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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **Armenia\***

The present report is a summary of 13 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. The World Coalition against the Death Penalty noted that Armenia had not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights and urged the State to ratify it.<sup>2</sup>
2. Joint Submission 1 (JS1) urged Armenia to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol at the earliest opportunity.<sup>3</sup>

### **B. Constitutional and legislative framework**

3. JS1 also noted that Armenia had recently made some welcome changes to its “Law on preventing the disease caused by the human immunodeficiency virus”. In April 2009, the Government repealed the rules refusing visas for any HIV-positive foreigner seeking to enter the country for more than three months and mandating the deportation of any foreigner in the country found to be HIV-positive. The amendments also significantly narrowed the scope of involuntary HIV testing. However, according to JS1, issues of concern remain. For example, the “Law on foreigners” still contains provisions banning the admission of HIV-positive foreigners, thus contradicting the amended law on HIV.<sup>4</sup>

### **C. Institutional and human rights infrastructure**

4. Joint Submission 2 (JS2) recommended establishing a position of Deputy Ombudsman to ensure equal rights and opportunities for women.<sup>5</sup> The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE ACFC) noted that the setting up of the position of Human Rights Ombudsperson was an important step forward. A Department for Ethnic Minorities and Religious Affairs was also established, with a view to strengthening policy making in favour of national minorities.<sup>6</sup> The Council of Europe Commissioner for Human Rights (CoE Commissioner) recommended allocating the necessary funds to the Ombudsman’s Office.<sup>7</sup>

### **D. Policy measures**

5. CoE Commissioner recommended elaborating and adopting a comprehensive action plan on human rights in order to coordinate and unify human rights initiatives.<sup>8</sup> JS2 recommended that Armenia, as per commitments in the Government Action Plan for 2008-2012, develop strategic priorities and ensure measures for gender balance in all areas of socio-political life.<sup>9</sup>
6. The Council of Europe Group of States against Corruption (CoE GRECO) concluded that further efforts were required to improve the integrity of the public service, vital for securing the public’s trust in Government efforts to tackle corruption.<sup>10</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

#### **Cooperation with special procedures**

7. Joint Submission 4 (JS4) recommended issuing invitations to the United Nations Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and on the independence of judges and lawyers.<sup>11</sup>

### **B. Implementation of international human rights obligations**

#### **1. Equality and non-discrimination**

8. JS2 recommended that Armenia develop a national mechanism as a tool to eliminate discrimination against women.<sup>12</sup> The Organization for Defending Victims of Violence (ODVV) recommended promoting women's rights and a culture of non-discrimination against women by publicity campaigns and also in school textbooks in primary and secondary schools and universities.<sup>13</sup>

9. According to JS1, discrimination based on sexual orientation or gender identity was pervasive and perpetrated with impunity in Armenia. There were reports of discrimination in health, employment and educational settings. For example, according to the law, homosexual men are discharged from the military service as they are considered "unfit for military service due to health conditions". JS1 recommended that Armenia abolish the designation of homosexuality as a disease from legislation and practices.<sup>14</sup> CoE Commissioner recommended that the State prevent violence and discrimination against the lesbian, gay, bisexual and transgender (LGBT) community; elaborate and adopt specific legal provisions against discrimination based on sexual orientation and gender identity; and conduct dialogue with organizations representing the LGBT community.<sup>15</sup>

10. JS1 recommended that Armenia include HIV and drug dependence as conditions recognized as disabilities under domestic law, and ensure that people with these conditions receive protection from discrimination on the basis of their health status.<sup>16</sup>

#### **2. Right to life, liberty and security of the person**

11. In the aftermath of the February 2008 presidential elections, Human Rights Watch (HRW) noted that opposition supporters who disputed the results of the election began a continuous protest. While the authorities initially tolerated the protesters, HRW stated that on March 1, special police forces confronted them. As a result of clashes between protesters and police, at least 10 persons were killed - eight civilians and two police officers - and scores were injured. It added that while in some instances, the use of force may have been legitimate, in many others it was unprovoked and excessive. Further, Armenian authorities had yet to ensure a meaningful investigation into and accountability for excessive use of force by security forces during the March 1 and 2 clashes.<sup>17</sup>

