, both at home and at the international level, to raise awareness about the issue of genocide and to combat impunity, with the aim of preventing the recurrence of any acts of genocide* (Recommended by *Cyprus*)

IRI: *partially implemented*

State of Armenia response:
The Republic of Armenia is actively engaged in raising awareness on genocide among international organisations and combating impunity. In 1998, on the initiative of Armenia, the UN Commission on Human Rights adopted the Resolution Dedicated to the 50th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, and in 1999 and 2001 the Resolution on the Prevention and Punishment of the Crime of Genocide.

On 28 March 2008, in the 7th session, the UN Human Rights Council adopted by consensus a resolution on Prevention of Genocide initiated by the Republic of Armenia. The Republic of Armenia is expected to propose this Resolution also during March session of the Human Rights Council to be held in 2013.

Recommendation nº52: *Ensure a system for registering the complaints of victims of torture or ill treatment, in particular persons in detention or military conscripts* (Recommended by *Czech Republic*)

IRI: *partially implemented*

LLG response:
Abuse of conscripts in the army and detainees in police custody came under increased public scrutiny. In an effort to increase transparency, the Ministry of Defence established a public council for handling complaints of abuse in the military

and drew up plans to appoint a military ombudsman. Military Prosecutor Armen Khachaturyan was dismissed in 2011 and replaced with Gevork Kostanyan, who more proactively criticized the chief of the general staff of the Armenian Armed Forces for abuse in the army. In May 2011, the Commissioner for Human Rights of the Council has taken note of frequent occurrence of abuses in the Armenian army, ranging from the imposition of arbitrary disciplinary punishments to various forms of ill-treatment and hazing, and even non-combat fatalities. The Council also observes ineffective investigations into these grave cases, a lack of accountability for perpetrators, as well as the role of certain commanding officers who have either been directly implicated or failed to react to abuses.

POS response:
[See response to recommendation n° 27]

State of Armenia response:
[See response to recommendation n° 27]

HRDI response:
[See response to recommendation n° 27]

Recommendation nº54: *Review the definition of torture in its national legislation so that it fully complies with that set out in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (Recommended by *Czech Republic*)

IRI: *not implemented*

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Recommendation nº90: *Adopt a definition of torture fully in compliance with article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (Recommended by *Ireland*)

IRI: *not implemented*

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Recommendation nº159: *Adopt a definition of torture in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Recommended by *Uruguay*)

IRI: *not implemented*

LLG response:
As it has been reported by the International Federation for Human Rights (FIDH) together with its member organization in Armenia Civil Society Institute (CSI), on 9 May 2012 and also on 26 October 2012, no legislative amendments have been made so far.

POS response:
The definition of torture as stipulated by RA Criminal Code (articles 119 and 341) does not correspond to the definition of Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Specifically, the wording does not allow holding public officials accountable for direct involvement in the acts of torture, cruel, inhumane or degrading treatment or punishment and does not prescribe accountability “at the instigation of or with the consent or acquiescence

of a public official or other person acting in an official capacity" as stipulated by the UN Convention. Article 341 of the Criminal Code provides an exhaustive list of public officials who can force a testimony, provide false conclusions, or false translations. This list of officials includes judges, prosecutor, investigator or person carrying out investigation. At the same time, this list includes persons subject to coercion – witness, suspect, accused, defendant, victim, expert and translator. Meanwhile, Article 119 of Criminal Code does not stipulate a subject for torture, as any person can be subject of torture. This Article does not include all objectives of "torture" as stipulated by the Convention, namely "to receive information or confession", "to punish or intimidate" and "any kind of discrimination based on other reasons".

In May 2011, two draft laws (by the government and by an MP) were submitted to the RA National Assembly "On making amendments and supplements to the Criminal Code of the Republic of Armenia", which provides for making amendments in corpus delicti of "torture". The first draft law was submitted by MP Davit Harutyunyan, which suggests inclusion of torture crime in the section of crimes against State Service as opposed to the section on crimes against human life and health. The following wording is suggested. "Torture means any act, committed by a public servant or a person acting upon his order, command or consent, by which severe pain or bodily or mental suffering is intentionally inflicted on a person for such purposes as obtaining from him information or a confession, punishing him for an act he has committed or is suspected of having committed, or intimidating or coercing him". This wording does not contain all the objectives as stipulated by the Convention for the crime of torture: the purpose of the torture includes obtaining information or a confession both from a person subject to torture and a third person, punishing him for an act he or a third person committed or suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.

The Government's draft law proposes the following definition of torture. "Torture means any act, committed by a public servant or a person acting upon his order, command or instruction in official capacity, by which severe pain or bodily or mental suffering is intentionally inflicted on a person for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind". So the Government's draft law reiterates the definition of the torture as it is stipulated in the Convention, however as a person who can commit a torture is mentioned public servant or a person acting upon his order, command or instruction missing the objective of torture that it can be committed also by the consent or acquiescence of a public servant (public official) or other person acting in an official capacity as stipulated by the Convention.

On October 24, 2011, both drafts were included in the agenda of 4-day sessions. As of December 25, 2012 no decision has been taken with regard to these drafts.

State of Armenia response:
Appropriate amendments were made to the Criminal Code of the Republic of Armenia with the view to bring the definition of torture in line with the definition given

in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. All articles pertaining to the concept of "torture" in the Criminal Code were supplemented. The mentioned amendments are under consideration at the National Assembly.

HRDI response:
Although torture is prohibited under the Armenian Constitution, a major obstacle in bringing alleged perpetrators to justice is the lack of a specific offence of torture, as defined under Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

Current definition of torture in Article 119 of Armenian Criminal Code does not satisfy the requirements laid down in Article 1 of the UN Convention. In particular, it lacks the requirement of intentional infliction of severe pain or suffering for a specific purpose, such as obtaining a confession, intimidation, or punishment. Also the wording is missing which would prescribe not only a direct involvement of a public official in the acts of torture but also hold public officials responsible "at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" as the UN Convention stipulates. Practice has shown that individuals usually complain of ill-treatment from state authorities for the purpose of obtaining information or a confession from them. The amendments regarding the definition of torture have been in the Parliament since 2011, however the Article 119 has not been amended yet. As a result cases of torture and ill-treatment are not studied by relevant state authorities because they are not covered by Article 119. The Human Rights Defender has raised the necessity for the amendments to the Criminal Code regarding the above mentioned article numerous times, and the fact that the Ministry of Justice has prepared such a draft law, should be considered as a positive improvement. Nevertheless, the fact that up until now the amendments have not been adopted and cases of torture by state officials still take place is very disturbing.

Recommendation nº55: *Strengthen efforts to establish a system of juvenile justice in compliance with international standards, and take specific measures to protect the rights of children and persons in detention or in prison* (Recommended by *Czech Republic*)

IRI: *not implemented*

LLG response:
In its 2012 report about Juvenile Justice, the Civil Society Institute NGO provides that presently, there is no legislative basis in the Republic of Armenia for substituting criminal liability with alternative measures: In the Republic of Armenia, a juvenile who has committed a crime is not substantively different from adult criminals, consequently there is no autonomous system of juvenile justice; Non-punitive educational compulsory measures can be applied only in the stage of court proceedings, which contradicts one of the primary goals of substitution of criminal liability with alternative measures — the goal of resolving cases of juvenile offenders without resorting to judicial proceedings; In the context of the Armenian legislation, reconciliation between the victim and the offender must serve as a basis for exempting from criminal liability without resorting to alternative measures. Therefore,

reconciliation between the victim and the offender essentially serves as a formal condition of exemption from criminal liability. Nevertheless, in case of manifestly criminal conduct of the accused, reconciliation alone does not eradicate the root causes and conditions conducive of committing the crime; The range of measures applied in early stages of criminal proceedings is very limited: in contrast, many countries have created numerous community programs such as community service, intensive educational programs, family counselling, and other methods of restorative justice, including damage restitution and victim compensation. The domestic legislation is not consistent with the international standards and does not safeguard the protection of juvenile victims and witnesses needing protection. Excessive use of pre-trial detention in relation to juvenile defendants is problematic. The law provides that juveniles may be detained only in exceptional cases, when they are charged with a medium gravity, grave, or particularly grave crime. Furthermore, the law does not prescribe any additional grounds that should be taken into consideration when applying detention as a preventive measure in relation to juveniles . -Judges are not required, when explain to juveniles their rights and obligations, to take into consideration their age and peculiarities. In Armenia shows that the aforementioned requirement is fulfilled only by means of providing a written document listing the rights and obligations of the defendant, or by quickly reading out the rights prescribed by Article 65. The legislation and practice of Armenia in the field of juvenile justice do not correspond to the international standards. In view of the interests of child protection, the judge should not only provide a separate document on rights and obligations, but also give an understandable oral explanation thereof to juvenile defendants taking into account their age and psychology. There are no educational institutions in which juveniles that have committed crimes may be placed; There is no legislation clearly regulating the placement of persons that have committed crimes in educational institutions, leading to a situation in which the courts do not apply the educational compulsory measures; The existing institutions (educational and medical-educational) do not meet the relevant standards. The practice of applying protection measures in Armenia shows that they are not widely used, rendering them formalistic and ineffective. The protection measures stipulated by the Armenian legislation are specifically targeted at the physical protection of witnesses and victims and do not include provision of psychological assistance to them in order to prevent revictimization. In November 2012, self-mutilation by hunger-striking prisoners have raised a public clamour about treatment of the country's roughly 4,800 inmates. In an attempt to attract greater attention to demands for improved living conditions behind bars, one prisoner sewed his eyes shut; two others sewed their mouths. A third cut off his little finger. Armenia's government says it is prioritizing the issue of prison conditions, and officials contend that a four-year strategy will solve the prison-overpopulation problem by 2017, but rights activists have been reported to be sceptical by Eurasianet.org.

POS response:

The RA juvenile justice system still needs reforms in order to be in conformity with international standards. The problems of this sphere derive from lacks in the legislation. For example the peculiarities of the juveniles are not totally disregarded in the Armenian legislation. Criminal Code and Criminal Procedure Code impose the obligation upon the body of criminal proceedings to take into consideration some

peculiarities while administering Juvenile Justice. However, generally the approach is reduced sentences or enforcement of certain privileges. Currently the above-mentioned issues are much discussed by civil society representatives, but from state representatives there isn't any concrete step taken to change this system. During the period from 2010 to 2012, legislative reforms did not take place in the system of juvenile justice. The problems still linger in the Armenian system of juvenile justice. Neither legislation nor practice take into account the specifics and needs of juveniles. Armenia does not have juvenile courts or judges. The situation is the same in the prosecution and investigation systems: neither prosecutors nor investigators specialize in the investigation of juvenile cases. The Criminal Code of the Republic of Armenia prescribes the following sanctions for juveniles: penalty, public work, detention, and imprisonment. The Republic of Armenia lacks legislation for substituting criminal sanctions with alternative measures, because juvenile offenders are not viewed as substantively different from adult offenders, and as there is no autonomous system of juvenile justice, non-punitive restorative compulsion may be imposed only at the stage of trial, which contradicts the primary goal of substituting criminal sanctions with alternative measures—the solution of the case of a juvenile offender without resorting to court procedures. Pre-trial detention of juveniles is widely applied during the investigation. The law does not differentiate juveniles in terms of the grounds and time periods of pre-trial detention. The Criminal Procedure Code of the Republic of Armenia does not stipulate the possibility of in-camera hearing of court cases concerning juvenile defendants. In practice, courts do not take any measures to protect the security of the private life of juvenile defendants. There are no special educational centers to address the specific needs of juveniles. The new draft of the Criminal Procedure Code contains a number of progressive provisions on juvenile justice; its enactment is expected in January 2014.

State of Armenia response:
One specialised judge examining juvenile cases is available in each court. Peculiarities for the liability of juveniles are defined in the Criminal Code of the Republic of Armenia, peculiarities for the cases with the participation thereof are defined in the Criminal Procedure Code of the Republic of Armenia, peculiarities for serving punishment thereby are defined in the penitentiary legislation of the Republic of Armenia.

Recommendation nº56: *Strengthen fair-trial safeguards, including the non-admissibility before the court of any evidence obtained through torture or ill treatment* (Recommended by *Czech Republic*)

IRI: *not implemented*

POS response:
Although the national legislation prohibits the admissibility and the use of any evidence obtained through torture or ill treatment (article 105 of the Criminal Procedure Code), the Courts of first instance very often use unlawfully obtained evidence and judges prefer to turn a blind eye to torture allegations made in court and do not exclude confessions and other evidence obtained illegally. This issue is highlighted in the third periodic report of the Government of Armenia to the UN Committee against Torture as a provision of acting law.

State of Armenia response:
Within the meaning of Article 92 of the RA Constitution and Article 15(4) of the RA Judicial Code, legal standings expressed in the decisions of the Court of Cassation of Armenia shall be binding upon other judicial instances of Armenia.

In the case of S. Grigoryan, the Court of Cassation of Armenia presented a legal standing that the admissibility of the evidence obtained through torture and other ill-treatment forms is seriously questioned. The Court of Cassation of Armenia reflected on this issue in the decision of the case of A. Sargsyan and presented a legal standing going as follows: 'facts, obtained through essential violation of the procedure for conducting investigative or procedural actions, cannot be used as evidence, especially if these resulted in the essential violation of rights of participants of legal proceedings, influenced or may influence the authenticity of the obtained facts. Thus, the rights and legal interests of persons should be ensured when conducting procedural actions aimed at collection and examination of evidence. Otherwise, the fact, obtained in the result of procedural actions conducted, loses its legal force, persuasive effect and cannot be incorporated into all pieces of evidence of a certain criminal case and may not serve as a ground for accusation irrespective of the importance of this evidence to the case.

HRDI response:
According to the results of analyses numerous complaints against the Police most cases of torture or ill-treatment are conducted in places allotted for detainment in order to receive information and/or testimonies. There have been a number of cases when the police operational staff has engaged in physical and mental ill-treatment of detained persons and witnesses during initial interviews in the period of inquest and preliminary investigation.

Based on the complaints of physical and mental ill-treatment conducted by the police operational staff and after thorough analysis of those cases the [Human rights defender institution (HRDI)] has sent recommendations to the Head of the Police. In most of those cases, service investigations were conducted, but the results were not satisfactory as the police often concluded that the individuals had suffered physical harm before their apprehension or by the use of force during their apprehension and not as a consequence of ill-treatment towards them by the police. Thus, effective investigation of complaints on police brutality remains a serious concern. Starting from the year 2009 till 2012 more than 300 visits and studies were carried out by the HRD in the penitentiary institutions, police departments, military units, psychiatric hospitals, orphanages, special schools, care homes of the Republic of Armenia by the Torture Prevention Expert Council with the aim of revealing and preventing cases of torture and other inhuman or degrading treatment or punishment. Only in the year 2012 the NPM had already made approximately 100 visits. During visits the administrations of the above mentioned places did not create any obstacles or difficulties for the NPM staff. During the interviews it was revealed that most cases of torture or ill-treatment are conducted in places allotted for detainment in order to receive information and/or testimonies.

