

STATEMENT

UPR Pre-session on ARMENIA,

Geneva, 11 DECEMBER 2019

Delivered by: Non-Discrimination and Equality Coalition of Armenia

1- Presentation of the Organisation

This statement is delivered on behalf of Non-Discrimination and Equality Coalition of Armenia (NDEC), a non-profit organization that unites NGO-s and individuals having expertise and experience in different areas of discrimination and aims to develop comprehensive approach to combat systemic discrimination in Armenia.

2- National consultations for the drafting of the national report

NDEC participated in the hearings organized by Human Rights Commission of Armenian Parliament on Human Rights Agenda within the framework of UPR in April, 2019.

3- Plan of the Statement

This statement addresses the following issues:

- 1) Protection of the vulnerable groups' rights in Armenia
- 2) Women's Rights (with the focus on gender based violence)
- 3) People with Disabilities (with the focus on the rights of people with psychosocial disability)

4- Statement

I. Protection of the vulnerable groups' rights in Armenia

A. Follow-up to the first review

Many countries during the previous review gave general recommendations to Armenia to adopt stand-alone and comprehensive antidiscrimination legislation. The legislation drafting process is in progress, but the legislation is not adopted yet. The general nature of the recommendations does not guarantee effectiveness and quality of the legislation, which are the main challenges at the moment.

B. New developments since the last review

In 2017, the state published a draft Law on Ensuring Legal Equality. Civil society organisations and international human rights organisations (Equal Rights Trust, OSCE ODIHR) criticized the draft due to its inconsistency with international legal standards. Despite some positive changes, the second draft law, published in 2019, is still not comprehensive (SOGI and health status are not explicitly included in protected grounds). The draft does not provide mechanisms to ask for compensation from non-state entities, even for grave and continuous discriminatory practices. Guarantees for getting other forms of reparations are quite limited with the narrow mandate of equality body and the absence of *actio popularis* procedures.

C. Recommendations.

We therefore recommend that the Government of Armenia:

- a. Adopt comprehensive equality legislation which provides strong reparation mechanisms,
- b. Establish an independent equality body with large mandate and institutional guarantees to secure its enforcement.

II. Women's Rights (with the focus on gender based violence)

A. Follow-up to the first review

Many countries, including United States and Norway, during the previous review gave general recommendations to Armenia regarding the adoption of domestic violence legislation and called for criminalization of domestic violence. While the legislation itself was adopted, it didn't amend criminal qualification of domestic violence cases in Armenia.

B. New developments since the last review

In 2017 domestic violence legislation in Armenia was adopted. It was largely criticized by civil society organisations for vague regulations, improper terminology and non-effective mechanisms. In October, 2019, state published a draft of the legislative amendments, which proposes several positive changes (protection from intimate partner violence, coercive behavior etc). However, domestic violence regulations are still left out of criminal legislation, which does not qualify domestic violence as a specific crime or as an aggravating circumstance to other crimes. Perpetrators in a wide range of non-fatal domestic violence cases receive quite lenient sentences. In one of the cases, for the years of physical violence, which was qualified as battery, the perpetrator was sentenced to pay a 100 Euro fine.

C. Recommendations

In order to address the issues faced by victims of domestic violence, we make the following recommendations to the Government of Armenia:

- a. In its criminal legislation specify domestic violence as an aggravated offence,
- b. establish special procedures for investigation of domestic violence and sexual violence cases.

III. People with Disabilities (with the focus on the rights of people with psychosocial disability)

A. Follow-up to the first review

Many countries during the previous review gave recommendations to Armenia to ratify Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) and adopt specific legislation in accordance with the requirements of CRPD. Recommendations are not implemented yet. In 2019 the draft of the 2020 Action Plan for Social Inclusion of People with Disabilities was circulated, which indicates the political will of the Government to start the process of ratification of the Optional Protocol to CRPD in 2020.

B. New developments since the last review

There are no developments in the field of protection of the rights of people with psychosocial disabilities. There is still no mechanism for partial deprivation of legal capacity and persons with mental disabilities are usually adjudged legally incapable, which deprives their possibility to fully exercise their rights, including the right to refuse involuntary treatment. These regulations are contrary to Armenia's obligations under CRPD.

C. Recommendations

In order to address the issues faced by persons with mental disabilities, we make the following recommendations to the Government of Armenia:

- a. On the legislative level to abolish the institute of full legal incapability and introduce alternative mechanisms for partial deprivation of legal capacity.

Thank you for your attention.