12. According to HRW, following the violence, there were more than 100 arrests. HRW documented physical abuse and ill-treatment of detainees during their arrests as well as while they were being transported to the police department. In some cases, both verbal and physical abuse continued in police custody. In 27 of the documented 38 detention cases, the detainees alleged ill-treatment.<sup>18</sup> Joint Submission 3 (JS3) also noted that following the declaration of a state of emergency, dozens of prominent members of the opposition were arrested, including a number of high-ranking figures associated with the opposition candidate and members of the opposition Republic Party. Some of those detained were

reportedly beaten or suffered ill-treatment while in police custody. Many of those detained remained in pre-trial detention at undisclosed locations for months, with no contact allowed from family members or legal representatives.<sup>19</sup>

13. The Council of Europe Parliamentary Assembly (CoE PACE) regretted the breakdown of the work of the independent expert group to establish the facts in relation to the events of March 1 and 2 March 2008. It further considered that an independent, impartial and credible investigation into the events, and its circumstances, was still necessary and reaffirmed its demand for such an investigation to be conducted.<sup>20</sup>

14. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE CPT) noted that vigorous action was still required to combat ill-treatment by the police, which appeared to have a widespread character and was related to the importance attached to confessions across the criminal justice process. CoE CPT called upon the Armenian authorities to deliver to all police staff a strong message emanating from the highest political level that the ill-treatment of detained persons was illegal and would be dealt with severely.<sup>21</sup> CoE Commissioner recommended investigating systematically cases of police abuse to avoid impunity and put an end to widespread ill-treatment by police.<sup>22</sup>

15. JS2 recommended, *inter alia*, that Armenia define torture and ill-treatment as per the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in relevant legislation including the Criminal Code; ensure institutionalized civil society participation; ensure access for a police monitoring group to all premises and facilities of the police where people may be kept; ensure proper and thorough investigation of torture cases, hold perpetrators accountable and make the investigation accountable to Armenian public by reporting on the results of each such case without and jeopardizing the investigative process; ensure thorough consideration of all accusations of torture made in courts and, if confirmed, inadmissibility of evidence obtained in such a way; and ensure the capacity of staff of closed and semi-closed institutions by ensuring the quantity of staff, their remuneration and continuous training on human rights issues and standards for such institutions.<sup>23</sup>

16. With regards to prison conditions, CoE Commissioner recommended that Armenia improve public monitoring of penitentiary institutions, with particular emphasis on ensuring that the group of public observers includes independent and impartial representatives from civil society. It also recommended taking measures to prevent violence against inmates and systematically making those responsible for such acts accountable; improving material conditions in prisons; ensuring that bedding is regularly provided to inmates; improving living and medical care conditions in the Central Penitentiary Hospital; and improving conditions for re-socialization for male inmates.<sup>24</sup>

17. According to JS1, HIV prevalence in Armenia's prisons was 2.4 per cent, which was 27 times higher than in the population as a whole. In addition, the prevalence of the Hepatitis C virus in prison in 2005 was 23.8 per cent, also dramatically higher than in the population as a whole.<sup>25</sup> JS1 noted that Armenia provided harm reduction services for prisoners, including needle exchange programmes. However, it stated that drug dependence treatment remained inadequate, adding that prisons should also be included in the scaling up of programmes involving opioid substitution treatment.<sup>26</sup> Further, JS1 noted that prison health care was currently under the purview of the Ministry of Justice. In the interests of ensuring adequacy and equivalence of care with health care outside prisons, responsibility for health care in the prison system should be transferred to the Ministry of Health.<sup>27</sup>

18. JS1 noted that there was evidence of widespread domestic violence in Armenia and an inadequate government response to such violence, including by police and health care workers.<sup>28</sup> It noted that there was no specific legislation addressing violence against women

and the Criminal Code did not define domestic violence as a separate crime. JS1 recommended that Armenia enact, without delay, legislation specifically addressing domestic violence against women, which should ensure that violence against women and girls constitutes both a criminal offence and a civil wrong. Perpetrators should be prosecuted and appropriate sentences imposed that reflect the severity of this human rights violation; women and girls who are victims of violence should have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of adequate shelters, and these services must address the needs of rural women, women with disabilities, refugees, minority women and women who use drugs.<sup>29</sup> CoE Commissioner further recommended that the State respond adequately to the problem of domestic violence, including by amending domestic legislation; allocating public funds to counter the problem; maintaining operational shelters for victims of domestic violence and financially supporting the building of new ones; and providing proper resources and training to the police unit specialized in domestic violence.<sup>30</sup> JS1 added that Armenia should implement training for the judiciary and public officials, in particular law enforcement personnel and health services providers, regarding all forms of violence against women, particularly domestic violence, so as to ensure such personnel can provide adequate support to those who experience such violence.<sup>31</sup>

