
ADVANCE UNEDITED VERSION

Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July 2012.

Armenia

1. The Human Rights Committee considered the second periodic report of Armenia (CCPR/C/ARM/2) at its 2903rd and 2904th meetings (CCPR/C/SR/2903 and CCPR/C/SR/2904), held on 16 and 17 July 2012. The Committee adopted the following concluding observations at its 2917th meeting (CCPR/C/SR/2917), held on 25 July 2012.

A. Introduction

2. The Committee welcomes the second periodic report of Armenia, albeit somewhat overdue, and the information contained therein. It expresses its appreciation for the opportunity to renew its constructive dialogue with the delegation on the measures adopted by the State party during the reporting period to apply the provisions of the Covenant. The Committee thanks the State party for its written replies (CCPR/C/ARM/Q/2/Add.1) to the list of issues (CCPR/C/ARM/Q/2), which were supplemented by the oral replies provided by the delegation and additional information provided in writing.

B. Positive aspects

3. The Committee welcomes the ratification of:

(a) The Convention on the Rights of Persons with Disabilities in September 2010;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), in September 2006;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance, in January 2011;

(d) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in September 2006;

(e) The Optional Protocols to the Convention on the Rights of the Child on the Involvement of Children in armed conflict, in September 2005 and on the Sale of Children, Child Prostitution and Child Pornography, in June 2005.

C. Principal subjects of concern and recommendations

4. The Committee is concerned at the limited level of awareness of the Covenant and the Optional Protocol among the population, legal officials and lawyers, resulting in a restricted number of cases in which the provisions of the Covenant have been invoked, and in the absence of any individual complaint against the State party since the ratification of the Protocol in 1993 (art. 2).

The State party should raise awareness among judges, lawyers and legal officials of the rights set out in the Covenant, of their applicability under domestic law, and of the available procedure under the Optional Protocol.

5. The Committee is concerned about information questioning the vigilance of the national human rights institution in monitoring, promoting and protecting human rights in accordance with the Paris Principles (General Assembly resolution 48/134) (art. 2).

The State party should create the conditions necessary to ensure that the Ombudsman's Office which serves as the National Human Rights Institution fully and independently performs its mandate, in line with the Paris Principles.

6. The Committee is concerned about the lack of comprehensive legislation on discrimination. It is also concerned about violence against racial and religious minorities, including by civil servants and high level representatives of the executive power, and about the failure on the part of the police and judicial authorities to investigate, prosecute and punish hate crimes (arts. 2, 18, 20, 26).

The State party should ensure that its definition of discrimination covers all forms of discrimination as set out in the Covenant (race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status). Further, the State party should combat violence and incitement to racial and religious hatred, provide proper protection to minorities, and ensure adequate investigation and prosecution of such cases. Moreover, the Committee encourages the State party to strengthen its efforts to ensure the effective implementation of the laws adopted to combat racial discrimination and to ensure the achievement of their objectives.

7. The Committee remains concerned about the high level of discrimination suffered by women, their reduced participation in public and political life, and the low level of their representation in decision-making posts in the public and private sectors. The Committee regrets that gender stereotypes still prevail on the role and responsibilities of women and men in the family and in society (arts. 2, 3, 25, 26).

The State party should adopt specific legislation on the equality of men and women, thus recognizing officially the special nature of discrimination against women. A review should be undertaken of the effectiveness of the quota system for candidates standing for election. The State party should also enhance its efforts to eliminate gender stereotypes on the role and responsibilities of men and women in the family and in society.

8. The Committee is concerned about the persistence of high levels of violence against women, in particular domestic violence, and regrets that domestic violence still does not constitute an act specifically punishable under criminal law. The Committee is also concerned about the insufficient number of shelters for victims of domestic violence (arts. 2, 3, and 7).

The State party should adopt legislation criminalizing all forms of domestic violence. It should carry out focused awareness-raising campaigns to sensitize the population to these problems throughout the country. Local authorities, law-enforcement and police officials, as well as social workers and medical personnel should be trained on how to

detect and adequately advise victims of domestic violence. The State party should also ensure that a sufficient number of fully operational shelters for victims of domestic violence are available in all parts of the State party.

