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Report of the Working Group on the Universal Periodic Review*

Armenia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

1. The Government of the Republic of Armenia reviewed all recommendations made during the Eighth Session of the UPR Working Group on 6 May 2010 as contained in document A/HRC/WG.6/8/L.8. To this end a round-table discussion was organized with the participation of all Government agencies and international and regional organizations represented in Armenia. A total of 96 recommendations were presented by member-states, 52 were accepted as already implemented or in the process of implementation, 27 as enjoying support, 1 was rejected and 5 were submitted for further examination. Armenia's position with regard to the pending recommendations and those already implemented are as follows.

Pending recommendations

Recommendation 95.1

2. Accepted.

Recommendation 95.2

3. The recommendation is **rejected partially**, as all manifestations of discrimination are prohibited by the legislation of the Republic of Armenia, particularly by Article 14.1 of the Constitution of the Republic of Armenia which stipulates: "Everyone shall be equal before the law. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited". Discrimination is also prohibited by the Criminal Code, the Labour Code, and the Family Code of Armenia. The current legislation in place is in full accordance with this requirement, and therefore, there is no need to introduce a separate definition into the Armenian legislation. Furthermore, introduction of a separate clause referring to one of the sexes will violate the gender-neutrality principle of the Armenian legislation.

4. With regard to promotion of equality between men and women, the issue will be regulated by the adoption of the Law on Ensuring Equal Rights and Equal Opportunities for Men and Women, the draft of which is undergoing finalization

5. Violence on the ground of sex is also clearly prohibited in the Criminal Code of Armenia. For many years annual bi-weekly awareness-raising campaigns are carried out to enhance fight against domestic violence, inter alia, utilizing mass-media capabilities.

Recommendation 95.3

6. The recommendation is **rejected** as politically motivated prosecution is not exercised in Armenia. Moreover, to register cases of politically motivated prosecution it is necessary, at least, to consider each concrete case or situation, which would give the possibility to assess whether there is any element of political prosecution, or not.

7. As for strengthening the rule-of-law and independence of the judiciary, it is a continuous process, and extensive reforms are carried out to bring it into conformity with best international standards.

Recommendation 95.4

8. The recommendation is **considered implemented**. On 10 June 2010 the National Assembly of Armenia adopted the Law “On Changes to the Law of the Republic of Armenia on Television and Radio.” According to Article 62 of the Law, the National Commission on Television and Radio announced 25 tenders for digital broadcasting licenses in the territory of Armenia, of which 6 are for republican broadcasting, 10 for regional and 9 for broadcasting in the capital city.

9. As for the independence of the National Commission on Television and Radio and Council on Public Television and Radio, legislative amendments were made in the respective laws in 2007 and 2009 which provided for the independence for formation and functioning of these bodies.

Recommendation 95.5

10. The recommendation is **rejected partially**. The right to peaceful assembly is fully guaranteed in Armenia, and there are no impediments imposed legally or in practice for the exercise of this right.

11. The Law of the Republic of Armenia “On conducting meetings, assemblies, rallies and demonstrations” underwent significant changes in 2008 which allowed for a more clear and unequivocal regulation of these relations. With regard to Article 9.4.3 it was also amended in 2008 and this amendment together with the others made in the Law underwent international expertise which qualified them being in conformity with international standards. Furthermore, a new draft law was developed which was sent by the Government of Armenia to the European Commission for Democracy through Law for international expertise.

12. As for more effective exercise of the right to peaceful assembly, it is a continuous process requiring improvement of regulations in place, training of respective officials, public awareness-raising on laws and regulations in effect, to which the Armenian authorities pay constant attention.

Implemented recommendations**Recommendation 93.3**

13. The Convention was ratified by the National Assembly of Armenia on 17 May 2010.

Recommendation 93.4

14. At present all laws in effect in Armenia are fully in compliance with the amended Constitution.

Recommendation 93.6

15. The legislative basis for the OPCAT National Mechanism was provided on 8 April 2008 by making amendment in the Law of the Republic of Armenia “On Human Rights Defender” by which the Defender was recognized as the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In order to effectively carry out functions as national preventive mechanism and better coordinate the work, a Council on Torture Prevention was established at the initiative of the Ombudsman comprised of 3 persons from the Ombudsman’s office and 4 representatives of non-governmental organizations.

Recommendation 93.7

16. The Law of the Republic of Armenia «On the profession of advocates», adopted in 2004, provides for the Public Defense Institution and defines that the State ensures free legal aid in criminal matters in the manner and cases prescribed by the Criminal Procedure Code of the Republic of Armenia, as well as in the manner prescribed by the Civil Procedure Code of the Republic of Armenia.

