Human Rights Committee

List of issues in relation to the third periodic report of Armenia

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the previous concluding observations, (para. 4), please provide information on the measures taken to raise awareness among judges, prosecutors, lawyers and legal officials of the rights enshrined in the Covenant, of their applicability under domestic law, and of the available procedure under the Optional Protocol.

Anti-corruption measures (arts. 2 and 25)

2. In connection with the previous concluding observations (para. 12) and information provided in the State party’s report (CCPR/C/ARM/3, paras. 174-190), please provide further information on the impact of the measures taken to prevent and combat corruption effectively, including in relation to the prosecution of corruption at the highest level. Please respond to reports of: (a) the weak enforcement of anti-corruption laws; (b) insufficient financial and human resources provided to the anti-corruption bodies, including the Anti-Corruption Council; (c) inadequate measures in place to address the conflict of interests of the members of the National Assembly; and (d) the lack of transparency in natural resource management, particularly in the mining sector, including detailed information on allegations of corruption concerning the Amulsar gold mine.

Non-discrimination (arts. 2, 19, 20 and 26)

3. With reference to the previous concluding observations (para. 6), please provide updated information on the status of the draft Law on Ensuring Legal Equality and respond to concerns that the draft law: (a) does not contain an extensive list of prohibited grounds of discrimination, such as sexual orientation and gender identity; (b) lacks a definition of direct, indirect and multiple discrimination; and (c) does not guarantee the right to effective remedies, including in the private sphere. Please indicate whether proposed amendments to the Criminal Code criminalize acts of hate crime and hate speech on all prohibited grounds, including sexual orientation and gender identity.

4. With reference to the previous concluding observations (para. 10), please describe the measures taken by the State party to effectively address social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual and transgender persons. Please comment on reports of: (a) the lack of prompt and effective investigations into cases of violence against lesbian, gay, bisexual and transgender persons, and of prosecution and punishment of perpetrators; and (b) the prevalence of homophobic and transphobic rhetoric by politicians and other public officials with impunity. Please also provide information on measures to address continued discrimination against persons with disabilities, limitation of
the legal capacity of persons with mental disabilities, and the lack of awareness of public servants working with persons with disabilities concerning their rights. Please report on the effect of the comprehensive plan for 2017-2021 on social inclusion of persons with disabilities.

**Gender equality (arts. 3 and 26)**

5. In connection with the previous concluding observations (para. 7) and the State party’s report (CCPR/C/ARM/3, para. 62), please provide additional information on measures taken, and their impact, to: (a) address the persistent patriarchal attitudes and discriminatory stereotypes, particularly in the media, regarding the roles of women and men in the family and in society; and (b) achieve equitable representation of women in political and public life, particularly in legislative and executive bodies at the national, regional and local levels, and especially in decision-making position, including information on the efficacy of the current quota system.

**Violence against women, and domestic violence (arts. 2, 3, 6, 7 and 26)**

6. With reference to the previous concluding observations (para. 8) and the State party’s report (CCPR/C/ARM/3, para. 60), please provide additional information on the progress made in eradicating gender-based violence, including domestic violence, sexual violence, and femicide, and strengthening the legal framework in this regard. In particular, please indicate measures taken to: (a) encourage reporting of incidents of violence against women, including efforts to address social stigmatization of victims; (b) strengthen due diligence and gender-sensitivity by law enforcement officers in registering and investigating allegations of violence against women; and (c) provide adequate and sufficient psychological, social, legal and rehabilitative services for victims and their families. Please comment on reports that privacy of victims of sexual violence is not fully respected; forensic examinations of victims of sexual violence are inadequate and inaccessible; and victims of violence against women are often pressured by the law enforcement officers to reconcile with perpetrators.

**Voluntary termination of pregnancy and sexual and reproductive rights (arts. 2, 3 and 6)**

7. With reference to the previous concluding observations (para. 9), please provide further information on efforts made to fully implement the Law on Reproductive Health and Reproductive Rights of the Person prohibiting sex-selective abortion, including steps to raise awareness about safe and legal abortion services, collect data and provide trainings to public officials and health professionals. Please also indicate the measures taken to: (a) improve access to safe and affordable abortion services, contraceptives and other reproductive health care throughout the State party, especially for women in rural areas, women with disabilities and women of ethnic minorities; and (b) implement programmes on sexual and reproductive health education and prevention of sexually transmitted infections across the country.

**Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)**

8. With reference to the previous concluding observations (paras. 12 and 13) and information provided in the State party’s follow-up report (CCPR/C/ARM/CO/2/Add.1, para. 1) and third periodic report (CCPR/C/ARM/3, paras. 102–107), please update the Committee on the status and outcomes of investigations conducted into allegations of excessive use of force by police during the protests that took place in March 2008, June 2015, July 2016, and April 2018; and indicate whether any type of redress has been provided to the victims. Please also report on: (a) progress made in ensuring that the State party’s laws on the use of force are in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; (b) the establishment of independent accountability mechanisms for law enforcement officials; and (c) the number of criminal complaints received, investigations, criminal proceedings and outcomes for each reported year, and on whether there are cases in which law enforcement officials have been given immunity or special protection when they have used force.

9. In light of the previous concluding observations (para. 15) and the State party’s report (CCPR/C/ARM/3, paras. 90-91), please describe the impact of the measures adopted to prevent non-combat deaths in the Armenian Armed Forces, including information on the role
and efficacy of the Human Rights and Integrity Building Centre as well as on the processing of complaints submitted to the Hot Line 1-28 service. Please include statistical data on the number of non-combat deaths during the period under review, along with their causes, and the investigations and prosecutions initiated and the criminal convictions secured, the types of sanctions imposed and the reparations granted to victims.

10. With reference to the previous concluding observations (para. 14) and the State party’s report (CCPR/C/ARM/3, para. 101), please provide updated information on the steps taken towards establishing an independent complaints mechanism to receive and investigate allegations of torture or ill-treatment in all places of detention. Please explain how inhuman and degrading treatment is defined and criminalized in domestic legislation, and comment on reports that there has been no convictions for torture since the adoption of a new definition of torture in 2015.

Liberty and security of the person (arts. 9 and 10)

11. In light of the previous concluding observations (para. 19) and the State party’s report (CCPR/C/ARM/3, para. 120), please comment on reports that fundamental procedural safeguards, including the rights of individuals detained to have prompt access to a lawyer, to have access to a medical assessment and to be bought before a judge in a prescribed timeframe, are not consistently respected in the State party. Please provide further information on: (a) measures taken to reduce the use and duration of pretrial detention and their impact; and (b) the use of non-custodial alternative measures to pretrial detention, including statistics on their application in practice during the period under review. Please clarify whether the State Probation Service is applicable to pretrial detainees.

12. With reference to the previous concluding observations (para. 20) and the State party’s report (CCPR/C/ARM/3, para. 147), please provide additional information on the measures adopted to address overcrowding and poor material conditions in places of detention, particularly at Nubarashen, Vanadzor and Yerevan-Kentron prisons, and to ensure adequate access by prisoners to health care, including psychiatric care.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

13. Please report on the progress made in setting up an official database in relation to cases of trafficking in persons and establishing a procedure to assess the impact of measures taken to address human trafficking, as per the Committee’s previous recommendations (para. 16). Please provide additional information about: (a) specific trainings provided to law enforcement officers on how to identify and investigate cases of trafficking and protect victims, especially child victims; and (b) the availability and accessibility of shelters and other protection services for victims of trafficking. Please also describe the efforts made to prevent and combat child labour and sexual exploitation of children, including updates on the draft guidance mechanism for child victims of trafficking and exploitation. Please clarify which government bodies are mandated to conduct labour inspections with regard to child labour.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 12, 13 and 24)

14. With reference to the previous concluding observations (para. 17) and the State party’s report (CCPR/C/ARM/3, para. 124), please respond to reports that: (a) asylum-seekers continue to be detained for irregular entry and presence in the State party, including owing to the incorrect interpretation by the authorities of article 329 (3) of the Criminal Code; and (b) the Criminal Code and Criminal Procedure Code of the State Party do not provide sufficient safeguards against non-refoulement in cases of extradition. Please describe the measures adopted to protect stateless persons, including plans to adopt the draft Law on Foreigners and Stateless Persons and establish a statelessness status determination procedure.