According to the results of analyses of complaints regarding alleged torture cases which were filed to the HRDI the complaints are mostly against the Police. In the year 2012 the Rapid response team of the HRD Staff revealed cases when the police operational staff have engaged in physical and mental ill-treatment of detained persons and witnesses during initial interviews in the period of inquest and preliminary investigation. The Head of the Police of RA in a public statement gave paramount importance to the recommendations of the HRD regarding alleged torture cases by police officers. In response to HRD recommendation the Special Investigation Service of RA started an investigation regarding the actions of the Police officer, and the investigation is still pending. One of the main recommendations that the Defender has stressed regarding the prevention of such cases is that the State should take steps to provide police stations with video recording equipment, specifically in interrogation rooms for recording the process of the interviews and in other rooms where possible contact between suspects or witnesses and police officers can occur. Video recording of police interviews will provide facts concerning the duration of interrogations, prevent the potential ill-treatment or pressure that may be conducted towards the above mentioned individuals. Moreover, such kind of monitoring mechanism would indicate the time period starting from which the individuals were in the police department and whether the compiling/preparation of the protocol of the arrest of suspects exceeded the three hours limit.

Recommendation nº70: *Actively pursue efforts to prevent trafficking, including through information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and to ensure protection and assistance for the victims of trafficking, with full respect for their human rights* (Recommended by *Germany*)

IRI: *partially implemented*

State of Armenia response:
[See response to recommendation n° 8]

Recommendation nº73: *Ensure that all allegations of torture and inhuman or degrading treatment are investigated promptly and that perpetrators are brought to justice* (Recommended by *Greece*)

IRI: *partially implemented*

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Recommendation nº132: *Ensure the proper and thorough investigation of torture cases in prison facilities and at police stations* (Recommended by *Slovenia*)

IRI: *partially implemented*

LLG response:
In May 2012, and then in October of the same year, International Federation for Human Rights (FIDH) together with its member organization in Armenia Civil Society Institute (CSI) have reported that while a Special Investigation Service (SIS) was established in 2007 to specialize in investigating cases involving possible abuses by public officials, in practice the prosecutor's office does not send all allegations of torture to the SIS for investigation, and police investigators continue to handle most of these cases. Communications about torture are therefore investigated within the framework of the very entity to which the perpetrators of torture themselves belong.

Moreover, most cases of police mistreatment continue to be unreported due to fears of retaliation.

POS response:
[See response to recommendation n° 27]

State of Armenia response:
Thorough information on the process of implementing mentioned activities is provided in report on Prevention of Torture and Inhuman or Degrading Treatment or Punishment compiled by the Delegation of the European Committee for the Prevention of Torture (CPT) within the scope of periodic visit in May 2010, which was disclosed upon the request of the Armenian authorities. The report is available at [the following link].

Recommendation nº104: *Introduce changes to laws on drugs, given the increase in drug use in the country* (Recommended by *Kyrgyzstan*)

IRI: *partially implemented*

POS response:
The Law on Drugs of the Republic of Armenia – Article 14. Destruction of Drugs states that "Drugs not valid for administration shall be subject to destruction. Drug destruction shall be implemented with consideration of environmental and sanitary norms and codes. The procedure and conditions of drug destruction shall be defined by the Government Drug Authority. Drug destruction shall be funded by the drug owner organization".

The results of inspection of the process of control over the quality and sale of drugs conducted in 2012 in 10 Yerevan pharmacies revealed that there were different unregistered and expired drugs stored almost in all 10 pharmacies. Yerevan pharmacies explain that they have to store expired drugs because there is no procedure for destructing them.

The drugs imported to Armenia go through laboratory testing by the Pharmaceutical Agency, CJSC before registration and approval for sale. There are cases when drugs imported through humanitarian assistance are not sold and when the date is expired they are still stored in the pharmacies because of absence of adequate procedures for destructing the drugs. There is also no guarantee that expired drugs won't be sold.

Pain relief medication - Experts in this field have noted that not all patients with the pain syndrome have access to strong palliative drugs. Moreover, there is an inconsistency between Paragraph 6 of Article 22 of the Republic of Armenia Law on Narcotics and Psychotropic Substances (which provides that health care pharmaceutical institutions and organizations are prohibited from releasing narcotics and psychotropic substances included in the list of narcotic drugs on the basis of a prescription issued more than 10 days ago), Government Decree 759 dated 14 August 2001 "On Approving the Prescription Form Applied in the Republic of Armenia," and Minister of Health Decree 100 dated 26 February 2002 "On Approving the Procedure of Issuing Prescriptions and Releasing Drugs" (which provides that

prescriptions are valid during 20 days of being issued), which obstructs the exercise of the right of access to pain relief drugs.

Medical assistance for drug users - There are no mechanisms for providing appropriate full and effective medical assistance and support to drug-addicted persons in the Republic of Armenia, which also contributes to the growth of drug usage in the country. Thus, for example, the RA Law "On Narcotic Drugs and Psychotropic Substances" defines that medical examination is conducted in order prescribed by the RA Legislation. However, the Legislation does not define procedures for conducting medical examination (including mandatory) of a person to discover drug usage, the order for subjecting persons, who are suspected in being drug addicts, to mandatory medical examination and treatment and so on. As a result of deficient legislative regulations a person also does not feel guaranteed against the violation of his rights and consequently, avoids turning to relevant bodies for receiving treatment.

Since 2009 methadone replacing therapy is applied in the Republic of Armenia, in the scope of which relevant treatment is provided to the citizens of Yerevan, and since July, 2012 it has been provided in Vanadzor as well. Thus, methadone replacing therapy is not available in the majority of communities, which, in its turn, can contribute to the growth of drug usage in the country.

State of Armenia response:
Emphasizing the coordination of combat against drug addiction and illegal circulation of drugs in the Republic of Armenia and with the view to protect the population of the Republic from negative effects of drugs and the harmful consequences thereof, "National programme for combat against drug addiction and illegal circulation of drugs in the Republic of Armenia during 2009 to 2012" was approved by the Executive Order of the President of the Republic of Armenia NK-162-N of 25 September 2009. In addition to that, "Timeline of activities foreseen by national programme for combat against drug addiction and illegal circulation of drugs in the Republic of Armenia during 2010 to 2012" was approved by the Decision of the Government of the Republic of Armenia 892-N of 15 July 2010. Programme for 2013 to 2015 is also planned to be elaborated.

Recommendation nº106: *Strengthen the work of the institute of public defence by providing free legal aid to the population* (Recommended by *Kyrgyzstan*)

IRI: *partially implemented*

POS response:
Free legal aid is regulated by the RA Law on Advocacy, which does not ensure real access to justice for the vulnerable groups in the society. Despite the repeated calls of civil society to adopt a separate law on free legal aid, the RA National Assembly passed a law to amend the RA Law on Advocacy on December 8, 2011, which provided partial solutions to some issues related to free legal aid.

The new amendment expanded the categories of people eligible for free legal aid – family members of military servicemen killed (died) during protection of the RA borders; people with 1st and 2nd group disability; convicts; unemployed and indigent

individuals who have provided credible information proving their inability to pay; members of families with scores above zero in the family benefits system; participants of the Great Patriotic War and of military action during protection of the RA borders; pensioners living alone; children without parental care and individuals who are equivalent of children without parental care; refugees and individuals who have received temporary asylum in the RA.

The implementation of these amendments (norms) was postponed until January 1, 2013, while the implementation of norms about indigent people was postponed till January 1, 2014. Yet, the expanded list of cases eligible for free legal aid still does not include all the necessary cases. For example, the list does not include children who have been victims of sexual abuse, or does not stipulate the possibility of free legal aid to all persons with social-psychological disabilities.

It failed to offer a comprehensive coherent and forward-looking policy aimed at ensuring effective access to justice in all judicial instances and to all proceedings, irrespective of the capacity in which the persons concerned act. Firstly, there are no clear-cut and objective criteria for determining who is insolvent. Secondly, there are no mechanisms for providing the needed aid, which can have far-reaching negative consequences of the relevant stakeholders. The procedures for granting legal aid, remedies in cases of unjustified refusal or delays are not regulated. Finally, without structural and institutional changes within the Public Defender's Office, the latter cannot ensure the provision of free legal aid and its involvement will have formal nature without promoting effective protection of the clients' interests.

Civil society has identified a number of key issues in this area that disrupt the effectiveness of the right to protection in criminal cases. These include: people being uninformed about the right to free legal aid, shortage of information about how to apply for free legal aid, lack of public confidence in free legal aid service, advocates being involved late in the case, getting confessions in the absence of advocates, advocates covertly cooperating with investigators, and unsatisfactory quality of legal services provided by advocates.

In the Republic of Armenia, free legal aid is provided through the Office of the Public Defender. The legislative amendments made in 2011 expanded the scope of free legal aid to cover all aspects of not only criminal, but also civil and administrative law. The law prescribes certain categories of individuals that are eligible for free legal aid provided in accordance with the procedure defined by law. However, these amendments have imposed a heavy burden on the Office of the Public Defender, which was already overburdened with work, and no solutions have been designed for this problem yet. During 2011 and 2012, when the Office of the Public Defender handled only criminal cases, the number of cases increased by 60 to 100 each quarter. This workload of the advocates significantly affects the quality and effectiveness of the services provided by them. The physical conditions of the premises of the Office of the Public Defender are poor; the advocates do not have conditions for effective performance. There is no effective arrangement for reimbursing the transportation expenses incurred by advocates working in the Office of the Public Defender. The regional distribution of public defenders is

disproportionate, which makes it difficult to carry out timely and proper protection in the regions. Moreover, the public defenders receive a fixed monthly salary irrespective of a particular advocate's workload, diligence, and delivered results; under these circumstances, the advocates are not motivated to improve their knowledge, skills, or performance.

State of Armenia response:
On 8 December 2011 the Law "On advocacy" was supplemented and amended according to which the concept of public defence was determined and provisions were introduced pertaining to free legal aid.

Last year considerable work was done to strengthen the capacities of Public Defender's Office, particularly, the number of public defenders has doubled, as well as regional structures have been established. 2012-2016 Strategic Programme for Legislative and Judicial Reforms in the Republic of Armenia foresees elaboration of alternative mechanisms for ensuring the effectiveness of free legal aid.

Recommendation nº107: *Continue to carry out reforms in the country in order to fully ensure the protection of human rights and the rule of law in accordance with all relevant laws and codes, as stated in its national report* (Recommended by *Laos*)

IRI: *fully implemented*

State of Armenia response:
The legislative and judicial reforms are ongoing. 2012-2016 Strategy Programme for Legislative and Judicial Reforms was adopted, which foresees large-scale activities both with regard to judicial legislation, and penitentiary and criminal legislations and with regard to all those laws that are connected with human rights.

Recommendation nº118: *Follow up on the recommendations set out in the March 2010 report of the OSCE Office for Democratic Institutions and Human Rights regarding shortcomings in Armenia's justice system* (Recommended by *Netherlands*)

IRI: *partially implemented*

LLG response:
According to Freedom House, in 2011 several reforms of the judicial system were launched during the year, beginning with the reform of notary services. A new minister of justice, Hrayr Tovmasyan, was appointed in early 2011. Starting in January, he conducted audits and monitored the work of notary offices, which uncovered corruption and a general lack of discipline. On 21 May, the head of the notary department at the Ministry of Justice, Mariam Gaboyan, and his entire department were dismissed. A new controlling inspectorate was established, and the authority of the European Integration Department at the Ministry of Justice was increased. Amendments to the Law on Notary Services came into force on 15 June, simplifying procedures for the registration of notaries. On 11 August, the government ruled that notaries must be equipped with cash registers and issue standard receipts in order to ensure that citizens are not overcharged and taxes are paid.

POS response:
The following facts are indicative of the authorities' attitude towards the murders committed on 1 March:

a) No criminal cases have been initiated on the basis of the 10 deaths, and although the need to investigate and solve them has been repeatedly mentioned in documents adopted by influential international organizations, among others, no one has been arrested or convicted to date for the murder cases;
b) Under the pressure of these international organizations, the incumbent President of Armenia finally create, in October 2008, a fact-finding group of experts to inquire into the events of the 1st and 2nd of March, primarily the circumstances of the murders: the opposition and the government had equal representation in the group, and a representative of the Human Rights Defender was engaged in the group, as well. After several months of productive work, the first report of the fact-finding group was published to the dismay of the authorities: firstly, obstacles were created to its work, after which it was liquidated;
c) Nonetheless, the fact-finding group published its subsequent reports, which contained sufficient materials for solving at least five of the murders, but nothing has been done to follow up on these publications; and
d) The families of the victims have not received either pecuniary or moral support from the state. Moreover, they were recognized by the pre-trial investigation body as legal successors of the victims only months after the 1st of March.

Thus, in addition to violating a fundamental human right, the right to life, the relatives of the victims were deprived of the right to an effective investigation. The inaction of the Special Investigative Service was appealed in the General Prosecution Office of the Republic of Armenia, but in vein. The issue is now pending in court.

The legal successors of the victims have filed appeals in domestic instances, which have been classified into four groups in terms of the relative similarities between the circumstances of the murders.

The appeals to the domestic courts contained the following demands:

- To find a violation of the right to life, safeguarded by Article 2 of the European Convention, in respect of those that died on the 1st of March, insofar as it was committed by agents or other representatives of the state, and the circumstances of the murders were not effectively investigated; an
- To find a violation of the right of the relatives (legal successors) of those that died on the 1st of March to be free from torture and ill-treatment under Article 3 of the European Convention.

Terminate the inaction of the body conducting the proceedings, i.e. the Special Investigative Service of the Republic of Armenia, and to obligate it:

- To conduct an effective investigation into the circumstances of the murder of those that died on the 1st of March;
- To explain to the relatives of those that died on the 1st of March their right to receive compensation, and the procedure and terms of receiving it, and to provide effective support in this respect;
- To calculate (as the body that violated the right) and provide just compensation to the relatives of those that died on the 1st of March; and

- To safeguard, for the persons filing the appeal and for their representatives, access to the criminal case materials and the possibility of making copies thereof.

The domestic courts rejected the demands, and the higher courts upheld the decisions of the lower courts as lawful and justified, providing the following reasoning:

- There may be no judicial oversight of this process, because the pre-trial investigation has not ended yet; and
- The claim of just compensation has been rejected by the court. The decisions contain no mention of this in either their reasoning or conclusion parts.

The Cassation Court refused to admit the cassation appeals.

To protect the victims' rights under Articles 1, 2, 3, and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, nine groups presented applications to the European Court of Human Rights on 28 February 2011 (the last applications were filed on 6 May 2011).