17. Currently discussions are underway to expand the scope provision of free legal aid and the categories of people eligible for receiving free legal aid, in particular in civil, administrative and constitutional cases in addition to criminal cases, mainly based on the state of solvency of the individual.

Recommendation 93.8

18. The creation of national human rights institution was carried out in October 2003, by the adoption of the Law of the Republic of Armenia “On Human Rights Defender”, which regulates the procedure for organizing and functioning of the human rights institution. Currently, Armenia’s Ombudsman is graded ‘A’ under the Paris Principles.

Recommendation 93.16

19. All overdue reports of the Republic of Armenia were submitted to the Secretary-General of the United Nations in the period of October 2009 to April 2010 (CAT/C/ARM/3-4; CCPR/C/ARM/2; CEDAW/C/ARM/4; CERD/C/ARM/5-6).

Recommendation 93.22

20. Since 2001, Human Rights is included in the curriculum of public schools as a separate educational subject. Rights of the child, rights of women, fights against trafficking are among the topics covered by the subject. Pupils also study the following subjects: “Civic Education” and “State and Law.” As regards the teaching of human rights, considerable work has been carried out not only with respect to the elaboration of textbooks but also to the training of teachers and faculty members. Non-governmental organizations have played a considerable role in these activities.

Recommendation 93.23

21. All types of violence, including psychological abuse; as well as beatings; rape, including marital rape; sexual assault are considered criminal offenses in the Criminal Code of Armenia and are punishable by law with deprivation of liberty.

Recommendation 93.24

22. The third National Action Plan of the Republic of Armenia for Combating Trafficking in Human Beings for 2010-2012 has already been elaborated and adopted by the Government on 3 September 2010.

23. In 2008, the Government of the Republic of Armenia approved the "National Referral Procedure for Persons subjected to human trafficking" which established a comprehensive framework for provision of wide-ranging assistance to the victims of trafficking.

24. By the Law of the Republic of Armenia on Amendments and Supplements to the Criminal Code on 18 November 2009, new provisions were introduced into Articles 132 and 132.1 dealing with trafficking in human beings toughening the punishment for those involved in human trafficking.

Recommendation 93.30

25. Human rights education is integral part of the curriculum at the Police Academy and Judicial School where in-service training for police officers and judges is provided aside from targeted trainings organized for different groups of officials on specific topics. The trainings at the Judicial School are mandatory for judges as envisaged in the Judicial Code of Armenia. The Judicial Institute of the Ministry of Justice provides in-service training for the officers at the detention facilities and bailiffs, and one-third of all the personnel undergoes such training annually.

26. In the armed forces as well all military personnel and recruits undergo training in humanitarian law and human rights law.

Recommendation 93.31

27. The Council on Combating Corruption was created by the Decree of the President on 1 June 2004. The Council is chaired by the Prime Minister.

28. The first Anticorruption Strategy and its Implementation Timetable for 2004-2006 was adopted by the Government of Armenia on 6 November 2003 and was successfully implemented.

29. The second Anticorruption Strategy and its Implementation Timetable for 2009-2012 was adopted by the Government of Armenia on 8 October 2009.

Recommendation 93.32

30. Non-admissibility before the court of any evidence obtained through torture or ill-treatment is provided in Article 11 of Criminal Procedure Code of Armenia and all such allegations are thoroughly examined as it is considered a criminally punishable act under the Criminal Code of Armenia.

Recommendation 93.35

31. All religious organizations enjoy equal rights and opportunities in Armenia and all legislative acts apply to them equally. All issues related to religious organizations are regulated by the Law of the Republic of Armenia "On freedom of conscience and religious organizations" (adopted on 17 January 1991) that was among the first laws adopted after independence of the Republic of Armenia. All matters of concern with relation to religious organizations are expeditiously dealt with the Department for Ethnic Minorities and Religious Affairs under the Staff of the Government of the Republic of Armenia, created on June 2004, that works closely with these organizations.

32. The legislation of Armenia fully provides for freedom of conscience, religion and belief. In the years following its independence, Armenia undertook serious steps aimed at ensuring religious diversity in the country. While 14 religious organizations were registered in the State Registry of Armenia in 1997, the number thereof reached 66 as of 2009.

33. According to the Law of the Republic of Armenia "On freedom of conscience and religious organizations", a group of individuals shall be recognized as a religious organization if no coercion or violence towards an individual is allowed, if it is based on any historically canonized holy book, belongs, with its belief, to the system of world contemporary religious and church communities, is void of mercenary motives, is directed at spiritual fields, and includes at least 200 believers. Children under the age of eighteen may not become a member of a religious organization irrespective of the fact that they participate in religious rituals, and other circumstances. Articles 14-16 of the Law addresses the special characteristics of the procedure for registration of religious organizations.