15. With reference to the previous concluding observations (para. 18), please provide updated information on the situation of refugees and their families who fled to Armenia from Azerbaijan between 1988 and 1992, and describe the steps taken by the State party to improve their housing and living conditions, including housing programmes and budget allocation in this respect.
Access to justice, independence of the judiciary, and fair trial (art. 14)

16. In light of the previous concluding observations (para. 21) and the State party’s report (CCPR/C/ARM/3, paras. 168-172), please provide further information on: (a) the impact of the 2015 constitutional reform on guaranteeing, both in law and in practice, the full independence, impartiality, competence and tenure of judges and prosecutors; (b) current procedures and criteria for the selection, appointment, suspension and removal of judges and prosecutors; (c) measures taken to address the reportedly excessive powers of the Office of the Prosecutor General; (d) the law on early retirement of judges of the Constitutional Court, adopted in December 2019; (e) the planned referendum on amendments to article 213 of the Constitution, concerning tenure of judges; and (f) the implementation of 2018–2023 Strategy for Judicial and Legal Reforms. Please respond to concerns that the Constitutional Court, particularly its chairperson, is under undue political pressure.

17. With reference to the previous concluding observations (para. 23), please report on the progress made in: (a) establishing a comprehensive juvenile criminal justice system; (b) providing social rehabilitation services for children in conflict with the law; and (c) increasing the number of judges specializing in juvenile justice. Please provide further information on the juvenile justice sector reforms as well as the impact of the trainings provided to officials in the juvenile justice sector, as stated in the State party’s report (CCPR/C/ARM/3, paras. 238-239).

Right to Privacy (art. 17)

18. Please respond to concerns that the amendments to the Laws on the Legal Regime of the State of Emergency and Electronics Communication, which were introduced in March 2020 in response to the COVID-19 pandemic, interfere with the right to privacy, and discuss the compatibility of these laws with the Covenant. In this respect, please provide further information on the articles of the Covenant from which the State party has derogated during the COVID-19 pandemic and the measures adopted to ensure compliance with the requirements set out in the Committee’s general comment No. 29 (CCPR/C/21/Rev.1/Add.11) as well as its statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2).

Freedom of conscience and religious belief (arts. 2, 18 and 26)

19. With regard to the previous concluding observations (para. 25), please report on the measures taken to provide genuine alternative service for conscientious objectors and to decriminalize proselytism. Please update the Committee on the status of the draft amendments to the Law on Freedom of Conscience and Religious Organisations, the process of public consultations on the draft law and the extent to which the draft law addresses the current limitations on the freedom of religious belief. Please also comment on reports of restricted freedom of religious belief indicating that: (a) employees of, inter alia, the military, national security, penitentiary or rescue service are prohibited by law from being a member of a religious organization, although the Constitutional Court found the same restriction concerning police officers to be unconstitutional; and (b) students in public schools are required to learn exclusively the history of the Armenian Apostolic Church.

Freedom of expression (arts. 19 and 20)

20. With reference to the previous concluding observations (para. 26), please respond to continued reports of harassment, intimidation and attacks against journalists, including online journalists, human rights defenders, particularly women, and lesbian, gay, bisexual and transgender human rights defenders and environmental activists, including those working on issues concerning gold mining operations. Please explain the measures in place to ensure that all allegations of such acts are investigated, and perpetrators are prosecuted and punished, including statistical information during the period under review. Please also comment on reports of: (a) an increased number of defamation lawsuits against journalists and media outlets; and (b) censorship imposed by the government on media outlets with regard to the COVID-19 pandemic.
Freedom of peaceful assembly (art. 21)

21. With reference to the State party’s report (CCPR/C/ARM/3, para. 214), please provide further information on the amendments made to the Law on Freedom of Assemblies, and discuss their compatibility with the Covenant. Please respond to reports of: (a) unjustifiable police interference with and disproportionate presence at peaceful demonstrations; (b) arbitrary and prolonged detention of assembly participants without ensuring fundamental legal safeguards, including the right to legal assistance; (c) criminal proceedings initiated against assembly participants; and (d) the continued failure by competent authorities to promptly investigate violations by police of the right to peaceful assembly and bring perpetrators to justice.

Rights of the child (arts. 23, 24 and 26)

22. Please provide information on the measures adopted to prohibit and combat cases of: (a) forced and early marriage, especially among the Yezidi children, including on awareness-raising efforts and their impact; (b) corporal punishment in all settings, including in the home; (c) child sexual abuse and exploitation; and (d) ill-treatment and violence against children held in residential institutions. Please comment on reported financial barriers in implementing the 2017-2021 Strategy for the Protection of Children’s Rights in the Armenia.

Participation in public affairs (arts. 25 and 26)

23. Please indicate the measures adopted by the State party to address the reported lack of transparency in campaign financing, including information on the new draft law on political parties, as mentioned in the State party’s report (CCPR/C/ARM/3, para. 227). Please also describe the measures adopted and/or envisaged to ensure full accessibility of polling stations for persons with disabilities.