9. The Committee is concerned about the rising practice of sex-selective abortions reflecting a culture of gender inequality. (arts. 2, 3, and 26).

The State party should adopt legislation to prohibit sex selection and tackle the root causes of prenatal sex selection through the collection of reliable data on the phenomenon, the introduction of mandatory gender-sensitivity training for family planning officials, and the development of awareness raising campaigns among the public.

10. The Committee is concerned at the discrimination and violence suffered by lesbian, gay, bisexual and transgender persons and rejects all violations of their human rights on the basis of their sexual orientation or gender identity (arts. 3, 6, 7 26).

The State party should state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or harassment of or discrimination or violence against persons because of their sexual orientation or gender identity. The State party should prohibit discrimination based on sexual orientation and gender identity and provides effective protection to LGBT persons.

11. The Committee is concerned that the conditions under which the State of Emergency was declared in March 2008 were not clear. The Committee is concerned that the existing regulations on states of emergency do not guarantee the full respect for the rights protected in article 4 of the Covenant (art. 4).

The State party should ensure that its legislation and regulations concerning states of emergency fully complies with article 4 of the Covenant.

12. The Committee is concerned about the ongoing impunity for excessive use of force by the police during the events of 1 March 2008, despite efforts to investigate the fatalities (arts. 6, 7, 14).

The State party should establish effective investigative procedures to ensure that law enforcement officers found responsible for excessive use of force during the 1 March 2008 events, including those with command responsibility, are held accountable and appropriately sanctioned. The State party should also guarantee that victims of these acts receive adequate compensation, and that they have access to adequate medical and psychological rehabilitation.

13. The Committee is concerned about the lack of accountability of law enforcement officers in case of excessive use of force, and the lack of an independent mechanism for investigating police abuse, despite the adoption of the 2010-2011 police reform programme (arts. 6, 7).

The State party should implement effective selection, training, internal monitoring and independent accountability mechanisms for police forces to secure the full respect for human rights. It should ensure the conformity of its legislation and regulations with the exigencies of the right to life, in particular as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Further, the State party should guarantee the investigation and punishment of all abuses committed by members of law enforcement agencies.

14. The Committee is concerned about the absence of a genuinely independent complaints mechanism to deal with cases of alleged torture or ill-treatment in places of deprivation of liberty, as well as the low number of prosecutions of such cases. (arts. 7, 14).

The State party should establish an independent system for receiving and processing complaints regarding torture or ill-treatment in all places of deprivation of liberty, and it should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and punished in a manner commensurate with its gravity.

15. The Committee is concerned about suspicious deaths in the Armenian Armed Forces under noncombat conditions and about the alleged practice of hazing and the existence of other mistreatment of conscripts by officers and fellow soldiers (arts.6, 7).

The State party should guarantee the elimination of hazing and other such mistreatment in the armed forces. The State party should ensure thorough investigation of all allegations of hazing and noncombat deaths in the military, the prosecution and punishment of the perpetrators, and the access of victims to compensation and rehabilitation, including through appropriate medical and psychological assistance.

16. The Committee is concerned that no statistical information and data on trafficking of persons are available to evaluate the scope of the phenomenon and to assess the efficiency of the programmes and strategies that are presently carried out (art. 8).

The State party should set up an official database on the number of cases of trafficking in persons, their characteristics, their treatment by judicial authorities, and the remedies and reparations made to the victims. The State party should also establish a monitoring procedure to assess the result of the measures and strategies adopted to prevent and punish human trafficking.

17. The Committee is concerned about the situation of asylum-seekers who are prosecuted and sentenced under article 329 of the Criminal Code solely due to their illegal entry, despite having identified themselves as persons seeking asylum. (arts. 9, 13).

The State party should ensure that no asylum-seekers are penalized solely due to their illegal entry or stay without taking into account their need for international protection.

18. The Committee is concerned about the unresolved situation of the refugees and their families who fled to Armenia from Azerbaijan between 1988 and 1992 owing to the conflict in Nagorno-Karabakh as well as people internally displaced during this period, who now live in collective centres under extremely difficult conditions, with adverse effects on their physical and mental health (arts. 12, 17).

The State party should carry out campaigns of information on the rights and entitlements of Armenian refugees from Azerbaijan including with regard to the existing simplified naturalization scheme, and enhance its efforts to improve living conditions of refugees and internally displaced persons, particularly with respect to housing and living conditions.