State of Armenia response:
Several criminal cases have been instituted with regard to the events of March 1-2, which have been transferred to the court. Upon the delivered criminal judgements, 10 persons out of 27 have been subjected to imprisonment for 1 to 5 years; the punishment imposed on 17 therefrom has not been applied conditionally in accordance with Article 70 of the Criminal Code of the Republic of Armenia, they have been placed on probation.

An extraordinary session of the National Assembly was convened on 19 June 2009 at the initiative of the President of the Republic of Armenia, during which the proposal thereof regarding the announcement of amnesty was considered. Guided by the point 1 of part 1 of Article 81 of the Constitution of the Republic of Armenia, an amnesty was announced. Under the amnesty, 307 persons were released.

The implementation of recommendations of the report of the ad hoc committee mandated by the National Assembly of the Republic of Armenia has been in the centre of attention of the authorities of the Republic of Armenia, particularly, a body supervising the implementation of recommendations of the report was established which appeared to be the Committee on State and Legal Affairs of the National Assembly.

A separate section is allocated for the measures, aimed at ensuring an independent judicial system accountable to the public, under 2012-2016 Strategic Programme for Legal and Judicial Reforms in the Republic of Armenia wherein it is foreseen to introduce objective criteria and procedures for the assessment and promotion of judges, to reform the procedures and grounds for subjecting the judges to disciplinary liability by guaranteeing the objective, fair, effective and accountable nature of judicial proceedings, to bring the number of judges into balance according to the number of population and the workload of judges, to improve the system of objective (random)

distribution of cases among the judges, to improve the use of information and communication technologies in courts by ensuring swift circulation of cases from the court of one instance to the court of another instance and many other measures.

Recommendation nº125: *Complete the reforms of the justice system and ensure the compliance of domestic legislation with the revised Constitution and the new legislation on the judiciary* (Recommended by *Poland*)

IRI: *not implemented*

POS response:

The RA Government has adopted a Concept Paper for Judicial System Reforms (2012-2016), which implies certain changes in this system, but many of the amendments are inadequate and are already in conflict with the development trajectory of international law. For instance, the presumed reforms concerning the internal (systemic) independence of judges will preserve the current legal provisions on sanctioning judges for the application or interpretation of laws in a judicial act that has become final and/or has not been appealed by the parties.

Armenia needs to bring its legislation into compliance with the requirements of the European Charter on Judicial Statute as well as the Council of Europe (CoE) COM recommendation to the member states N R-94/12 “On independence, efficiency and role of the judges”. In particular legal mechanisms set for judicial appointments and promotions, as well as those for disciplining the judges should become more transparent and predictable in their application. The judges should enjoy the right for judicial remedy, i.e. there should be given an opportunity to challenge decisions of the Council of Justice in a judicial body. The Experience of several European countries, such as Spain and Italy, who enable judges to apply to the Supreme Court should be closely analyzed. In addition, disciplinary proceedings against the judges should provide the procedural guarantees of the fair trial, such as right to a transparent and public hearing, legal certainty of grounds of judicial discipline, etc. The judges should not be punished for their interpretation of the law and decisions of the higher instances which would override the judge’s decisions. Moreover, there should be of no relevance for the purposes of calling judges to personal liability. The principal goal of all the safeguards of the judicial independence should be avoiding a chilling effect and empowering judges. The recruitment of the judicial cadre should be balanced and the successful judicial candidates with prosecutorial/investigational background should not be of vast majority as is currently the case. The judicial bench is not considered as the pinnacle of the legal profession, rather it is a progressive step in the law enforcement career. (Note: in the year 2011 all the judicial appointments were from the pool of police/prosecutors). Such attitude to the judicial recruitment strengthens the culture of judges working hand in hand with prosecutors during the trials which impairs such guarantees of fair trial as presumption of innocence and right to an independent and impartial court). Thus, current modifications do not bring serious changes (e.g. the mode of judges' appointment), as a result the judicial power remains dependent on president and on executive power.

State of Armenia response:
The legislative and judicial reforms are of continuous nature. Thus, the second stage of legislative and judicial reforms is ongoing. On 2 July 2012, the President of the Republic of Armenia signed the Strategy of Legislative and Judicial Reforms for 2012-2016 that foresees the implementation of all those legal acts and measures that target at ensuring further completion of legislative and judicial reforms in Armenia.

HRDI response:
The underperformance of the justice system is one of the main problems in the Republic of Armenia. The Defender has focused on the right to a fair trial and judicial reform since he took his post in March 2011. Injustice by certain judges, obvious shortcomings of the highest court authorities and imperfect conditions in the judicial system result in people losing faith in the justice system, which in turn, makes them disappointed with all state institutions. In 2010, request for the protection of the right to a fair trial formed 40% of the complaints received by the Defender. However, the Defender's competences regarding the judicial system are very restricted. The Defender cannot interfere with any issue that is subject to judicial inquiry and cannot give an assessment to a case when it is under the procedure of the court. The only power that the Defender has with regard to the protection of the right to a fair trial is the power to make a statement about initiating disciplinary proceedings against a judge, which entered into force on 1 January 2011.

The citizens mostly complain about unfair judgments, length of legal proceedings, frequent delays of the hearings, absence of judges from trials, irregular service of the summons or documents, untimely making of decisions and decisions not based upon the legal remedies. Legal aid guaranteed by the Courts is not sufficiently available – attorney services are inaccessible to majority of population due to high prices, and free legal aid services in municipalities pose stringent criteria for rendering their services. In cases of unlawful actions by the judge, the complainants are informed about Article 12 of the HRD Law which authorizes the Defender to make a statement about initiating a disciplinary procedure against a judge.

In 2011, the Defender submitted three statements to the RA Council of Justice requesting to initiate disciplinary action against three judges, who conducted obvious and gross violations of the law. The RA Council of Justice, without providing sufficient facts or evidences, decided that the judges were not subject to disciplinary sanctions. As mentioned above, the underlying disciplinary mechanism itself remains very weak. The striking demonstration of this is the fact that when the Defender exercised his new power of requesting an initiation of a disciplinary procedure with the purpose of correcting injustices and vividly exposing these systemic problems in the judiciary to the public, he was the subject of spurious accusations and unfounded claims made by persons within the judicial system. The Defender has presented to the attention of the Council of Justice two more cases of violation of the right to a fair trial by judges, which were again dismissed without proper examination. The Defender recommends that an independent oversight system be created to ensure accountability of the judges. It should involve members of the civil society who will be independent and impartial in the process of monitoring the judicial system. The

oversight should be limited to only conduct fact-finding and monitoring in order not to impinge on the impartiality of the judiciary.

In July 2012 the President of RA signed a decree approving a strategic program of judicial reforms and a relevant action plan for 2012-2016. One of the aims of the strategic program is to review the disciplinary mechanism for Judges in order to make it more flexible and in compliance with the principle of legal certainty. If implemented, that can also make an attempt in resolving the above stated issues. It should also be noted that the Court of Cassation and other Courts and respectful Judges, have shown the practice of not accepting and/or reacting aggressively to the complaints and criticism addressed to them. The safeguard of the non-intervention with the judiciary is of paramount importance, however such policy cannot influence the elimination of serious issues within the judicial system.

Recommendation nº133: *Provide a legislative basis for the OPCAT National Preventive Mechanism, and ensure the institutionalized participation of civil society* (Recommended by *Slovenia*)

IRI: *partially implemented*

LLG response:
In 2010, a Council on Torture Prevention was established at the initiative of the Ombudsperson to support the National Preventive Mechanism work. It comprises representatives from the Public Defender's Office and from civil society organisations. The Council is not functioning yet.

POS response:
Armenia ratified the Optional Protocol to UN Convention against Torture in 2006. In 2008 the National Assembly of Armenia amended the RA Law on Human Rights Defender (HRD) to designate the Defender as a National Preventive Mechanism (NPM) envisaged by the Optional Protocol. The HRD has published reports on the work and findings of the NPM for 2010 (available only in Armenian) and 2011. On 6th of January 2010, the HRD established the Torture Prevention Council within NPM, with the Defender chairing the Council ex officio. It consists of NGO representatives and three independent experts. The Council is authorized to make unrestrained visits to any place where persons are or may be deprived of their liberty. The NGOs that are part of the Ombudsman + NPM model cannot conduct visits of closed/semi-closed institutions on their own without participation of an expert from the Ombudsman's office. At the same time, expert's participation should be sanctioned by the Ombudsman. Any finding or observation cannot be published without the Ombudsman's authorization. Such centralized and vertical subordination of the civil society groups makes effective implementation of OPCAT unfeasible.

State of Armenia response:
The law "On Human Rights Defender", particularly Article 6.1 was supplemented with Article "Defender in the field of international law" on 8 April 2008 according to which the Defender is the independent preventive national mechanism stipulated by Optional Protocol of Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. By the order of Human Rights Defender of 11 July 2011,

an Expert Council was established as a preventive national mechanism with the view to prevent torture. The Council is composed of the staff of Human Rights Defender's office and representatives of various NGOs.

HRDI response:
Firstly, specifying one sentence in the [Human rights defender institution (HRD)] Law is not sufficient for a comprehensive legislative basis on the NPM. Thus the Defender made a decision to prepare amendments to the Law on HRD that would comprehensively establish the NPM mandate as well as duties of the state institutions regarding the cooperation with NPM. Secondly, ensuring the participation of the civil society in the activities of NPM is becoming more and more difficult since the Government refuses to provide the adequate budget for NPM and experts for civil society are not willing to work pro bono anymore. Furthermore, the territory to be covered by the NPM activities includes capital Yerevan and all the Marzes (provinces) of the Republic of Armenia. However, while the Parliament assigned implementation of the NPM to HRDI, the budget allocated to it is severely restrictive and undersized. There is a constant need for enhanced monitoring of all the places of deprivation of liberty and closed institutions throughout the country which is considerably hampered because of inadequate State funding as well as a lack of proper legislative regulations in the Law on HRD. During the discussions in the National Assembly regarding the 2012 state budget funding for the Human Rights Defender, the Defender explicitly asked for more funding in order to conduct the NPM activates adequately, which also is the State's obligation by the ratified international treaty. As a result the Deputies of the National Assembly agreed with the Defender and made a recommendation to the Government to provide more funding to the Defender. However, in November the Government after discussing the above mentioned recommendation rejected it based on the assumption that there are other issues which have more priority. Such justification and/or reasoning raises the assumption that there is lack of state will to support the NPM, which is highly disturbing, for the Optional Protocol to CAT has been ratified by the Republic of Armenia, and the obligations presented in OPCAT have to be mandatory for the State: the Constitution of RA states that the international treaties are a constituent part of the legal system of the Republic of Armenia and have a higher hierarchical position than other legal acts, therefore when ratified international treaty stipulates norms other than those stipulated in the laws, the norms of the treaty shall prevail. Nonetheless, even under this circumstances, and with such a short budget, the Defender taking into account the international experience and the best practices of the national preventive mechanisms, highlighting the problems of the above mentioned sphere in order to reach more targeted solutions, created the Department of Prevention of Torture and Violence of the HRD's Office in 2011 as well as the Torture Prevention Expert Council was set up replacing the Expert council funded by the EU. The Council includes a wide range of representatives of the civil society and consists of 11 members, 7 non-governmental organizations and three independent experts who are specialized in psychology, sociology and law. The Council has conducted more than 200 visits in 2012 and 2013.

Recommendation nº136: *Intensify efforts to present the cases in court in order to clarify, provide for reparations and punish those responsible* (Recommended by *Spain*)

IRI: *partially implemented*

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Recommendation nº144: *Implement the recommendations of the ad hoc committee mandated by the National Assembly, and conduct an independent and transparent investigation into the excessive use of force leading to the punishment of those responsible* (Recommended by *Switzerland*)

IRI: *partially implemented*

POS response:
[See response to recommendation n° 118]

State of Armenia response:
[See response to recommendation n° 118]

Recommendation nº149: *Implement the recommendations of the OSCE-ODIHR trial monitoring report, and provide for an independent and credible investigation into the 10 deaths following the events of 1 March 2008* (Recommended by *United Kingdom*)

IRI: *partially implemented*

LLG response:
A draft new criminal procedure code has been presented in the RA Ministry of Justice on November 1st, 2012 But still, it has not been adopted. On 10 March 2011, the director of the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Janez Lenarčič visited Armenia to discuss democratic reforms and review the implementation of recommendations made in the ODIHR report on the trials of those implicated in the 2008 postelection violence. Stressing the importance of further judicial reform, Lenarčič welcomed the progress made on establishing a new criminal procedure code, but highlighted the need for limiting pre-trial detention in favour of alternative measures of restraint and stepping up efforts to prevent torture and other ill-treatment in custody. On 20 April 2011, President Sargsyan ordered a renewed investigation into the deaths of 10 people during the 2008 violence, but at the end of the year no one had been brought to justice in connection with the deaths. In June 2012 the Parliamentary Assembly of the Council of Europe has expressed its concern in relation to the same issue.

POS response:
[See response to recommendation n° 118]

State of Armenia response:
[See response to recommendation n° 118]

Recommendation nº153: *End politically motivated prosecutions of individuals it deems opposition, and take steps to strengthen the rule of law, including respecting minimum guarantees as laid out in the International Covenant on Civil and Political*

Rights, equal protection of the law, and judicial independence (Recommended by *United States*)

IRI: *fully implemented*

State of Armenia response:

There are no politically motivated prosecutions in the Republic of Armenia. In order to ensure rule of law and independence of the judiciary, the Republic of Armenia continuously undertakes steps by implementing legislative reforms and establishing additional guarantees.

In accordance with Article 94 of the Constitution of the Republic of Armenia, the independence of courts is guaranteed by the Constitution and laws. The powers of courts, the organisation and rules of procedure thereof is defined by the Constitution and laws. When administering justice, a judge is independent, obeys only the Constitution and laws, the guarantees for the activities thereof as well as the grounds and procedure for subjecting him or her to liability are defined by the Constitution and laws. A judge may not be detained, involved as an accused, as well as no claim on subjecting to administrative liability through judicial procedure may be instituted thereagainst without the consent of the Council of Justice. A judge may not be arrested except for the cases where the arrest is carried out at the time of committing a crime or shortly thereafter. In such cases the President of the Republic and the Chairperson of the Court of Cassation are immediately informed of the arrest (Article 97 of the Constitution of the Republic of Armenia).