34. The mentioned organizations represent 13 religious flows:
- Armenian Apostolic Holy Church – 1
 - Armenian Catholics – 3
 - Evangelic denominations – 4
 - Evangelical-Baptist denominations – 10
 - Adventist denomination – 1
 - Pentecost denominations – 23
 - Ecumenical organizations – 1
 - New religious movements – 6
 - Religious-charitable organizations – 6
 - Religious organizations of national minorities - 8, including:
 - Russian Orthodox Church” – 4
 - Yezidi religious organization – 2
 - “Jewish Religious Community of Armenia” – 1
 - Assyrian religious organization – 1
 - Pagan religious organization – 1
 - Other religious organization – 1
 - Center of Theological Studies – 1
35. The Molokan (Russian old believers) community and Persian Blue Mosque in Yerevan function without registration.
36. There exist religious communities registered as non-governmental organizations benefiting from the shortfall of the legislation covering that field.
37. At present, there are no religious organizations denied registration in Armenia.

Recommendation 93.36

38. The ruling of the European Court of Human Rights on A1+ has been fully implemented by the Government of Armenia. In addition, legislative amendments were suggested and adopted by first reading at the National Assembly of Armenia, by which it becomes obligatory to provide justification for refusal of granting broadcasting license as the latter was the essence of the ruling of the European Court of Human Rights.

39. As for the new broadcasting procedures, Armenia has completed the adoption of respective legal regulations in July 2010 in order to ensure the introduction of digital broadcasting and transfer from analogue to digital broadcasting. The Government called for tenders in July 2010, in which all those interested, including A1+ are given the opportunity to participate /see also 95.4/.

Recommendation 93.40

40. By 8 August 2003 Decision of the Government of Armenia the Poverty Reduction Strategic Program was adopted for 2003-2015. Given the successful implementation of the Program, it was revised in 2008 with more advanced targets introduced for implementation, and the new – Sustainable Development Program for 2009-2012 was adopted by the Government on 30 October 2008.

Recommendation 93.47

41. According to Article 6(1) of the Law of the Republic of Armenia “On Education”, the Republic of Armenia ensures the right to education irrespective of national origin, race, gender, religion, political or other views, social origin, property status or other factors.

42. Article 35 of the Constitution of the Republic of Armenia in its turn lays down the right of each citizen to education; secondary education in state educational institutions is free of charge. Every citizen has a right to get higher and other professional education free of charge on competitive basis in state educational institutions.

43. Statistical data prove that there is absolutely no discrimination on the basis of national belonging among students at all educational levels, and this practice is conditioned, inter alia, by the effective legal framework regulating the sector.

44. According to the Education Act of 1999, which guarantees the right to education without discrimination for all national minorities, the authorities of the Republic of Armenia ensure the education of children of national minorities in their native language in practice.

45. On 21 December 2007 the Minister of Education and Science of the Republic of Armenia adopted an Order on amending the Order of the Minister of Education and Science of the Republic of Armenia No. 619-N of 25 August 2003 "On Approving the admission procedure of students of state general education and special general institutions of the Republic of Armenia", and it was prescribed that admission of children of a citizen belonging to a national minority to general education school is organised in a way that the children are admitted to a school (class) with the national (native) language of instruction, or where the respective language is taught, and in case these are not available, the choice of the language of instruction is made by the parents of the children (their legal representatives).

46. The Law of the Republic of Armenia “On General Education” was adopted on 10 July 2009, where Article 4 prescribes that general education of national minorities of the Republic of Armenia may be organised in their native or national language with mandatory teaching of Armenian.

47. Russians, Yezidis, Kurds, Assyrians applied to the Ministry of Education and Science with a request of conducting teaching in their national languages.

48. Every year the Ministry of Education and Science of the Republic of Armenia approves curricula of general education schools of national minorities, where teaching hours are provided for study of native language, literature, history and culture of national minorities

49. The Ministry of Education and Science of the Republic of Armenia has developed a programme for educational development of national minorities and its schedule, according to which each year textbooks for studying the language, literature, and culture of national minorities of the Republic of Armenia are published. The state provides free textbooks to the children of primary grades of general education secondary schools (for three years). Children of schools of national minorities are also provided with textbooks.

50. More detailed information on the schools where minority languages are taught, and the enrolment of minority students, as well as measures undertaken by the Government of Armenia toward ensuring fully the enjoyment of minority rights in all spheres of life including education is provided in the Fifth and Sixth (Joint) Periodic National Report of the Republic of Armenia on the Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD/C/ARM/5-6).