19. The Committee is concerned about the frequent use of pre-trial detention, and that detainees are not fully informed of their fundamental rights from the outset of their deprivation of liberty. The Committee also regrets that detainees are frequently deprived of timely access to a lawyer and a medical doctor, of their right to notify a person of their choice, and that they are not brought promptly before a judge (art. 9).

In compliance with the 2002 Law on the Custody of Arrestees and Remand Prisoners, the State party should ensure that all persons deprived of liberty are informed of their fundamental rights from the outset of their deprivation of liberty, both orally and in writing, that they have immediate access to a lawyer and a medical doctor, and that they can notify a person of their choice. The State party should also guarantee that all

persons deprived of liberty are brought promptly before a judge, in accordance with the provisions of the Covenant.

20. The Committee is concerned about the overcrowding and understaffing of prisons. The Committee also regrets the reduced application of alternative measures to detention by the courts (arts. 10).

The State party should pursue its efforts to improve conditions in places of detention and to reduce prison overcrowding, including through the application of alternative measures to imprisonment.

21. The Committee is concerned about the lack of independence of the judiciary. In particular, the Committee is concerned about the appointment mechanism for judges that exposes them to political pressure and about the lack of an independent disciplinary mechanism (art. 14).

The State party should amend its domestic legal provisions in order to ensure the independence of the judiciary from the executive and legislative branch and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for the appointment and promotion of judges, as well as for the application of disciplinary regulations.

22. The Committee is concerned at allegations of persistent corruption among all branches of State institutions, especially the police and the judiciary that undermines the rule of law. In addition, the Committee is concerned at the lack of convincing results in the fight against high-level corruption and the resulting lack of public trust in the administration of justice (art. 14).

The State party should increase efforts to combat corruption in all branches of government, by investigating promptly and thoroughly all incidents of alleged corruption and punish those responsible.

23. The Committee is concerned at the limitations of the juvenile justice system, in particular the limited number of specialized judges, and the absence of information about special laws, procedures and court rooms. The Committee is also concerned at the absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders (arts. 14 and 24).

The State party should pursue its efforts to guarantee that the juvenile criminal justice system is provided with the necessary material and human resources. In this perspective, the State party should ensure that all professionals involved in the juvenile justice system are trained in relevant international standards, including the United Nations guidelines on justice in matters involving child victims and witnesses of crime (Economic and Social Council resolution 2005/20). The State party should also create specialized structures for the physical and psychological recovery and social reintegration of juvenile offenders.

24. The Committee is concerned about the limitations and restrictions on freedom of religion and belief, including the criminalization of proselytism (art. 18).

The State party should amend its legislation in line with the requirements of article 18 of the Covenant, including through the decriminalization of proselytism.

25. The Committee is concerned that the Alternative Military Service Act as amended in 2004 and 2006 still does not guarantee conscientious objectors a genuine alternative service of a clearly civilian nature. The Committee is also concerned that conscientious objectors, overwhelmingly Jehovah's Witnesses, are still imprisoned when they refuse to perform the military service and the existing alternative military service (arts. 18, 26).

The State party should put in place a real alternative to military service, which is genuinely non-military, accessible to all conscientious objectors and neither punitive nor discriminatory in nature, cost or duration. The State party should also release all conscientious objectors imprisoned for refusing to perform the military service or the existing alternative to military service.

26. The Committee is concerned about information received on threats and attacks on journalists and human rights defenders (art. 19).

The State party should ensure the protection of journalists and human rights defenders from threats and attacks, the immediate and thorough investigation of all allegations of such acts, the prosecution and sanction of perpetrators, as well as the access to reparation for the victims.

27. The State party should widely disseminate the Covenant, the text of the second periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations in order to raise the awareness of the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as of the general public. The Committee also suggests that the report and the concluding observations be translated into the official languages of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to consult extensively with civil society and non-governmental organizations.

28. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations in paragraphs 12, 14 and 21 of the present concluding observations.

29. The Committee requests the State party to provide in its next periodic report, due by 27 July 2016, specific, up-to-date information on all the recommendations and on its compliance with the Covenant as a whole.