In accordance with Article 11 of the Judicial Code of the Republic of Armenia, a judge is independent in course of administering justice and exercising other powers provided for by law. When administering justice and exercising other powers provided for by law, a judge is not accountable to anyone, including is not obliged to give any explanations except for the cases provided for by law. Interference, not provided for by law, with the activities of a judge is prohibited. Such act is criminally prosecuted. It also results in disciplinary liability for state servants up to dismissal from the position or service occupied as prescribed by respective laws regulating state service. A judge is obliged to immediately inform the Ethics Commission of the Council of Court Chairpersons of the Republic of Armenia of the interference, not provided for by law, with his or her activities in respect of administration of justice and exercise of other powers provided for by law. If the Ethics Commission finds that an interference, not provided for by law, with the activities of a judge has taken place, it is obliged to apply to relevant bodies with a motion of subjecting guilty persons to liability. During the term of office and after the termination of the powers thereof, a judge may not be interrogated as a witness with regard to the case examined thereby.

Women & Children

Recommendation nº4: *Pursue the policy aimed at improving the position and participation of women in public life, and promote programmes for the protection of the rights of children* (Recommended by *Algeria*)

IRI: *partially implemented*

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Recommendation nº119: *Consider further measures to improve and encourage women's participation in society, and ensure that such measures include benchmarks with timetables or increased quotas and that their implementation is closely monitored* (Recommended by *Norway*)

IRI: *partially implemented*

LLG response:
In October 2012, a report by the Committee on Equality and Non-Discrimination, the Parliamentary Assembly of the Council of Europe noted that in Armenia the average of women's representation in parliament is under the 20%

POS response:
In 2000, the RA Prime Minister established the Women's Affairs Council to enhance women's status in social, political, and economic spheres, as well as at all levels of democratic governance. The Council is also called to ensure equal rights and equal opportunities for men and women by providing a mechanism to improve the status of women and implement national gender policies. The Board includes prominent female representatives of the executive, legislative and judicial branches, as well as the business community, NGOs, and international donor organizations.

While women's and children's protection is guaranteed by international conventions that Armenia signed and ratified, government policies still fail to outline implementation tools and innovative measures that need to be taken to improve women's position in public life.

The existing quota system has been ineffective, which the 2012 Parliamentary Elections results proved yet again, but the government is not considering utilizing other temporary special measures in the run-up to Presidential Elections as a matter of general policy to accelerate the achievement of the de facto equality between women and men, in particular with regard to the participation of women in politics. Women's representation in decision-making bodies, including the National Assembly, the Government, the diplomatic services, regional and local municipalities and the high level of judiciary remains very low.

State of Armenia response:
The Decision "On approving Gender Policy Concept" was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender

policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

The decision "On approving 2011-2015 Strategic Programme for Gender Policy and 2011 Action Plan for Gender Policy" was approved at the sitting of the Government of the Republic of Armenia of 20 May 2011 within the framework whereof annual programmes together with their monitoring instruments are approved by the Government of the Republic of Armenia. The envisaged activities aim at promoting participation of women in all spheres of public life.

The new Electoral Code was adopted in 2011 according to which more gender sensitive mechanism for attracting women in the electoral process is stipulated. Standing committees on gender issues were established in governors' offices (Yerevan municipality) of the Republic of Armenia in 2011.

Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

The 2004 - 2015 National Plan of Action on the Protection of the Rights of the Child in the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 1745-N of 18 December 2003. In accordance with the UN Convention on the Rights of the Child, in 2010 the Republic of Armenia submitted the third and fourth periodic reports on the protection of the rights of the child in the Republic of Armenia. In June 2010, the Ministry of Foreign Affairs of the Republic of Armenia and UNICEF signed the Action Plan of the Programmes Implemented in the Country between the Government of the Republic of Armenia and UNICEF for 2010-2015 which identifies the main directions of cooperation for the next years, aimed, in particular, at such issues as the protection of the rights of the child, his or her health, appropriate care, education, justice, and others. Currently, actions are being taken for the development of a new draft of the National Programme. The draft National Plan for the Protection of the Rights of the Child in the Republic of Armenia for 2012-2016 will include most actual problems and measures.

Recommendation nº5: *Define and prohibit in Armenian legislation, in an explicit and comprehensive manner, discrimination against women and gender-based violence, and adopt social awareness measures* (Recommended by *Argentina*)

IRI: *partially implemented*

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Recommendation nº11: *Include in Armenia's legislation an explicit and comprehensive definition of discrimination against women, and improve legal provisions prohibiting discrimination against women* (Recommended by *Austria*)

IRI: *partially implemented*

LLG response:

In April 2011, the UN Committee on the Elimination of Racial Discrimination has called on Armenia to take account, when implementing the Gender Policy Concept Paper, of the double discrimination faced by women from minorities. In this regard, the Committee has drawn the attention of the State party to its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination. The Committee has noticed that while Armenia is aware of conservative customs determining relationships between men and women, and between adults and children, within the Yezidi and Kurdish communities, which impede the equal enjoyment and exercise of rights, its programmes and activities in favour of national minorities have failed to address these issues.

State of Armenia response:

The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

HRDI response:

First of all it should be emphasized that the Law on Equal Opportunities, despite being finally adopted, has several serious flaws, e.g. it covers only public sector, it does not provide clear and effective complaints mechanisms except for the courts. The Defender has stated his position regarding the Law numerous times, defining it as an important step in guaranteeing equal opportunities in the State for each person, however the Law itself has a declarative character. Secondly, with regards to the Law on Domestic Violence, in the year 2012 the Ministry of Labor and Social Affairs has sent a draft law on Domestic violence. The draft was sent to the HRD, in order to receive his opinion/recommendations regarding it. Having thoroughly studied the Draft law The Defender submitted a number of recommendations. It was particularly recommended that a certain procedure of interrogation of juveniles should be prescribed by law. According to the proposed procedure, juveniles should be interrogated only in the company of his/her legal representative, as well as in the presence of a police officer dealing with juvenile affairs or a psychologist/pedagogue, taking into account the fact that manifestation of domestic violence has heavy and overwhelming influence on children.

Another important recommendation was to add the words “twenty-four-hour” before the word “Hot Line” based on considerations of the complete protection of rights of potential domestic violence victims. It is justified by the international experience according to which “Hot Line” Services created for prevention of the domestic violence, as well as provision of psychological and legal advice work for 24 hours.

It was also proposed that each alarm or complaint is subjected to immediate inspection and/or discussion, and a decision on applying certain preventive means for domestic violence should be made as a result.

Moreover, it was also recommended that mechanisms of protection against domestic violence should be developed aimed at excluding the possible restrictions on the right to education of a domestic violence victim or his/her child.

However, despite several UPR and other UN treaty body recommendations to adopt the Law on Domestic Violence the Government in the year 2013 has decided to discontinue the process of adopting the Law. A decision was made on making amendments to several laws instead, for specifically regulating the sphere with the new Criminal Code which is being prepared. As the decision was not discussed with the civic society, The Defender organized a meeting at the Human Rights Defender’s Office and invited the NGO’s who had actively supported the preparation of the Draft law. The Advisor of the Defender on Women’s rights stressed the paramount importance of Domestic Violence for the Armenian society as it can be the guarantee of preventing such cases in future or if the domestic violence takes place the victims would have the necessary guarantees, which can be regulated only by a separate law. The representatives of the civic society also highlighted the importance of the Domestic violence law. Additionally, the Defender has emphasized the need to include the Domestic violence law in the Action plan of the Human Rights Strategy, which would create an opportunity of changing the Government’s position regarding the decision of not adopting such a Law.

Recommendation nº12: *Increase efforts to end discrimination against women and provide adequate access to health-care services for all women* (Recommended by *Austria*)

IRI: *partially implemented*

POS response:

Domestic violence, limitation of freedom or depriving of an opportunity to make decisions about their lives are common issues in the country. This is especially a sensitive subject in the rural areas of Armenia where men are dominant and act as the main decision makers within their families. Many women do not earn their own money; they are financially dependent on their husbands. A woman has no right to go to see a doctor or take some tests without her husband’s or the mother-in-law’s knowledge or approval.

Women living with HIV: This is especially a sensitive issue for women living with HIV as they need to be followed up by doctors, and visit the AIDS Center periodically to receive their ARV treatment or taking their tests, but their family members, particularly their husbands, and in some cases, their mothers-in-laws, do not allow

them to attend the National AIDS Center or NGOs which provides medical care and psychosocial support services.

During the talks to the women and some of their husbands several facts were identified as major reasons of not allowing their wives to attend the National AIDS Centre or the NGO. Men are afraid if the women get much informed and educated about HIV, healthy lifestyle and other related issues they will begin accusing and blaming their husbands. Women will become more independent and empowered if they become socializing with their peers or with psychologists and social workers.
Sex workers: Women who are involved in sex work do not have adequate access to healthcare services. One reason is the stigma and discrimination towards women sex workers, which hinders for the healthcare services to be appropriately accessible for them. Although the law requires compulsory STD (sexually transmitted disease) testing for sex workers, it is accompanied with human rights violations towards these women. Every time police forcibly take these women to the police station, it is usually accompanied by degrading treatment towards them. They may be kept at police stations for longer time than necessary to take them to the STD testing center and kept even longer at police stations after the testing. It is also worth mentioning that there is no equal treatment by doctors who do the testing just because of the fact that these women are involved in sex work. This unequal treatment can be accompanied but not limited to not using hygiene equipment for testing, using the same equipment for more than one sex worker without washing hands and without gloves, which is to fact about the intentional bad treatment they want to provide to these women.

LGBTI: LBGTI population faces discrimination towards access to health care, while the Constitution of the Republic of Armenia, specifically article 14.1 prohibits discrimination on any ground, nevertheless, the practice shows that the state has not come up with its obligations to prevent, to prohibit and/or to provide responsibility for discrimination cases on grounds of gender identity and/or sexual orientation (other grounds have not been taken into consideration by the state as well). The state has not provided for definition and responsibility for «hate speech" cases, which is widespread in mass media and other fields. Besides, Armenian legislation, specifically, the Penal Code does not provide for the motive of sexual orientation/gender identity as an aggravating circumstance for hate crime cases, i.e. if there is a criminal act against an individual because of her/his sexual orientation and/or gender identity, this motive for the crime is not taken into consideration by both investigation bodies and the courts.

However, it is worth mentioning, that the Institution of Human Rights Defender of RA is said to draft an anti-discrimination legislation to prevent and punish all the discrimination cases based on different motives (sexual orientation and gender identity included). Anyway, the draft of that legislation is not available for the civil society yet.

State of Armenia response:
There is no restriction in the Republic of Armenia, whether legislative or in practice, with regard to the accessibility to healthcare services for women on grounds of sex. Women benefit from the medical services on an equal footing with men.

Equality between men and women is a fundamental principle enshrined in the Constitution of the Republic of Armenia under Article 14.1, according to which any discrimination on grounds of sex is prohibited in the Republic of Armenia. Article 4 of the Law of the Republic of Armenia "On medical care and service provision to the population" enshrines the right of each person to receive medical care and service, irrespective of sex. In 1993 Armenia acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and in 2006 ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Gender Policy Strategic Action Plan for 2011-2015 was approved by Protocol Decision No 19 of 20 May 2011 of the Government of the Republic of Armenia, the Healthcare Section of which prescribes implementation of measures aimed at accessibility of medical services provided to women during 2011-2015. In particular, the Action Plan envisages implementation of preventive programmes for early detection and prevention of breast cancer and cancer of genitals, an increase in the number of Rapid Response Services provided to mothers and newborns and implementation of a number of other measures. In addition, the National Strategy on Maternal and Child Healthcare for 2003-2015 has been implemented since 2003, which was approved by the Decision No 1000-N of 8 August 2003 of the Government of the Republic of Armenia, as well as a number of healthcare programmes approved by the RA Government (reproductive health, combating tuberculosis, palliative care, combating malignant neoplasms, etc.) aimed at accessibility, efficiency and quality improvement of healthcare services provided to women (on the equal footing with men). Currently, there exists a wide spectrum of healthcare organisations in the Republic of Armenia. Armenia is one of the countries, where medical institutions providing medical care are generally operating even in the smallest rural settlements. -In Armenia there are 614 therapeutic obstetric facilities providing medical care and services to women, 255 ambulatory/outpatient medical organisations, 85 outpatient clinics (of which - 32 in Yerevan, 53 in marzes), 101 female consultative rooms and units, 50 medical centres, among which there are also obstetric-gynaecological inpatient divisions, 11 independently operating birth centres, 4 of which in Yerevan and 7 in marzes.

In accordance with currently available data, women attendance to ambulatory/outpatient and inpatient medical institutions is higher compared to that of men.

Recommendation nº24: *Take measures to eliminate discrimination against women, especially domestic violence* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

POS response:

In 2012 the Human Rights Defender's office engaged in a series of discussions with civil society groups regarding the Law on Discrimination that is designed to legalize punishment of all types and forms of discrimination. However, the government has not yet enacted an appropriate national legislation on the prohibition of discrimination.

Armenia is obliged to continuously implement all the provisions of the Convention on the Elimination of Discrimination against Women and to accept it as an integral part of the domestic legal system. Nevertheless, the Armenian legislation does not provide a comprehensive definition of discrimination against women.

State of Armenia response:
The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

The Decision “On approving Gender Policy Concept” was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

The decision "On approving 2011-2015 Strategic Programme for Gender Policy and 2011 Action Plan for Gender Policy” was approved at the sitting of the Government of the Republic of Armenia of 20 May 2011 within the framework whereof annual programmes together with their monitoring instruments are approved by the Government of the Republic of Armenia. The envisaged activities aim at promoting participation of women in all spheres of public life.

The new Electoral Code was adopted in 2011 according to which more gender sensitive mechanism for attracting women in the electoral process is stipulated. Standing committees on gender issues were established in governors’ offices (Yerevan municipality) of the Republic of Armenia in 2011.

Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

Recommendation nº29: *Continue to ensure equal rights for women in society* (Recommended by *Belarus*)

IRI: *partially implemented*

LLG response:
The Parliamentary Assembly of the Council of Europe noted in 2011 that in Armenia occurs the practice of prenatal selection which has been condemned as it has its roots in a culture of gender inequality and reinforces a climate of violence against women, contrary to the values upheld by the Council of Europe.

POS response:
Armenia still has not adopted gender specific policies and programs that would cater to the specific needs of vulnerable groups of women, in particular the government failed to develop a national strategy on rights of girls and women with disabilities, including access to sexual and reproductive health, and family planning. Given the fact that women with disabilities are virtually isolated from the society, systematically subjected to domestic violence, and denied in their sexual rights, this issue needs to be prioritized by the authorities and urgent measures need to be taken. Another crucial issue of concern is the use of forced abortion of girls and women with disabilities (especially women with mental disabilities). The government has failed to enact national legislation banning such practices.