19. With regards to trafficking in human beings, CoE Commissioner recommended that the Government increase public awareness and prevention efforts; improve protection and support to victims, providing them with assistance, rehabilitation counseling and shelters; and make progress in identification of victims.<sup>32</sup>

20. According to JS1, sex work in Armenia may lead to administrative liability in the form of fines. Harassment and criminalization of sex workers contributes to their further stigmatization and marginalization, putting them at greater risk of human rights abuses and exacerbating vulnerability to HIV, it added.<sup>33</sup>

21. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment was lawful in the home, and that there were reports of a high prevalence of physical abuse in families. It further noted that corporal punishment was unlawful in schools and in the penal system. However, there was no prohibition in alternative care settings.<sup>34</sup> GIEACPC recommended that the Government enact and implement legislation to ensure complete prohibition of corporal punishment.<sup>35</sup>

### **3. Administration of justice, including impunity, and the rule of law**

22. The Council of Europe Directorate General of Human Rights and Legal Affairs noted that law enforcement bodies as well as the judiciary continued to be perceived by the population as corrupt and subject to influence not only by the State but also by different power groups.<sup>36</sup> CoE Commissioner recommended completing the reforms of the justice system and ensuring compliance of domestic legislation with the revised Constitution and the new legislation on the judiciary.<sup>37</sup> JS2 recommended that Armenia, at legislative level and in practice, ensure genuine safeguards for the independence of judges and exclusion of any pressure or influence on the judiciary. While endorsing the proposed list of judges, the President should not be empowered to make a discretionary selection from the list. The State should remove the test of “acceptability of the candidacy of the judge for the President” from the text of law.<sup>38</sup>

23. JS2 also recommended that the State ensure the adversarial nature of trials and equality of arms, and ensure respect for the principle of presumption of innocence and the right to defence, without impeding in practice effective realization of this right by unlawful means, including through unlawful pressures on and intimidation of lawyers. It further recommended that Armenia ensure full implementation of international and national fair

trial standards, and adopt a standalone law on legal aid in compliance with international standards.<sup>39</sup>

24. HRW documented serious due process violations, including *incommunicado* detention and lack of access to a lawyer of one's choosing in connection with the February 2008 Presidential Elections violence.<sup>40</sup>

25. JS2 noted that juvenile justice issues were not properly addressed in Armenia. Although Armenian legislation envisaged several essential standards regarding juvenile justice, issues of prevention, alternative punishments and rehabilitation for juvenile offenders remained unsolved. There were reported cases of physical abuses of juveniles when they enter the criminal justice system. There were no special standards of interrogation of juveniles who were suspects, accused, witness and victims, nor were there special court procedures for juveniles nor well-established alternatives to deprivation of liberty.<sup>41</sup>

26. HRW noted that official harassment and attacks on human rights defenders in Armenia often went unpunished.<sup>42</sup> It recommended that the State conduct prompt and thorough investigations into all allegations of harassment and attacks against human rights defenders and bring perpetrators to justice.<sup>43</sup>

27. JS1 recommended that the law on narcotic drugs and psychotropic substances be amended to provide explicitly that drug dependence treatment may be ordered as an *alternative* to imprisonment for drug offences, rather than *in addition to* imprisonment.<sup>44</sup>

28. According to JS1, there is little recourse available for victims of crimes based on sexual orientation or gender identity, as the option of reporting the crime or going to court involves exposure and consequent harassment and further discrimination.<sup>45</sup>

#### **4. Right to privacy, marriage and family life**

29. JS1 noted that, under Armenian law, people who use narcotic drugs and/or are dependent on them were inscribed on a narcological registry for "observation" (i.e. surveillance). According to JS1, while registration of narcological patients may be legitimate for some limited purposes, any such system is justifiable only under conditions that strictly protect the confidentiality of those registered and precludes improper sharing and use of such information. To limit these violations, and to avoid deterring people from seeking treatment for drug dependence, Armenia should review the efficacy and cost-effectiveness of the current approach with a view to either eliminating such registries or, at least, significantly improving the confidentiality of patient information on such registries. This should include a clear prohibition on the disclosure of patient information without a patient's consent to anyone other than health care staff.<sup>46</sup>

30. JS1 noted that provisions of the "Law on narcotic drugs and psychotropic substances" compel people to undergo drug testing simply based on suspicion of drug use. Such involuntary drug testing violates the privacy and security of the person without justification in almost all circumstances.<sup>47</sup>

#### **5. Freedom of movement**

31. Conscience and Peace Tax International (CPTI) noted that, after release from prison, conscientious objectors found that their civil rights were restricted. For example, a number were refused identity documents because they were not given a document of registration by the military commissariat; others, who possessed identity documents, were refused residency registration, a requirement in Armenia.<sup>48</sup> The Institute on Religion and Public Policy (IRPP) further stated that conscientious objectors faced additional legal obstacles

even if they did participate in the Government's alternative service because they were not issued certificates of military service. Without this certificate, they were unable to apply for a passport, preventing them from leaving the country, gaining employment, voting and marrying.<sup>49</sup>

32. CPTI also noted that, during alternative service, conscientious objectors had no freedom of movement. Even outside work hours, they came under the authority of the director of the establishment to which they had been assigned. There had been reports that this had been used as a further means of imposing arbitrary restrictions, in particular that some Jehovah's Witnesses had not been permitted to leave the establishment to attend religious services, in direct breach of their freedom of religion.<sup>50</sup>

## **6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

33. IRPP noted that while the Constitution of Armenia promises the separation of church and state, it simultaneously establishes the Armenian Apostolic Holy Church as a national church in the spiritual life.<sup>51</sup> It indicated that although the law did not require the registration of religious communities, registered communities enjoyed privileges unavailable to non-registered communities.<sup>52</sup> IRPP further noted that the registration requirements limited the ability of smaller religious communities as well as those who use non-“historically recognized holy scriptures.”<sup>53</sup>

34. IRPP noted that in the summer of 2009, amendments to the Draft Law on Freedom of Conscience and Religious Organizations were approved by Parliament after the first reading of the document. Amendments to the law include banning the sharing of faith, the requirement of having 500 adult citizen members in order for a religious community to become registered, and the banning of non-Trinitarian Christian communities from procuring registration. The proposed amendments were criticized as incompatible with international law.<sup>54</sup> The European Association of Jehovah's Christian Witnesses (JW) noted that the law had yet to be considered for its second reading, but that it violated provisions on the freedom of religion in the Constitution of Armenia.<sup>55</sup>

35. JW noted that as of November 2009, there were a number of Jehovah's Witnesses in prison in Armenia for their conscientious objection to military service on religious grounds.<sup>56</sup> According to IRPP, Armenia's alternative service was considered unacceptable by many conscientious objectors as it remains under military supervision. IRPP further noted that the lack of a “genuinely civilian” alternative service had forced some Armenians to risk prosecution and jail time for their refusal to participate in this alternative service.<sup>57</sup> CPTI echoed the view that the arrangements made for conscientious objectors under the 2003 Law on Alternative Service were entirely under the control of the military, and the alternative service made available was not truly civilian in nature.<sup>58</sup> It further noted that the duration of the alternative service was longer than the military service to which the objector would otherwise be liable. It stated that such a discrepancy was discriminatory and punitive.<sup>59</sup> IRPP recommended that the State stop the prosecution of conscientious objectors and release all current prisoners of conscience.<sup>60</sup>

36. According to IRPP, although the Criminal Code calls for the punishment of actions “aimed at the incitement of national, racial or religious hatred,” there were many instances of societal violence against religious minorities where the authorities had completely ignored this provision.<sup>61</sup> JW recommended that Armenia put an end to religious discrimination towards Jehovah's Witnesses. It cited the failure by the police and prosecutors to prosecute physical attacks against Jehovah's Witnesses; difficulty in obtaining venues for religious meetings; and failure on the part of the authorities to stop a vicious slander campaign directed at Jehovah's Witnesses.<sup>62</sup> It added that Jehovah's

Witnesses continue to face an illegal Value Added Tax on religious publications used for worship.<sup>63</sup>

37. According to JS4, the Armenian Constitution and other statutes protect freedom of expression, but in practice this right was often threatened, in particular around election time. There was no formal censorship in Armenia, but self-censorship was often described as rampant. Incidents of violence against journalists, legal limitations on broadcasting, and the bad economic situation contributed to the restriction of the free flow of information, particularly among broadcast media, the primary source of news for most Armenians. JS4 added that newspaper and book publishing remained fairly free, and available written content was pluralistic, but overall the media environment remained highly politicized, and the print runs extremely low. In addition, the vast majority of broadcast media and newspapers were privately-owned, mostly by politicians or businessmen with close Government or opposition ties. The Internet, available to 15 per cent of the population, remained free.<sup>64</sup>