State of Armenia response:
The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

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Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

Recommendation nº36: *Consider devoting priority attention to the elimination of all forms of violence against women, in particular domestic violence, by establishing comprehensive measures, including specific legislation* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation nº87: *Follow up the implementation of national machinery for the advancement of women and addressing violence against women* (Recommended by *Iran*)

IRI: *fully implemented*

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Recommendation nº100: *Continue efforts aimed at combating domestic violence* (Recommended by *Kyrgyzstan*)

IRI: *fully implemented*

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Recommendation nº142: *Ensure that the authorities and police services put in place appropriate measures to eradicate domestic violence, beginning with the adoption and implementation of the draft law on domestic violence to which the Armenian delegation referred* (Recommended by *Switzerland*)

IRI: *fully implemented*

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Recommendation nº148: *Take additional measures to eliminate the phenomenon of domestic violence against women* (Recommended by *Ukraine*)

IRI: *fully implemented*

POS response:

In 2012 the Ministry of Labor and Social Affairs finalized the Draft Law on Domestic Violence based on the draft of this legislation developed by the Women's Rights Center. Following public discussions and hearings about the Draft of Law on Domestic Violence, in December it was submitted for further consideration and verification to the Prime Minister of RA.

The Draft Law on Domestic Violence regulates the legal definition of "domestic violence" and types of domestic abuse, domestic violence prevention measures, and the legislation enforcement mechanisms, including the funding sources for each activity and the basis for application of measures for protection of family members. The Draft Law stipulates that the police, the courts, the Prosecutor's office, the Ministry of Education and Science, the Ministry of Health, State Migration Service, custody and guardianship entities, organizations providing support service to the victims of domestic violence, advisory centers, psychological support centers, shelters designed for the victims of domestic violence, social service agencies, state and local governments are engaged in government efforts to guarantee prevention and protection of victims of domestic violence. A separate article in the Draft Law regulates the responsibilities of authorities, including law enforcement officials.

The Draft Law on Domestic Violence also defines the special prevention mechanisms, e.g. official warnings, and emergency intervention. These actions are clearly outlined and the implementation strategy is designed.

State of Armenia response:
The National Assembly adopted in first reading draft Law "On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

The Decision “On approving Gender Policy Concept” was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

The decision "On approving 2011-2015 Strategic Programme for Gender Policy and 2011 Action Plan for Gender Policy” was approved at the sitting of the Government of the Republic of Armenia of 20 May 2011 within the framework whereof annual programmes together with their monitoring instruments are approved by the Government of the Republic of Armenia. The envisaged activities aim at promoting participation of women in all spheres of public life.

The new Electoral Code was adopted in 2011 according to which more gender sensitive mechanism for attracting women in the electoral process is stipulated.

Standing committees on gender issues were established in governors' offices (Yerevan municipality) of the Republic of Armenia in 2011.

Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

Recommendation nº39: *Continue efforts to prevent and combat the sexual exploitation of children* (Recommended by *Brazil*)

IRI: *partially implemented*

POS response:
The Republic of Armenia signed the Council of Europe Convention on the protection of Children against Sexual Exploitation and Sexual Abuse in 29/09/2010 and the UN Convention on the Rights of Child in 1993. However, the country hasn't yet ratified the Convention on the protection of Children against Sexual Exploitation and Sexual Abuse.

RA legislation does not regulate complex services for the care, rehabilitation and return to society of children subjected to sexual violence or abuse, which would allow for psychological healing and full socialization of the children. The victims of violence are observed by the investigation as carriers of information, and the rehabilitation measures are left to the family members and NGOs.

There is no legal obligation for reporting on cases of violence or abuse of children. The existing legislation does not place any responsibility on non-reporting. Only one provision in the RA Criminal Code envisages responsibility for not reporting on heavy and grave crimes, but some forms of abuse do not fall under the definition of "heavy" or "grave". Adding a mandatory requirement to report on sexual violence against children will play a big role in the identification and further prevention of such crimes. More stringent responsibilities should be defined for professionals, such as Ministry of Education and Science staff, social workers, physicians and nurses.

There is no law on the protection of victims or witnesses and no regulation for the protection of underage victims or witnesses, which, if present, would give full guarantees for protection. After the legal reform only one separate chapter was inscribed in the RA Code of Criminal Proceedings. However, it is worth mentioning, that the chapter contains rather general definitions that could be applicable for investigation of any type of crime, without a specification of relations in case of involvement of underage. This assumes that the issue of practicing measures of protection is solved on the basis of a given case, in circumstances when the necessity to protect the underage victims or witnesses because of the vulnerability, is not legally recognized. On the other hand, the law has no special requirements or

criteria for assessment of the expediency and correspondence of selecting an exact means of protection for an exact person. It is necessary also to elaborate programs of witness protection, which would include different measures of protection.

No protection of personal life for children that are victims of sexual violence is envisaged in the legislation. A realistic approach to enforcement of protection for the underage victims and witnesses is confidentiality of their personal information, close-door court proceedings and interrogation. A special procedure on investigation of cases of sexual violence against the underage is preferable. It could foresee a requirement to protect the confidentiality of personal information for all the parties involved in a court proceeding, i.e. the justices, prosecutors, detectives, investigating bodies, attorneys, witnesses and the culprits.

Problems exist also on the part of providing proper support to the children who are victims of sexual violence, specifically free of charge legal advice or socio-psychological services. In practice, victims find themselves under pressure, as they are threatened to refrain from testimony. The State does not regularly train police, lawyers, advocates and judges on child right issues and their sensitivity, therefore the professionals from the legal sections most of the time do not consider the psychological harm they may bring to a child during investigation and trial of cases of sexual abuse. The media, often does not follow professional norms when publishing news about abuse cases, and may either reveal the name of the sexually abused child or a detailed description of the region/village, family of the child, so that everyone immediately recognizes the victim. In such cases the confidentiality that is a guarantee for avoiding continued abuse and trauma is ignored.

State of Armenia response:
The Third National Action Plan for Combating Trafficking in Human Beings in the Republic of Armenia for 2010 – 2012 was adopted back in September 2010. An independent monitoring on the implementation of the Plan is currently being conducted, the outcomes of which will serve as a basis for developing the next tri-annual Plan for 2013-2015. In November 2008 the Government of the Republic of Armenia approved the National Referral Mechanism for Victims of Trafficking. The main aim of the Mechanism is to provide an effective way to refer victims of trafficking to services in terms of professional support, medical and psychological care, counselling, facilitate access to education or training. Support to victims of trafficking is offered both by specialised NGOs and by respective authorised public administration body. This support entails in-kind contribution, medical care, psychological and legal counselling, inclusion in various social projects, provision of shelter. Allocations from the State Budget of the Republic of Armenia have been made since 2009 for implementing measures aimed at combating trafficking, inter alia for the psycho-social rehabilitation of the victims. Medical care to the victim is provided free-of-charge under state funding. In December 2010 an amendment was made to the Law of the Republic of Armenia “On employment of population and social protection in case of unemployment” providing for the inclusion of the ‘victims of human trafficking’ group in the list of groups uncompetitive in labour market as defined by law. This provides additional guarantees to victims in order to be involved in specific employment programmes. Latest amendments and supplements to the

Criminal Code of the Republic of Armenia were made in 2011 resulting in the aggravation of punishment, which makes the act committed grave or particularly grave crime; property confiscation and deprivation of right to occupy certain positions or carry out certain activities were also envisaged. Making use of services of a person being exploited was also criminalised. A separate article envisages trafficking and exploitation of a child or a person being deprived of the possibility of realising the nature and significance of his or her act or to control it as a result of mental disorder. Armenia acceded to all international and regional legal instruments regarding the combat against trafficking. Armenia achieves active cooperation within the scope of international organisations.

As to the targeted awareness raising in vulnerable groups, in particular among children, this issue remains under continued focus of Armenian authorities and is prescribed in the National Plan, within the scope of which numerous relevant projects are carried out in general education schools, higher education institutions, as well as in special institutions for childcare. This process is an ongoing effort.

No cases of exploitation of children from Armenia outside the country have been registered.

Recommendation nº41: *Intensify efforts aimed at the adoption of the draft law on ensuring equal rights and equal opportunities for men and women* (Recommended by *Brazil*)

IRI: *partially implemented*

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Recommendation nº74: *Ensure that the draft law on ensuring equal rights and equal opportunities for men and women is finalized in accordance with international protection standards and that it is adopted as soon as possible* (Recommended by *Greece*)

IRI: *partially implemented*

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Recommendation nº98: *Continue its efforts to enact laws in the area of equality of opportunity and rights for men and women* (Recommended by *Kuwait*)

IRI: *fully implemented*

LLG response:

Engagement of women in local governance and politics remains low. Women usually lead small communities in remote areas, often on the borders, in which financial resources are scarce and income is low. The small increase in female representation that was noted in 2009–10 did not continue in 2011. Armenia's only female governor, Lida Nanyan, stepped down in 2010 due to a reported conflict with the influential mayor of Gyumri, the capital of Shirak region and Armenia's second-largest city.

POS response:

In 2010 the Gender Policy Concept was approved for 2010-2014, which is allegedly designed to guarantee equal rights and opportunities for men and women.

Gender Policy Concept Paper is the first national strategic document of the primary importance, which outlines main strategies of the state policy in relation to men and

women enjoying equal rights and opportunities in all spheres of social life regardless of their sex. The Policy Concept focuses on all spheres of life and has a special accent on education. The main goals of the Policy Concept education-wise are establishment of gender balanced representation at all levels of the education sphere, support of gender equality in society, integration of the gender component into the state education policy and raising gender awareness trough gender education.

Even though the adoption of Gender Policy Concept is an important step for Armenia, the Concept is not properly implemented yet, especially in terms of education. There are many gaps to be fulfilled: gender education is still being provided by grassroots NGOs gender component is not integrated in any of educational subjects, especially in the "Social Sciences" textbooks. Moreover, there is still a huge gender imbalance among teaching staff in public schools where male teachers constitute 15.8%, as well as among bachelor and master students the majority of whom are female.

In order to facilitate operationalization of the 2011-2015 Gender Policy Implementation Strategy, Gender Policy Committees were established in Yerevan municipality and in Regional Governor's Offices in all marzes (regions) of Armenia. These new structures, headed by the deputy mayor and deputy marzpets, are created to strengthen the capacity of public administration and local government officials to address gender equality issues on the policy and legislative levels. However, to some extent, their establishment has an artificial meaning. The Gender Policy Committee members are quite inactive. Moreover, many of them are not properly trained and aware of gender problems existing in Armenia.

In 2012 the RA government submitted the draft law on Ensuring Equal Rights and Opportunities for Men and Women to the National Assembly, which was adopted at first reading. In the context of continuous underrepresentation of women in political and public life, especially in leadership and decision making positions, this represents an important step in the direction of reducing oppressive gender hierarchies at the legislative level. However, the parliament of RA rejected a number of important points in the draft law, including Article 6 of the law, which prohibited:

1) men's and women's social and cultural behavioral models - those behavior based on customs and traditions which are contrary to this law and to the provisions of the international law regulating gender equality relations.
2) making insulting and degrading public statements (including through mass media) related to the sex of the person.
3) promotion as well as the advocacy of those cultures and traditions, (including through mass media) which contain gender discrimination aspects.

Thus, despite the adoption of the Law, as well as significant achievements on the institutional and formal levels, the rejection of this important article demonstrates the government's resistance to developing strong grounds for equal social inclusion in the policy making process and labor market. This results in a fragmented approach to the recognition and enforcement of gender equality. Women generally do not have access to the same professional opportunities as men and are often forced to choose

caring professions or “light” occupations. Unemployment among economically active women in the 30-39 age range remains high – 60%. Outflow of women from the financial and banking sectors (well-paying jobs) continues. According to 2012 Gender Gap Index Report, Armenia falls eight places, ranking 91st position this year. The report suggests that this fall is the consequence of a significant decrease in the estimated earned income ratio.

State of Armenia response:
The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

Recommendation nº42: *Intensify efforts to prevent and combat violence against children, including corporal punishment* (Recommended by *Brazil*)

IRI: *not implemented*

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Recommendation nº160: *Adopt specific legislation punishing violence against children, including the prohibition of corporal punishment - move forward in taking the measures necessary for the registration of the highest possible number of births - support educational policies aimed at enabling girls to continue their education and eliminating stereotypes regarding gender roles - initiate awareness-raising programmes, particularly in rural areas, in order to change the tendency to value child labour more than education, and encourage access for minority children to education in their mother tongue* (Recommended by *Uruguay*)

IRI: *not implemented*

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:
In 2011, the Government stated its intention to amend the Rights of the Child Act 1996 to prohibit corporal punishment of children in the family and in other forms of care (7 February 2011, National report to the European Committee of Social Rights, page 67). The Government subsequently reported to the UN Committee Against Torture on moves to harmonise domestic legislation with international human rights standards (10 April 2012, CAT/C/ARM/Q/3/Add.1, Written replies to List of Issues, para. 640) and to the UN Human Rights Committee that measures wre being taken to prevent corporal punishment under the renewed national programme for the protection of child rights (24 April 2012, CCPR/C/ARM/Q/2/Add.1, Written replies to List of Issues, para. 13). However, the Government has not used these reporting opportunities to confirm that legislation has been drafted to prohibit all corporal

punishment, including in the home. The legality of corporal punishment is the same now (January 2013) as at the time of the initial UPR in 2010.

POS response:
In 2011, conducted monitoring on the 'Protection of the Right to Education of Children Staying out of School' showed that the right to education of many children still is not exercised since these children do not receive compulsory education. Even public officials are often unaware of these children. Monitoring carried out in 55 communities resulted in identifying 101 children left out of education, while the official data showed that their number is 9. Mainly children from socially vulnerable families remain outside the compulsory education system. They are basically forced to help their parents in supplying the household needs and, as a result, get involved in different works. The problem is rather evident in rural communities where children take part in agricultural and live-stocking works.

There are many cases and incidents of violence against children, occurring both in the family and within various institutions, such as secondary schools and special schools. Of particular concern is the information on cases of violence against children in closed or partially closed institutions, as the law offers very limited opportunities for monitoring. The main issue here lies in the fact that cases of violence are not studied or investigated and as a result, problems are not discovered. There is no structure in place for revealing such specific crimes. Violence against children has become a normalized practice. Theoretically, slapping and other similar minor forms of physical punishment can be is regarded as permissible by relatively small number of parents. However, in the case of disobedience, many parents still consider beating a child to be a normal way of punishment.

According to the Fund for Armenian Relief statistics of 2009, of the 139 sheltered underage children who eventually appear in Special Child Care Centers, 72 have been victims of physical and psychological abuse, and 12 to sexual abuse. In the first quarter of 2010, from the admitted 35 children, 20 had been abandoned after being exposed to physical abuse, while 6 of them also were sexually abused.

Criminal proceedings are usually not initiated based on facts related to the domestic violence, as it is almost impossible to provide child protection, with the lack of alternative methods for intervention in violence cases, which can provide specialists with the relevant skills and knowledge. In many cases, the specialists working with abused children have to agree with the preconditions of the family as well as with the preferences of the child, given that placing the child in the corresponding institutions may be more traumatic for the child. The child returns home and in a short while later is faced with the same situation.