38. JS2 noted that violence against journalists remained one of the main impediments to their professional activity.<sup>65</sup> Citing examples of attacks against journalists,<sup>66</sup> JS4 recommended ending the impunity of assailants and identifying, arresting and judging the assailants and those backing the attacks. It also recommended ensuring and respecting the impartiality and independence of the judiciary to guarantee that journalists receive a fair trial.<sup>67</sup> JS2 added that most cases of such violence were not properly investigated and guilty persons were not punished. Law enforcement authorities hindered the professional work of journalists and used violence against them.<sup>68</sup> JS3 noted similar concerns.<sup>69</sup>

39. JS4 pointed to the use of unscheduled tax inspections of independent and opposition media, which local freedom of expression groups viewed as attempts to stifle freedom of expression.<sup>70</sup> It recommended ending the practice of inappropriate/unnecessary tax inspections by the State Tax Service on independent and opposition TV stations, newspapers and publishers.<sup>71</sup>

40. According to JS3, the state of emergency, declared on 2 March 2008 following the disputed presidential elections held on 19 February, had dramatic and dire consequences for freedom of expression in Armenia. From 1 to 20 March, journalists and media outlets that covered opposition activities were harassed by the authorities. Several opposition media outlets reported having websites closed or restricted, and newspaper editions were refused permission for publication.<sup>72</sup>

41. According to JS3, on 17 March 2008 the National Assembly approved amendments to the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations which gives local authorities the power to ban public meetings. These amendments have caused widespread concern among civil society organisations as they constitute a clear threat to freedom of assembly in Armenia and provide the Government with yet another means of control over specific vocal segments of the community.<sup>73</sup> JS3 further noted that on 11 June 2008, the National Assembly amended the Law but the language of the new provisions remained more restrictive than the original pre-2008 text.<sup>74</sup>

42. JS4 recommended ensuring the freedom of assembly – particularly in access to hotel meeting rooms – and freedom of expression for civil society groups meeting on human rights issues. It called for a repeal of the September 2008 amendment to the Law on Television and Radio which imposes a two-year moratorium on the issuance of television broadcasting licenses until 20 July 2010; and for the drafting of a new law regulating the broadcasting sector to make the National Commission on Television and Radio a truly independent body. JS4 further called on the State to ensure a fair and transparent broadcasting license bidding process.<sup>75</sup>



43. JS2 recommended that Armenia promote real political competition, guarantee freedom of media, expression and assembly, and ensure equal conditions for all political forces to contest. It also recommended that the State ensure a strong mechanism for detecting and punishing electoral fraud and other violations, including those related to campaign funding and use of administrative resource; improve respective electoral legislation, particularly on campaigning, party finance and composition of the electoral commission; and strengthen its enforcement, as well as meet Armenia's international obligations to comply with standards of democratic elections.<sup>76</sup>

44. CoE PACE noted that the continued detention of persons arrested in relation to the events of 1 March 2008 was a point of contention that would continue to strain relations between the authorities and the opposition with the potential to undermine possibilities for dialogue and reform.<sup>77</sup>

45. JS2 recommended taking immediate measures to improve legislation and enforcement to ensure adequate participation of the public in environmental decision-making and access to justice in accordance with international obligations.<sup>78</sup>

## **7. Right to work and to just and favourable conditions of work**

46. The European Committee of Social Rights (CoE ESCR) noted that the effective protection of persons with disabilities against discrimination in employment had not been established.<sup>79</sup>

47. CoE ESCR further noted that the period of notice and the amount of severance pay were not calculated based on the employee's length of service. Employees who failed to fulfil or inadequately fulfilled their obligations, employees in whom the employer had lost confidence or who were performing military service may be dismissed without notice.<sup>80</sup>

## **8. Right to social security and to an adequate standard of living**

48. World Vision Armenia (WVA) noted that, in the preceding five years, the Government of Armenia had begun to initiate large-scale health sector reforms to ensure accessible quality health care for its citizens. Access to primary health care had been particularly stressed, funding for primary health care had been significantly increased and was declared free of charge for the entire population in 2006. Maternal and child health care had been prioritized in several policy documents.<sup>81</sup> However, according to WVA, in 2006 only 1.5 per cent of GDP was spent on health care. WVA also noted that a centralized system of data collection for health systems monitoring and evaluations and, subsequently, policy making did not exist in Armenia.<sup>82</sup> It recommended that the financing system should ensure accountability and transparency while providing flexibility and increased management control of funds to local level facility managers.<sup>83</sup>

49. WVA also noted that Armenia was considered to have an over-supply of health care professionals, but there was not an effective national policy mechanism for directing medical training to balance physician resources with the needs of the country. There were significant regional discrepancies in the availability of qualified professionals between the capital and regions. WVA added that rural areas and even regional medical centres often did not have qualified medical professionals or necessary equipment to provide quality care for new-born babies and for mothers and children in general. Health care personnel were also underpaid and did not have incentives to perform better.<sup>84</sup> WVA recommended, *inter alia*, providing incentives for medical professionals to work in rural areas.<sup>85</sup>

50. According to JS1, there was insufficient access to adequate general health-care services, including reproductive health-care services for women, especially those living in rural and remote areas. There was also evidence of lack of family planning knowledge and sex education among young people, and the rates of teenage pregnancy and abortion were

high.<sup>86</sup> WVA noted that maternal and child mortality rates remained high in Armenia, despite a decline in overall mortality rates in the last decade. In addition, post-natal and neonatal mortality rates differed by urban/rural, income, and education variables.<sup>87</sup> WVA made a number of recommendations calling on Armenia to raise awareness of maternal and child health.<sup>88</sup>

51. JS1 noted that while Armenia had comparatively low HIV prevalence (0.02 per cent), the rate was growing rapidly.<sup>89</sup> Based on assessments between 2006-2008, it had been estimated that only 54 per cent of injecting drug users, 41 per cent of sex workers, and 10 per cent of men who have sex with men had been reached with HIV prevention programmes in the past 12 months.<sup>90</sup>

52. JS1 recommended that Armenia conduct an assessment of its policies and programs addressing drug use, in light of stated goals and targets, and evaluate the impact of these initiatives on public health, including HIV prevention and care and human rights. The assessment should be transparent and conducted with the participation of civil society representatives, it added.<sup>91</sup>

53. JS1 noted that Armenian drug laws remained predominantly focusing on prohibiting and punishing activities related to drugs rather than reflecting a public health approach to drug use as a public health problem.<sup>92</sup> According to JS1, there was no comprehensive system of drug dependence treatment, including rehabilitation services, for drug addicts in Armenia. The treatment available was limited to short-term detoxification with no provisions for rehabilitation or support.<sup>93</sup> Furthermore, JS1 noted that people diagnosed as drug-dependent may be forced into compulsory “treatment” consisting of detoxification unassisted by any sort of medication to manage withdrawal. JS1 recommended that Armenia review the use of compulsory drug dependence treatment with a view to limiting its use, at most, to circumstances that comply with the *Siracusa Principles*. It further recommended evaluating the methods currently used for compulsory drug dependence treatment to ensure they are evidence-based, and comply with widely recognized professional norms and human rights standards.<sup>94</sup>

54. CoE Commissioner recommended that Armenia, as a matter of priority, find an acceptable solution to allocate decent housing to the families still living in temporary shelters (*domics*) after the 1998 earthquake.<sup>95</sup>

## **9. Right to education**

55. JS2 recommended that Armenia ensure conditions and mechanisms for the realization of children’s constitutional right to education, and that the State hold officials responsible for failing to take measures to ensure the right to primary and secondary education for children.<sup>96</sup>

## **10. Minorities and indigenous peoples**

56. The European Commission against Racism and Intolerance (CoE ECRI) noted that the Yezidi minority continued to face problems with regard to land, water and grazing issues and that some members of this community had still not acquired property titles for their land. A system had yet to be established to provide national minorities with greater access to the civil and political life of the country. There was also still a need for more and improved textbooks for minority pupils. With this in view, CoE ECRI recommended that Armenia take more steps to address the problems faced by the Yezidi community, particularly with regard to policing, land, water and grazing disputes; and continue to take measures to ensure equal access to education for minorities by, *inter alia*, providing for positive measures to increase their chances of entering higher education institutions.<sup>97</sup>

**11. Migrants, refugees and asylum-seekers**

57. CoE ECRI noted that Armenia amended the Law on Refugees to provide for temporary protection.<sup>98</sup> CoE Commissioner recommended ensuring that all refugees and internally displaced persons who fled their places of origin as a result of the conflict over Nagorno-Karabakh receive proper housing. It further recommended enhancing assistance to the vulnerable groups of refugees, particularly the elderly, and improving conditions in the temporary premises.<sup>99</sup>