The results of the Survey on Violence against Children in Schools, implemented by the Focus Group Discussion and Armenian Helsinki Committee, illustrate that there are many different punishment techniques among teachers, such as marking low grades, asking the child to leave the class room, or slapping and beating the child. In some cases, teachers create an atmosphere of fear through psychological harassment of the child. Most parents and teachers alike, as well as some students,

believe that these forms of discipline are “a natural response to the behavior of the child”. Very often, the punishment type depends on the teacher’s bias towards the child, which may be based on circumstances such as whether the child takes private lessons from the teacher, or the social status of the child’s family.

State of Armenia response:
Violence against minors is considered as an aggravating circumstance according to the Criminal Code.

Large part of the measures foreseen by the timetable for the development of legal acts, approved by the Government of the Republic of Armenia, aimed at registering births and deaths in the Republic of Armenia as well as registering the children having been omitted from registration, has been implemented and the Draft Law of the Republic of Armenia “On family violence” has been elaborated.

See also the response to Recommendation [n° 152].

The parental education programme implemented in model centres operating in the territory of the Republic of Armenia has been continued, aimed at the enrichment of pedagogical and healthcare knowledge of the parents of children attending or not attending kindergartens. Manuals for the development of children aged 4-6 have been published, which are addressed also to the parents. The programme also helps women and men to have correct understanding of their role in the upbringing of children, to recognise common responsibility, rights and obligations, to realise the importance of education, as well as — to create safe environment for the development of a child.

Recommendation nº58: *Strengthen measures to ensure an effective fight against domestic violence - in particular, introduce the crime of domestic violence into its criminal code as a matter of priority and ensure that effective support and protection is available for victims of domestic violence* (Recommended by *Czech Republic*)

IRI: *partially implemented*

POS response:
Provision of support and protection services to victims of domestic violence is the government’s obligation under specific articles of the Draft Law on Domestic Violence that is still pending making combating impunity of perpetrators of violence against women very challenging. Meanwhile, the government is developing a legislative package for criminalization of domestic violence and harmonization of measures to counter all forms of domestic violence in a number of existing legislative documents, including the law on Police, the Administrative Code, Criminal Code, Administrative Procedure Code, and Criminal Procedure Code.

State of Armenia response:
The Criminal Code of the Republic of Armenia interprets violence as a type of crime irrespective of the person towards whom it is applied.

The Draft Law “On combat against domestic violence" is currently being elaborated.

The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

The Decision “On approving Gender Policy Concept” was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

The decision "On approving 2011-2015 Strategic Programme for Gender Policy and 2011 Action Plan for Gender Policy” was approved at the sitting of the Government of the Republic of Armenia of 20 May 2011 within the framework whereof annual programmes together with their monitoring instruments are approved by the Government of the Republic of Armenia. The envisaged activities aim at promoting participation of women in all spheres of public life.

The new Electoral Code was adopted in 2011 according to which more gender sensitive mechanism for attracting women in the electoral process is stipulated. Standing committees on gender issues were established in governors’ offices (Yerevan municipality) of the Republic of Armenia in 2011.

Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

2011-2015 Strategic Action Plan to Combat Gender-Based Violence was approved during the sitting of the Government of the Republic of Armenia convened on 17 June 2011. Protocol Decision No 23 on approving the Strategic Action Plan and 2011 Action Plan was elaborated and the draft Law of the Republic of Armenia “On

domestic violence" was submitted to the Government. Stated corpus delicti are prescribed in the Criminal Code of the Republic of Armenia.

Recommendation nº63: *Further its activities aimed at gender mainstreaming in Government policies* (Recommended by *Egypt*)

IRI: *partially implemented*

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Recommendation nº72: *Adopt a gender-specific approach in Armenia's policies and programmes* (Recommended by *Greece*)

IRI: *not implemented*

POS response:
In the context of a lack of comprehensive legal provisions prohibiting discrimination against women, the government does not prioritize gender-neutrality of each policy and program. Armenia's failure to effectively implement gender-mainstreaming strategy in all governmental policy areas leads to inadequate protection for women against discrimination, and hinders the achievement of formal and substantive equality between women and men.

State of Armenia response:
The Decision "On approving Gender Policy Concept" was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

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Recommendation nº79: *Continue its efforts to reduce maternal and infant mortality, saving mother and child* (Recommended by *Holy See*)

IRI: *fully implemented*

State of Armenia response:

Measures aimed at health care of mother and child constitute one of the priority issues of the Government. Reduction of maternal and infant mortality constitutes one of the priorities of healthcare system of the Republic of Armenia, therefore, a number of measures are being carried out aimed at health care of mother and child, that is to say — at the reduction of maternal and infant mortality.

In 2008 the state certificate system of obstetrics was introduced and a rapid response service was established in the Republic of Armenia, in course of the activities whereof during 2010-2011 the maternal mortality was reduced significantly and birth traumatism of mother and child — by about 20%, as compared to 2009. In 2010 three cases of maternal mortality were registered, whereas in 2011 — four cases. In 2006-2008 three-year average rate of maternal mortality constituted 28,2/100 000 as regards live birth, whereas in 2009-2011 the same rate constituted 15,7, i.e. was reduced by 1,7 times. According to the data of preliminary report of the survey on demographic and health issues of 2010 the rate of pregnant women having visited a doctor at least once has increased by 6% and has reached 99%, whereas stationary child delivery rate has reached 99,4%.

In 2011 the state certificate system of child health was introduced as a result whereof the attendance rate for hospital medical aid has increased by 18%. The financing of hospital medical aid for children from the budget has been doubled, i.e. in 2011 it constituted 6,38 billion drams as compared with 3,16 billion drams in 2011.

The 2013-2015 Strategy on Improvement of Hospital Medical Aid for Children was approved upon the Decision of the Government of the Republic of Armenia No 27 of 4 July 2012, as a result of implementation whereof a reduction in a number of child mortality rates is expected.

Recommendation nº80: *Ensure the effective implementation of the minimum employment age set out in the Labour Code and of provisions prohibiting heavy and hazardous work for children* (Recommended by *Holy See*)

IRI: *partially implemented*

LLG response:

According to the report published by European Committee on Social Rights in 2011, Article 140 of the Labour Code of Armenia allows children of 14 years of age to work up to 24 hours per week. The duration of the daily uninterrupted rest for children at the age of 14 may not be less than 14 hours, which means that they can work up to 10 hours per day.

The European Committee on Social Rights has considered that the daily and weekly working time for children under the age of 15 is excessive to be qualified as light work and thus, not in conformity with Article 7§1 of the European Social Charter. Moreover, The Committee has recalled that the effective protection of the rights, guaranteed by Article 7§1, cannot be ensured solely by legislation; the legislation

must be effectively applied in practice and rigorously supervised. The Labour Inspectorate has a decisive role to play in this respect. Furthermore, the Committee has concluded that the situation in Armenia is not in conformity with Article 7§3 of the Charter on the ground that the daily and weekly working time for children subject to compulsory education is excessive.

State of Armenia response:
In accordance with the Law of the Republic of Armenia on State Labour Inspectorate and the statute of State Labour Inspectorate of the Republic of Armenia, the State Labour Inspectorate implements control and oversight to ensure the safeguards defined by the labour legislation of the Republic of Armenia for persons up to the age of 18. Thus, the mentioned issue is constantly monitored.

Recommendation nº84: *Adopt legislation and measures to prevent violence against women and children, including through the strengthening of its monitoring mechanism* (Recommended by *Indonesia*)

IRI: *not implemented*

LLG response:
In 2011, the European Committee of Social Rights has noted that corporal punishment of children is not explicitly prohibited in the home.

POS response:
In 2012 the government developed the draft protocol on "Women's and children's trafficking prevention, prohibition, and punishment," which represents another prevailing form of violence against women in Armenia.

Armenia must adopt the law on domestic violence or/and respective changes to its procedural and material codes aiming to first criminalise all the acts of gender-based physical violence. Armenia should ratify the CoE Convention against the domestic violence which was open for signing in Istanbul in 2011. Even before the ratification, Armenian legislation and practices should reflect the strong positions of the European Court on Human Rights as expressed in the case of Opuz v. Turkey (2009), which are as follows:
1) empower the prosecutors to continue criminal proceedings against the abuser even if the victim recants the testimony and moves for termination of the proceedings; the EctHR rightly suggests that empowering a victim of domestic violence with the right to veto does further victimise the victims as they become targets of threats and suffer the acts of revenge;
2) the prosecutors should in each case analyze the reasons why the victims of domestic violence recant their initial testimony against the abuser and move for not proceeding with the case against their partner;
3) so-called provocative behaviour of the victims should not become an excuse of not prosecuting the DV cases, the last being a part of positive international obligations of Armenia under Article 2 (Right to life) and Article 3 (Prohibition of torture). These obligations involve: (a) prevention of crimes against endangered individuals; (b) investigation of the acts of domestic violence, which should be as effective as to discover those who are responsible and to prevent re-victimization of victims; and (c)

imposing such punishments which would be sufficiently deterrent, sufficiently effective and proportional and commensurate to the crime of domestic violence.

State of Armenia response:
Violence against minors is considered as an aggravating circumstance according to the Criminal Code.

Large part of the measures foreseen by the timetable for the development of legal acts, approved by the Government of the Republic of Armenia, aimed at registering births and deaths in the Republic of Armenia as well as registering the children having been omitted from registration, has been implemented and the Draft Law of the Republic of Armenia “On family violence” has been elaborated.

See also the response to Recommendation [n° 152].

The parental education programme implemented in model centres operating in the territory of the Republic of Armenia has been continued, aimed at the enrichment of pedagogical and healthcare knowledge of the parents of children attending or not attending kindergartens. Manuals for the development of children aged 4-6 have been published, which are addressed also to the parents. The programme also helps women and men to have correct understanding of their role in the upbringing of children, to recognise common responsibility, rights and obligations, to realise the importance of education, as well as — to create safe environment for the development of a child.

Recommendation nº91: *Elaborate a specific definition of discrimination against women in Armenia's legislation* (Recommended by *Ireland*)

IRI: *fully implemented*

State of Armenia response:
The National Assembly adopted in first reading draft Law “On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

HRDI response:
First of all it should be emphasized that the Law on Equal Opportunities, despite being finally adopted, has several serious flaws, e.g. it covers only public sector, it does not provide clear and effective complaints mechanisms except for the courts. The Defender has stated his position regarding the Law numerous times, defining it

as an important step in guaranteeing equal opportunities in the State for each person, however the Law itself has a declarative character. Secondly, with regards to the Law on Domestic Violence, in the year 2012 the Ministry of Labor and Social Affairs has sent a draft law on Domestic violence. The draft was sent to the HRD, in order to receive his opinion/recommendations regarding it. Having thoroughly studied the Draft law The Defender submitted a number of recommendations. It was particularly recommended that a certain procedure of interrogation of juveniles should be prescribed by law. According to the proposed procedure, juveniles should be interrogated only in the company of his/her legal representative, as well as in the presence of a police officer dealing with juvenile affairs or a psychologist/pedagogue, taking into account the fact that manifestation of domestic violence has heavy and overwhelming influence on children.

Another important recommendation was to add the words “twenty-four-hour” before the word “Hot Line” based on considerations of the complete protection of rights of potential domestic violence victims. It is justified by the international experience according to which “Hot Line” Services created for prevention of the domestic violence, as well as provision of psychological and legal advice work for 24 hours.
It was also proposed that each alarm or complaint is subjected to immediate inspection and/or discussion, and a decision on applying certain preventive means for domestic violence should be made as a result.

Moreover, it was also recommended that mechanisms of protection against domestic violence should be developed aimed at excluding the possible restrictions on the right to education of a domestic violence victim or his/her child.

However, despite several UPR and other UN treaty body recommendations to adopt the Law on Domestic Violence the Government in the year 2013 has decided to discontinue the process of adopting the Law. A decision was made on making amendments to several laws instead, for specifically regulating the sphere with the new Criminal Code which is being prepared. As the decision was not discussed with the civic society, The Defender organized a meeting at the Human Rights Defender’s Office and invited the NGO’s who had actively supported the preparation of the Draft law. The Advisor of the Defender on Women’s rights stressed the paramount importance of Domestic Violence for the Armenian society as it can be the guarantee of preventing such cases in future or if the domestic violence takes place the victims would have the necessary guarantees, which can be regulated only by a separate law. The representatives of the civic society also highlighted the importance of the Domestic violence law. Additionally, the Defender has emphasized the need to include the Domestic violence law in the Action plan of the Human Rights Strategy, which would create an opportunity of changing the Government’s position regarding the decision of not adopting such a Law.

Recommendation nº97: *Establish effective mechanisms to address the problems faced by street children* (Recommended by *Kazakhstan*)

IRI: *fully implemented*

State of Armenia response:
While performing their official duties, the officers of Juvenile Issues Service of RA Police pay particular attention to the early prevention of the crimes committed by juveniles, as well as to the issues of vagabond and beggar juveniles, those deprived of parental care and others belonging to other risk groups by, among other activities, regular meetings and talks at general education schools and education institutions. The identified vagabond and beggar juveniles, those deprived of parental care, as well as those belonging to other risk groups are placed, where necessary, in the Children's Support Centre of the Fund for Armenian Relief where the juveniles receive medical, as well as moral and psychological support by the multi-professional board (psychologist, pedagogue, social worker). They are provided with temporary accommodation, food and clothing, and, where necessary – with appropriate documents. Many of them are placed in relevant education institutions with the support of the officers of juvenile issues and interested bodies. Support is often provided to the parents of the juveniles as well, ensuring jobs and temporary accommodation for their families. Part of the identified juveniles is sent back to their parents, establishing control and providing support for organising the care and upbringing of the children.

The process of introduction of the system of alternative care at community level is currently being implemented in the Republic, including as well the activities envisaged by the 2004-2015 National Plan of Action for the Protection of the Rights of the Child, i.e. establishment of community centres. There are 18 day care centres under state or non- state control in different communities of the Republic, one of the objectives of which is to carry out preventive activities among juveniles having committed a crime or other offences. The abovementioned centres are unprecedented with regard to the fact that here, the policeman, the social worker, the psychologist and the volunteers involved in the activities of the centre carry out joint and extensive activities with the offender juveniles. The main task of the centres is to move the offender juveniles to an environment where morality, human appreciation and self-consciousness is a priority.

Recommendation nº101: *Continue to support children's homes* (Recommended by *Kyrgyzstan*)

IRI: *fully implemented*

State of Armenia response:
Care protection centres have been established which contribute to the deinstitutionalisation of children's homes. Since 2008, the institute of foster families has as well been functioning within the framework of state funding. Boarding schools were transformed into boarding institutions and were transferred from the competence of the Ministry of Education into the competence of the Ministry of Labour and Social Issues.