58. CoE Commissioner noted that while the overall asylum environment in Armenia was satisfactory, there were still gaps that needed to be addressed by the Government, as recent refugees had expressed a growing feeling of ostracism and encountered difficulties with social integration.<sup>100</sup> CoE ECRI recommended that the Armenian authorities establish a program to provide all border guards with initial and on-going training on the 1951 Convention Relating to the Status of Refugees, the Law on Refugees as well as all other international and internal legal norms concerning asylum seekers and refugees.<sup>101</sup>

**III. Achievements, best practices, challenges and constraints**

N/A

**IV. Key national priorities, initiatives and commitments**

N/A

**V. Capacity-building and technical assistance**

N/A

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

*Civil society*

CPTI	Conscience and Peace Tax International, Leuven, Belgium;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, U.K.;
HRW	Human Rights Watch*, New York, USA;
IRPP	Institute on Religion and Public Policy, Washington D. C., USA;
JS1	Joint Submission by Canadian HIV/AIDS Legal Network, Eurasian Harm Reduction Network and International Drug Policy Consortium;
JS2	Joint Submission by Transparency International–Anti Corruption Center, Protection of Rights without Borders, Civil Society Institute, Helsinki Committee of Armenia, Helsinki Citizens’ Assembly– Vanadzor, Collaboration for Democracy Center, Victims of State Needs, Armenian Association of Women with University Education, Yerevan Press Club, Open Society Institute Assistance Foundation– Armenia;
JS3	Joint Submission by Kurdish Human Rights Project (KHRP), London, U.K, and Forum Law Center, Yerevan, Armenia;
JS4	Joint Submission by International Publishers Association, Geneva, Switzerland, International Pen* and Index on Censorship;
JW	European Association of Jehovah’s Christian Witnesses, London, U.K.;
ODVV	Organization for Defending Victims of Violence*, Tehran, Islamic Republic of Iran;
WCADP	World Coalition Against The Death Penalty, Chatillon, France;
WVA	World Vision Armenia, Armenia;

*Regional Organizations*

CoE	Council of Europe (Directorate General of Human Rights and Legal Affairs, Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE ACFC), the Council of Europe Commissioner for Human Rights (CoE Commissioner), European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE CPT), European Commission against Racism and Intolerance (CoE ECRI), European Committee of Social Rights (CoE ESCR), Group of States against Corruption (CoE GRECO), and Parliamentary Assembly (CoE PACE))
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<sup>2</sup> WCADP, Paras. 3–4.

<sup>3</sup> JS1, Para. 19.

<sup>4</sup> JS1, Para. 12.

<sup>5</sup> JS2, p. 7.

<sup>6</sup> CoE ACFC, Executive Summary of Second Opinion of 12 May 2006. See also CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006.

<sup>7</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 31.

<sup>8</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 31.

<sup>9</sup> JS2, p. 7.

<sup>10</sup> CoE GRECO, p. 1.

<sup>11</sup> JS4, Para. 18.

<sup>12</sup> JS2, p. 7.

<sup>13</sup> ODVV, p. 4.

<sup>14</sup> JS1, Para. 18.

- <sup>15</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 34.
- <sup>16</sup> JS1, Para. 19.
- <sup>17</sup> HRW, pp. 1–2. See also JS2.
- <sup>18</sup> HRW, p. 2. See also JS3, Paras. 18–21.
- <sup>19</sup> JS3, Para. 10.
- <sup>20</sup> CoE PACE, Para. 7, of report on “The functioning of democratic institutions in Armenia,” 22 June 2009.
- <sup>21</sup> CoE CPT, Para. 15 of Report to the Armenian Government on the visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 13 December 2007.
- <sup>22</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32. See also HRW p. 4.
- <sup>23</sup> JS2, pp. 4–5.
- <sup>24</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32.
- <sup>25</sup> JS1, Para. 15.
- <sup>26</sup> JS1, Para. 16.
- <sup>27</sup> JS1, Para. 17.
- <sup>28</sup> JS1, Para. 14.
- <sup>29</sup> JS1, Para. 14.
- <sup>30</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 33.
- <sup>31</sup> JS1, Para. 14.
- <sup>32</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 33.
- <sup>33</sup> JS1, Para. 11.
- <sup>34</sup> GIEACPC, p. 2. See also CoE ESCR, European Social Charter (revised), Conclusions 2008 (Armenia) of the European Committee of Social Rights, Articles 1, 15, 18, 20 and 24 of the Revised Charter, November 2008.
- <sup>35</sup> GIEACPC, p. 1.
- <sup>36</sup> Council of Europe, Directorate General of Human Rights and Legal Affairs, p. 1.
- <sup>37</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 31.
- <sup>38</sup> JS2, p. 3.
- <sup>39</sup> JS2, p. 3.
- <sup>40</sup> HRW, p. 2.
- <sup>41</sup> JS2, p. 8.
- <sup>42</sup> HRW, p. 5.
- <sup>43</sup> HRW, p. 7.
- <sup>44</sup> JS1, Para. 9.
- <sup>45</sup> JS1, Para. 18.
- <sup>46</sup> JS1, Para. 6.
- <sup>47</sup> JS1, Para. 7.
- <sup>48</sup> CPTI, Para. 26.
- <sup>49</sup> IRPP, Para 13. See also JS2, p. 6.
- <sup>50</sup> CPTI, Para. 17. See also JW p. 3.
- <sup>51</sup> IRPP, Para.. 4.
- <sup>52</sup> IRPP, Para.. 1.
- <sup>53</sup> IRPP, Para.. 5.
- <sup>54</sup> IRPP, Para.. 6.
- <sup>55</sup> JW, p. 3.
- <sup>56</sup> JW, p. 2.
- <sup>57</sup> IRPP, Paras. 10–11.
- <sup>58</sup> CPTI, Paras. 3, 4, 10 and 16. See also CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006.