In 2010, new buildings of two children's homes were commissioned, the construction works of which were carried out by means of the State Budget. The buildings are fitted with modern rehabilitation equipments. There is an annual increase in the amounts of money provided for children's nutrition and care in the childcare and protection institutions. Meanwhile, the programme of deinstitutionalisation of

children's homes is in progress, referring children to boarding institutions of care and protection.

Eight similar institutions functioning in the Republic support families facing hardships in life, ensuring all the necessary conditions for children's nutrition, education, upbringing, and, in general, full development, without isolating them from the family environment.

Recommendation nº102: *Continue to work to protect the rights of the child* (Recommended by *Kyrgyzstan*)

IRI: *partially implemented*

POS response:
Realization and implementation of children's rights on a national level remain an issue both in terms of legislation and practice. Thus the country possesses legislation that contains vague and ambiguous provisions, none of them provide mechanisms for enforcing the law. There is no special legal framework on juvenile justice as well.

The Parliament in first hearing adopted new amendments to the Laws on Education and on Mainstream Education on first reading according to which the whole education system is to become inclusive. But both these amendments do not guarantee provision of quality education to the children with special educational needs and the Government has no established mechanism yet to ensure the implementation of the new amendments. Though early childhood development has been on the state agenda, there has been no step forward to increase the accessibility to early childhood development centers or preschools.

There are a large number of cases of violence against children, occurring both in the family and within various special institutions. Research indicates the cases of intolerant treatment of children from families following any other religion or denomination in public schools.

A National Committee for Child Protection (NCCP) has a crucial role in the field of child rights protection. Nevertheless, it considers processing of applications received as its only task, often done just formally.

In 2003 the government approved National Program for the protection of children's rights for 2004–2015. In practice, there has been no solid investment to implement the strategic plan. In 2012 Government also undertook drafting of the new Strategy of the Protection of the Rights of Children for 2012-2016. The general impression from the new Action Plan is the following:
a) it repeats many things from the previous plan;
b) the authors preferred to give extremely generalized descriptions of situations and proposed very general and vague solutions;
c) it does not include any specific activity for ensuring the protection of child rights and mechanisms to prevent violence;
d) many activities included for upcoming years have been already completed by different programs implemented by local and/or international organizations;

e) many activities are still aimed at supporting institutional care structures and mechanisms rather than redirecting resources towards alternative family or community-based care solutions.

On March 12, 2010, upon the order of the RA Minister of Education and Science, a Civic Monitoring Board was set up with a mandate to monitor special educational institutions under the supervision of the Ministry of Education and Science. But this Civic Monitoring Board has not become an independent civil society mechanism. The reports of the Board fall short in documenting and presentation abuse and ill-treatment practices in closed and semi-closed institutions. An incomplete and unsatisfactory performance of some of the group members is a matter of both civic attitude and a lack of professional knowledge and skills in the monitoring field.

State of Armenia response:
The 2004 - 2015 National Plan of Action on the Protection of the Rights of the Child in the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 1745-N of 18 December 2003. In accordance with the UN Convention on the Rights of the Child, in 2010 the Republic of Armenia submitted the third and fourth periodic reports on the protection of the rights of the child in the Republic of Armenia. In June 2010, the Ministry of Foreign Affairs of the Republic of Armenia and UNICEF signed the Action Plan of the Programmes Implemented in the Country between the Government of the Republic of Armenia and UNICEF for 2010-2015 which identifies the main directions of cooperation for the next years, aimed, in particular, at such issues as the protection of the rights of the child, his or her health, appropriate care, education, justice, and others. Currently, actions are being taken for the development of a new draft of the National Programme. The draft National Plan for the Protection of the Rights of the Child in the Republic of Armenia for 2012-2016 will include most actual problems and measures.

Recommendation nº108: *Continue its efforts in these fields to improve access to education and health and to promote the rights of women and children* (Recommended by *Lebanon*)

IRI: *partially implemented*

LLG response:
According to a 2012 report edited by UNICEF, two thirds of children with disabilities nationwide never attend preschool. A fifth of children with disabilities nationwide do not go to school, and the proportion increases significantly in rural communities and for girls in regional towns. Children with intellectual or motor disabilities are facing particular disadvantage. Twelve per cent of children study in special schools, isolated from their community peers. Many parents, especially in rural areas, think that their child cannot learn in school. This way of thinking is partly a social stereotype, and partly reflects the reality of today's schools many of which are not creating a suitable environment where every child, regardless of needs and abilities, can develop his/her potential to the fullest. Legislation changes and efficient reallocation of resources from special schools to inclusive schools are necessary to create an enabling environment for inclusive education.

POS response:

Right to health and safe environment: The South of Armenia, Syunik region, is polluted from decades of molybdenum mining in the towns of Kajaran, Kapan, Agarak and other communities. The land and waters are contaminated, high rate of cancer and birth defects are recorded. Research of the National Academy of Sciences Center for Ecological-Noospheric Studies revealed an extremely high level of heavy metals (mercury, cadmium, etc) in the skin and hair of all children who underwent analyses in Syunik region. As a result of the study conducted by the Center an entire bunch of heavy metals was found in the hair of 17 children living in Lernadzor and Kajaran. From the identified materials the high compound of lead influences the nervous system of the body, which can result to mental disabilities, disorders of sight, hearing and speech. It also has an impact on the kidneys and stomach and metabolic systems. Consequences of an excess of copper in the body can be the development of tumors. Excess of cadmium in the body results deformation of the skeleton and different lung diseases as well. These metals find their way into the body through land, water, air and domestic animals. The metals affect the nervous system, kidneys and liver.

According to 2005 report of World Health Organization (WHO), Armenia has the second highest rate of birth defects in the post soviet area. The harm caused to the health of affected people is not compensated in any way (insurance, other mechanisms of compensation). Neither the Mining Code nor the legislation that regulates the RA health care sector does make corresponding state governing bodies liable for implementing regular medical researches or check-ups in mining zones aiming to identify health issues of the population and the causes for those issues. The law does not stipulate mandatory health insurance of people residing near mining zones or mechanisms for the compensation of the caused damage. No state governing body is legally bound to bear any liability for "ensuring the safety and health care of the population.
Therefore, both the health care legislation and the Mining Code should define mechanisms for the prevention and insurance of health damage caused as a result of mining. As a condition for reducing negative social impact the exploitation plan for the extraction of minerals submitted by the exploiter company should include a liability to provide health insurance for the populations of zones adjacent to the mine exploitation (affected communities), as well as for the employees of the mine complex during the entire period of the affect (including after the termination of the activities). Liable state bodies must bear responsibility for the health care of the population of other areas in the country (population outside the immediate impact zone) if it is proved that the damage to the person's health is a result of environmental pollution (pollution of water and land resources etc) caused by mining activities.

Access to education: Armenian legislation on school education is assessed as fairly advanced on paper, though lacking in implementation. Politicization of schools because of a principal's political affiliation is among the major concerns that could be addressed through improvement of the legislative framework. The current system of state financing per number of pupils enrolled in a given school creates incentives for some schools to perform better, but creates problems for smaller schools that

struggle to maintain a minimum level of operations. The burden of providing for school needs not covered by the state budget is often placed on parents' shoulders. Overall, schools are accessible to the population; most of them are within walking distance. However, school accessibility is not entirely unproblematic. During the course of the research two villages could not be reached because of detrimental road conditions. One-fifth of the schools observed had poor conditions of main roads leading to schools, one-fourth of school children surveyed reported sometimes being unable to get to school because of bad road conditions. There are great discrepancies between overall conditions of school buildings: from freshly renovated to decaying. Among support premises (i.e. libraries, labs, workshops, cafeterias) conditions of gyms are perceived as most problematic and in need of improvement.

Conditions of computer labs in Yerevan are significantly better than those in the regions; village schools are particularly disadvantaged. Most pupils (89%) would like to use computer labs more often. Lack of equipment in labs prevents pupils' proper understanding the subject matter taught during classes. There is a widespread dissatisfaction with textbooks among children, parents and teachers.

Poverty impedes school performance: children with better home conditions and availability of some resources, such as nutrition, have better school grades. Teachers in regions, particularly in the villages, are more aware of difficulties poor children face at school. Solutions are often sought on community level, and there is a perception that communities help to alleviate the problem. Poverty of teachers impedes their status and respect in the eyes of their pupils, as well as creates corruption risks. One third of pupils think that teachers treat children with poor academic results worse than the rest of the class. Religious minorities are the group that is treated worst by classmates.

The government demonstrates a significant commitment towards the sustainable development of Inclusive Education in Armenia and these commitments are reflected in the new changes in Mainstream Education law that states that by 2022 the system of mainstream education in Armenia will be totally inclusive. However the main changes are still at legal. At practical level no significant changes anticipated. A pending issue is the development of clear mechanisms that will ensure the implementation of the new legislation in the country.

State of Armenia response:
Giving importance to the role of pre-school education aimed at creating equal starting conditions for the comprehensive development and school education of children, in 2008 the Government of the Republic of Armenia approved the "2008-2015 Strategic Programme for Pre-School Education Reforms" which is intended to extend the inclusion of senior pre-school age group (those aged 5 years) up to 90% by 2015 through the introduction of cost effective educational services. Within the framework of the Programme the priority is given to poor families and to the communities where no pre-school establishments (PSE) are operating. Having regard to the main provisions of the strategic programme about 3600 children have been additionally involved in pre- school programs only during the last three years. For the purpose of ensuring the continuity of the implementation of pre-school programmes, since 2011

funds have been provided in the State Budget of the Republic of Armenia in respect of current expenditures for the organisation of one-year education of children of senior pre-school age as of the amount of annual sum allocated for each learner according to the weighted student-funding formula. For this purpose appropriate funds will be hereinafter allocated from the State Budget of the Republic of Armenia as of years.

In 2008 a separately operating system of high schools was introduced. High school is the main circle ensuring pre-vocational education where the correct professional orientation and further learning success of learners greatly depend on the activities thereof. Three-year school programme will enable to ensure the readiness of school graduates to enter the job market and possibility of receiving appropriate professional education in compliance with the inclinations and abilities thereof.

The uniform examination system of school graduation and university admission has been introduced, which has facilitated the transition of learners from school to university. In the field of general education shift has been made to the twelve-year education system, new subject criteria and programmes have been approved. An extensive training programme for teachers has been implemented aimed at the application of new programmes, criteria, assessment system, modern teaching methods and information technologies. The application of modern information and communication technologies in the field of general education has commenced as a new means of teaching and studying. Therefore, internet access of schools and equipment thereof with computers has been improved.

After the constitutional reforms of the Republic of Armenia of 2005, several dozen acting laws were brought into line with the Main Law.

Currently, together with EU, the mechanism of legal guillotine is established, which will contribute to the repeal of unduly aggravating laws; an appropriate structure has already been established and is in force.

The development of the field of primary health care is one of the priorities of health care system of the Republic of Armenia, it should be mentioned to this regard that primary health care services are free for all groups of population of the Republic of Armenia. With the aim of developing the field of primary health care about 147 primary health care rural establishments have been repaired/constructed during 2000-2011. Repaired/constructed dispensaries have been fitted with standard collections of medical devices, accessories, furniture and computer equipment. Until present 1655 family doctors and 1770 family nurses have undergone professional training. With the aim of continuous development of the health care system of rural settlements of the Republic of Armenia construction/repair of a number of medical dispensaries, fitting with equipment and furniture are expected during 2012-2014.

Moreover, within the framework of Modernization Programme for Hospital System of Marzes, from December 2009 up to now modernization works have been carried out for 8 medical centres of marzes,, including capital repair of buildings, fitting them with modern medical devices, accessories and furniture, as well as staff training and

various consulting works aimed at introduction of modern principles and systems of management of medical organisations. As regards the increase of access to hospital and other services, the disabled, socially unprotected and other vulnerable groups in the Republic of Armenia enjoy the right to receive medical aid guaranteed by the State and the State takes steps aimed at enhancing the categories enjoying this right.

With the aim of guaranteeing and improving the quality of health care services the Government of the Republic of Armenia adopted a comprehensive programme of measures (Protocol Decision No 40 of 14 October 2010 of the Government of the Republic of Armenia) within the framework whereof quality assessment boards have been established aimed at improving the quality of primary health care medical organisations.

Recommendation nº127: *Intensify measures to address factors driving women and girls into prostitution* (Recommended by *Poland*)

IRI: *not implemented*

POS response:
There are numerous factors for why women go into prostitution in Armenia. The continuous discrimination towards women who are involved in sex work is of considerable importance in this regard. Once a woman is involved in sex work she believes that the attitude from the society will never change towards her, because she is labeled to be a sex worker forever. The state has not foreseen the importance of affirmative actions, i.e. positive discrimination for women for their further empowerment, which would serve a basis for self-establishment, engagement and therefore employability of the latter. Moreover, the state does not take appropriate measures to provide opportunities for men and women to act equally in different fields of public relations.

It is worth noting that the state does not appropriately address the fact of prostitution itself, as according to the revised Administrative Code of the Republic of Armenia (from June 2012), the involvement in prostitution results penalty of 20.000 AMD for the first time, and 40.000 AMD for the second and other times, which is twenty (forty) times higher than before. This norm is discriminatory in its character, thus it cannot be viewed as an appropriate measure to address prostitution, as only women who are involved in sex work are fined according to the Code, which is contrary to the fundamental human rights and freedoms enshrined in the Constitution, according to which everyone is equal before the law and discrimination on any grounds is prohibited (Article 14.1, RA Constitution).

State of Armenia response:
Prostitution is an act prohibited by the RA law, for which administrative liability is provided for by the elements under Article 179 of the Administrative Offences Code of the Republic of Armenia, i.e. “being engaged in prostitution”. The proceedings conducted under Article 179 of the Administrative Offences Code of the Republic of Armenia were transferred, based on the amendments made to the mentioned Code on 7 February 2012, into the competence of the Police. The amounts of the fine prescribing liability for the offence provided for by the mentioned Article have as well

been increased. If the amount of the fine provided for previously was defined in part 1 of the Article as “from fifty percent up to the full amount of the minimum salary”, and in part 2 of the same Article – as “from the full amount of the minimum salary up to its two-fold”, currently, part 1 of the same Article provides for a fine in the amount of “the twenty-fold of the minimum salary”, and part 2 – in the amount of “the forty-fold of the minimum salary”. Taking into account the fact that prostitutes are considered as the most vulnerable group subject to human trafficking, the Police carry out regular registration to keep them in view. A unified database for coordinating the activities against prostitution and trafficking was created according to the Action Plan for Early Prevention of Prostitution and Trafficking in the Republic of Armenia, approved by the Head of the Police of the Republic of Armenia on 30 December 2006. In the first quarter of 2012, the Police organised around 850 meetings in communities for the purpose of improving the relations between the society and the police, during which the population was as well informed on the risk of human exploitation and its consequences.