- <sup>59</sup> CPTI, Para. 16. See also JW, p. 3 and IRPP Para. 8.
- <sup>60</sup> IRPP, Para. 17
- <sup>61</sup> IRPP, Para. 14. See also JW and IRPP, Para. 15.
- <sup>62</sup> JW, p. 4.
- <sup>63</sup> JW, p. 2.
- <sup>64</sup> JS4, Para. 2. See also JS3, Para. 4.
- <sup>65</sup> JS2, p. 9.
- <sup>66</sup> JS4, Para. 12. See also HRW p. 1.
- <sup>67</sup> JS4, Para. 18.
- <sup>68</sup> JS2, p. 9.
- <sup>69</sup> JS3, Para. 5.
- <sup>70</sup> JS4, Para. 11.
- <sup>71</sup> JS4, Para. 18.
- <sup>72</sup> JS3, Para. 9.
- <sup>73</sup> JS3, Para. 10.
- <sup>74</sup> JS3, Para. 12.
- <sup>75</sup> JS4 Para. 18. See also JS2, p. 5 and 8.
- <sup>76</sup> JS2, p. 1.
- <sup>77</sup> CoE PACE, Para. 54, of report on “The functioning of democratic institutions in Armenia,” 22 June 2009. See also Summary Findings of Special Mission to Armenia by the High Commissioner for Human Rights of the Council of Europe, 29 September 2008, and Report of “Mission Speciale en armenie par Commissaire aux droits de l’homme du Conseil de l’Europe, le 20 mars 2008.
- <sup>78</sup> JS2, p. 10.
- <sup>79</sup> CoE ESCR, European Social Charter (revised), Conclusions 2008 (Armenia) of the European Committee of Social Rights, Articles 1, 15, 18, 20 and 24 of the Revised Charter, November 2008.
- <sup>80</sup> CoE ESCR, European Social Charter (revised), Conclusions 2008 (Armenia) of the European Committee of Social Rights, Articles 1, 15, 18, 20 and 24 of the Revised Charter, November 2008.
- <sup>81</sup> WVA p. 1.
- <sup>82</sup> WVA p. 2.
- <sup>83</sup> WVA p. 3.
- <sup>84</sup> WVA p. 2-3.
- <sup>85</sup> WVA, p. 3.
- <sup>86</sup> JS1, Para. 13.
- <sup>87</sup> WVA p. 1.
- <sup>88</sup> WVA, p. 4.
- <sup>89</sup> JS1, Para. 2.
- <sup>90</sup> JS1, Para. 3.
- <sup>91</sup> JS1, Para. 10.
- <sup>92</sup> JS1, Para. 4.
- <sup>93</sup> JS1, Para. 5.
- <sup>94</sup> JS1, Para. 8.
- <sup>95</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32.
- <sup>96</sup> JS2, p. 8.
- <sup>97</sup> CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006. See also CoE ACFC, Executive Summary of Second Opinion of 12 May 2006.
- <sup>98</sup> CoE ECRI, Executive summary of Second Report on Armenia of 30 June 2006.
- <sup>99</sup> CoE Commissioner, Report by the Commissioner for Human Rights on his visit to Armenia, 7–11 October 2007, 30 April 2008, p. 32.
- <sup>100</sup> CoE Commissioner, Para. 87.
- <sup>101</sup> CoE ECRI, Para. 63.
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