Recommendation nº128: *Strengthen research on the occurrence of child trafficking and regional cooperation with countries to which Armenian children are trafficked* (Recommended by *Poland*)

IRI: *partially implemented*

LLG response:

In its 2012 report, the GRETA of the Council of Europe has noted that the Armenian authorities should take further measures to:

1) ensure co-ordination at the regional level, including co-operation among regional units of public bodies responsible for anti-trafficking activities and local NGOs;
2) promote the possibility of NGOs to participate in the work of the anti-trafficking bodies.

Further, GRETA has invited the Armenian authorities to conduct and support research on THB-related issues as an important source of information for future policy measures. Areas where research is particularly needed to shed more light on the extent of the problem of THB include trafficking for labour exploitation and child trafficking. GRETA has also considered that the Armenian authorities should take steps to develop targeted awareness-raising and educational measures for groups vulnerable to THB, in particular children and young people leaving child-care institutions.

State of Armenia response:

The Third National Action Plan for Combating Trafficking in Human Beings in the Republic of Armenia for 2010 – 2012 was adopted back in September 2010. An independent monitoring on the implementation of the Plan is currently being conducted, the outcomes of which will serve as a basis for developing the next tri-annual Plan for 2013-2015. In November 2008 the Government of the Republic of Armenia approved the National Referral Mechanism for Victims of Trafficking. The main aim of the Mechanism is to provide an effective way to refer victims of trafficking to services in terms of professional support, medical and psychological care, counselling, facilitate access to education or training. Support to victims of trafficking is offered both by specialised NGOs and by respective authorised public administration body. This support entails in-kind contribution, medical care,

psychological and legal counselling, inclusion in various social projects, provision of shelter. Allocations from the State Budget of the Republic of Armenia have been made since 2009 for implementing measures aimed at combating trafficking, inter alia for the psycho-social rehabilitation of the victims. Medical care to the victim is provided free-of-charge under state funding. In December 2010 an amendment was made to the Law of the Republic of Armenia "On employment of population and social protection in case of unemployment" providing for the inclusion of the 'victims of human trafficking' group in the list of groups uncompetitive in labour market as defined by law. This provides additional guarantees to victims in order to be involved in specific employment programmes. Latest amendments and supplements to the Criminal Code of the Republic of Armenia were made in 2011 resulting in the aggravation of punishment, which makes the act committed grave or particularly grave crime; property confiscation and deprivation of right to occupy certain positions or carry out certain activities were also envisaged. Making use of services of a person being exploited was also criminalised. A separate article envisages trafficking and exploitation of a child or a person being deprived of the possibility of realising the nature and significance of his or her act or to control it as a result of mental disorder. Armenia acceded to all international and regional legal instruments regarding the combat against trafficking. Armenia achieves active cooperation within the scope of international organisations.

As to the targeted awareness raising in vulnerable groups, in particular among children, this issue remains under continued focus of Armenian authorities and is prescribed in the National Plan, within the scope of which numerous relevant projects are carried out in general education schools, higher education institutions, as well as in special institutions for childcare. This process is an ongoing effort.
No cases of exploitation of children from Armenia outside the country have been registered.

Recommendation nº130: *Initiate awareness-raising campaigns in schools to further promote the rights of women* (Recommended by *Romania*)

IRI: *fully implemented*

State of Armenia response:
Within the scope of the Gender Policy Strategic Action Plan for 2011-2015 in the Republic of Armenia, steps are taken towards laying the educational and methodological groundwork for teaching the basic knowledge of gender, as well as introducing criteria for gender expertise of academic literature.

Thematic topics on gender issues were included in the module of training courses for teachers engaged in teaching at elementary schools. The Action Plan envisages incorporation of topics of basic knowledge of gender into the module of training courses for directors and deputy directors of general education schools, as well as for teachers engaged in teaching Social Studies.

Topics on gender issues were included in the 4th grade textbook "Me and the Environment".

Teacher's manual "Teaching Tolerance" was elaborated, in which topics on gender issues were also introduced. Thematic units on fundamental rights, gender equality, tolerance and civil society were incorporated in the syllabus of Social Studies.

Particular importance is attached to the elements of teaching gender issues in the system of higher education. Specific courses designed to cover gender policy, equality of rights between men and women are organised at a number of higher education institutions of the Republic.

Recommendation nº152: *Take immediate steps to make domestic violence - including psychological abuse - beatings - rape, including marital rape - and sexual assault -- a criminal offence* (Recommended by *United Kingdom*)

IRI: *partially implemented*

POS response:
The Draft Law on Domestic Violence that is currently being considered by the Prime Minister's office incorporates emotional, economic, physical, and sexual abuse into the definition of domestic violence and will ultimately ensure that violence against women and girls constitutes a criminal offense.

State of Armenia response:
The National Assembly adopted in first reading draft Law "On ensuring equal rights and equal opportunities for women and men". The aforementioned law stipulates provisions of non-discrimination against women.

Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

The National Program against Gender-based Violence, Strategic Programme for 2011-2015 were approved at the sitting of the Government of the Republic of Armenia held on 17 June 2011. The draft Law of the Republic of Armenia on Family Violence was elaborated, which was submitted to the Government of the Republic of Armenia. Workshops, discussions, round tables are regularly organised with the view to raise the awareness on issues relating to gender and gender violence.

The Decision "On approving Gender Policy Concept" was approved at the sitting of the Government of the Republic of Armenia of 11 February 2010 which underlines the importance of elaborating normative legal acts as a means to ensure gender policy which are aimed at implementing gender equality policy, as well as at the importance of carrying out gender expertise taking into account the effect it may have on men and women.

The decision ""On approving 2011-2015 Strategic Programme for Gender Policy and 2011 Action Plan for Gender Policy" was approved at the sitting of the Government of the Republic of Armenia of 20 May 2011 within the framework whereof annual programmes together with their monitoring instruments are approved by the Government of the Republic of Armenia. The envisaged activities aim at promoting participation of women in all spheres of public life.

The new Electoral Code was adopted in 2011 according to which more gender sensitive mechanism for attracting women in the electoral process is stipulated. Standing committees on gender issues were established in governors' offices (Yerevan municipality) of the Republic of Armenia in 2011.

Concurrently, taking into consideration the recommendations arising from Beijing Declaration and Platform for Action, as well as from the Convention on Elimination of all Forms of Discrimination against Women, the Women's Council of the Republic of Armenia, by the Decision of the Prime Minister of the Republic of Armenia of 1 March 2012, became a national mechanism for improving the situation of women and implementing gender policy in the Republic of Armenia. The national mechanism was established at such high level with the aim to coordinate the implementation of gender strategy in all fields of state policy and at all levels of public administration in the Republic of Armenia.

2011-2015 Strategic Action Plan to Combat Gender-Based Violence was approved during the sitting of the Government of the Republic of Armenia convened on 17 June 2011. Protocol Decision No 23 on approving the Strategic Action Plan and 2011 Action Plan was elaborated and the draft Law of the Republic of Armenia "On domestic violence" was submitted to the Government. Stated corpus delicti are prescribed in the Criminal Code of the Republic of Armenia.

Recommendation nº162: *Establish measures in order to provide for equality of rights and opportunities between women and men and the elimination of discrimination against women, including through legal reforms - and devote priority attention to effectively eliminating all forms of violence against women, especially domestic violence, inter alia, by establishing a national mechanism for the advancement of women, and to addressing the issue of violence against women* (Recommended by *Uruguay*)

IRI: *partially implemented*

POS response:

In 2012 the Human Rights Defender's office engaged in a series of discussions with civil society groups regarding the Law on Discrimination that is designed to legalize punishment of all types and forms of discrimination. However, the government has not yet enacted an appropriate national legislation on the prohibition of discrimination.

Armenia is obliged to continuously implement all the provisions of the Convention on the Elimination of Discrimination against Women and to accept it as an integral part of the domestic legal system. Nevertheless, the Armenian legislation does not provide a comprehensive definition of discrimination against women.

State of Armenia response:

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Public hearings of the draft law were organised before the aforementioned draft law was submitted to the National Assembly.

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Other

Recommendation nº33: *Implement the comprehensive national programme on human rights protection efficiently and within the envisaged time* (Recommended by *Bosnia & Herzegovina*)

IRI: *not implemented*

+

Recommendation nº40: *In line with Human Rights Council resolution 9-12, consider elaborating a national human rights programme and plan of action to strengthen the capacity of the State to promote and protect human rights* (Recommended by *Brazil*)

IRI: *fully implemented*

+

Recommendation nº61: *Complete within the envisaged time the comprehensive national programme on human rights protection* (Recommended by *Egypt*)

IRI: -

+

Recommendation nº93: *Continue to improve the human rights situation in the country, in the light of the improvements made so far* (Recommended by *Italy*)

IRI: -

POS response:

In 2012, November 17, National Strategy on Human Rights Protection came into force by the RA President's decree from 2012 Oct 29, NK -159 N-N. This strategy is a list of good ideas with no indication of how to achieve them. There is no analysis of key problems and deficiencies, prioritization of issues, nor an allocation of plans and resources (institutional, human and financial) for implementing the priorities. Moreover, It does not correlate with either the UPR and PACE recommendations nor the issues raised within CAT review.

With regards to the participation of local human rights groups in developing the strategy - all and any of the recommendations proposed were ignored, claiming that they were not submitted to the Security Council. In fact there is proof that the recommendations had been submitted and received within the set deadline for contributions.

Adjustments have not been made to distinguish general measures from concrete actions, and additional measures have not been introduced.

State of Armenia response:

National Strategy on Human Rights Protection was approved in the year 2012 that refers to all fields of human rights, including political and civil, economic, social and cultural rights.

Recommendation nº64: *Further strengthen the capacities of the Office of the Human Rights Defender and enhance its cooperation with civil society, in order to enable better protection of human rights in Armenia* (Recommended by *Egypt*)

IRI: *partially implemented*

+

Recommendation nº65: *Strengthen the role of the Human Rights Defender institution to allow the Defender to increase his monitoring and expand his work to the regions* (Recommended by *Finland*)

IRI: *partially implemented*

+

Recommendation nº81: *Establish a special section with sufficient powers and resources within the Ombudsperson's office, or task a deputy with addressing child issues exclusively* (Recommended by *Hungary*)

IRI: *partially implemented*

State of Armenia response:

According to the amendments made to the Law of the Republic of Armenia "On Human Rights Defender" in 2010, the monthly payroll fund of the Defender's staff is determined by the product of the 3.6-fold of the basic rate of remuneration of judicial servants and the number of public servants and persons ensuring technical maintenance in the Defender's staff. Memoranda of Understanding have been signed between the Defender's Office and NGOs for implementing joint activities in the field of human rights. The Human Rights Defender opened 6 regional offices in different marzes of Armenia within the last years, namely, in the marzes of Shirak, Gegharkunik, Tavush, Lori, Vayots Dzor and Syunik.

The staff of the Human Rights Defender includes the Department of Protection of Vulnerable Groups and Cooperation with Non-Governmental Organisations, which is as well specialised in the issues of protection of the rights of juveniles, including, in particular, a lawyer on children's issues.

HRDI response:

Starting in the year 2011 The Human Rights Defender [(HRDI)] signed MoUs with more than 90 human rights NGOs, which resulted in the implementation of numerous project-events engaging a number of NGOs. Therefore, the level of cooperation with the civil society has seriously increased. The geographic jurisdiction of the HRDI covers the whole territory of the Republic of Armenia. With the assistance of international donors in April 2012 six regional offices of the HRDI were opened in March, thus making the institution more accessible to the population from the regions and enhancing human rights protection in the country. It is very important to ensure the sustainability of the regional offices. However, the project with international donors will end in mid 2013. The Human Rights Defender informed the Government that there has to be strong commitment from the latter in order to keep the regional offices running due to the fact that the financial support from the international donors will be over at the end of the year 2013. As of now there has been an oral agreement that the Government will finance the work of three regional offices. Nevertheless, there has been no real commitment from the Government.

Recommendation nº109: *Accelerate the process aimed at creating a national human rights institution in accordance with the Paris Principles* (Recommended by *Libya*)

IRI: *fully implemented*

State of Armenia response:

In 2003, the Law "On Human Rights Defender" was adopted which de facto confirms the establishment of the national institute for human rights.

According to Article 2 of the Law, the Human Rights Defender is an autonomous and independent official, who, according to the RA Constitution and laws, as well as to the well-established principles and norms of international law, carries out the

protection of human rights and fundamental freedoms violated by state authorities, local self- government bodies and their officials. The RA Human Rights Defender was awarded status A in 2006, which means that his or her status complies with the Paris Principles.

Recommendation nº145: *Provide the Office of the Human Rights Defender with the human and financial resources necessary to complete its tasks as a national preventive mechanism, and strengthen the guarantees against the ill treatment of imprisoned persons so that all those in the police force will receive a strong message emphasizing that ill treatment is illegal* (Recommended by *Switzerland*)

IRI: *partially implemented*

LLG response:

Torture and other ill-treatment in police stations remain a concern. In a report published in February 2011, the UN Working Group on Arbitrary Detention stated that many of the detainees and prisoners they interviewed had been subjected to ill-treatment and beatings in police stations. Police and investigators used ill-treatment to obtain confessions, and prosecutors and judges frequently refused to admit evidence of ill-treatment during court proceedings. In August 2011, the European Committee for the Prevention of Torture has reported that it had received a significant number of credible allegations of ill-treatment, some amounting to torture, by police during initial interviews. In May 2012, and then in October of the same year, the International Federation for Human Rights (FIDH) together with its member organization in Armenia Civil Society Institute (CSI) have reported that while a Special Investigation Service (SIS) was established in 2007 to specialize in investigating cases involving possible abuses by public officials, in practice the prosecutor's office does not send all allegations of torture to the SIS for investigation, and police investigators continue to handle most of these cases. Communications about torture are therefore investigated within the framework of the very entity to which the perpetrators of torture themselves belong. Moreover, most cases of police mistreatment continue to be unreported due to fears of retaliation.

State of Armenia response:

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Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was "fully implemented" nor that it was "not implemented", UPR Info usually considers the recommendation as "partially implemented", unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index** (IRI) is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.
An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as "not implemented".

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
166	Armenia reaffirmed its commitment to implement all its obligations towards improving the protection and promotion of human rights in the country. Armenia stands ready to fully cooperate with the Council all UN special procedures, and all actors in the field, as well as at the national or international levels, toward achieving prosperity and full enjoyment of all rights by all the citizens in the country.	Armenia	Voluntary Pledge	5	Special procedures

A= Action Category (see on our website)
SMR = State making recommendation

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