

**Statement by Ms. Dziunik Aghajanian,
Adviser, Ministry of Foreign Affairs of Armenia,
at the Consideration of the UPR report for Armenia
at the 15th Session of the Human Rights Council
22 September 2010 Geneva**

Mr. President,
Excellencies
Dear Colleagues, and representatives of civil society
Ladies and gentlemen,

It's indeed a great pleasure for me to address this meeting devoted to the adoption of the outcome of Armenia's first UPR. I would like to thank all member states of the Human Rights Council and observers that participated in the universal periodic review of Armenia at the UPR WG session in May 2010 with constructive attitude sharing with us their assessment of the human rights situation in the country. It was a good opportunity to get reassured of our successes on the path to building truly democratic society where rule of law reigns and all human rights are fully protected and promoted. Likewise, it was a chance to revisit all outstanding issues in this respect with the help of our counterparts in this peer review process.

Armenia approached the universal periodic review process with a genuine desire to get the utmost out of this discourse among friends in order to make adjustments in the policies already being carried out and adopt new ones, if necessary, to further advance the human rights situation in the country. Armenia was the first delegation to respond in writing to all advance questions before the actual review took place. We hope that in time this will become a good practice in the Council as it allows for more informed and updated recommendations to be presented to member states undergoing review. This demonstrated the significance that we attached to the whole process and its outcome.

Regrettably, our open and constructive approach was not entirely reciprocated. There were attempts at the review to politicize the discussion diverting it to issues which were beyond the scope and mandate of the Working Group. Moreover, the unacceptable procedural violations with which the draft report was prepared raised numerous concerns with our delegation. It makes it imperative for this Council to continue the work towards improving the working methods to ensure equal treatment among all UN member states and unacceptability of political considerations getting into way of clearly defined rules.

Mr. President,

Armenia received 85 recommendations from 47 countries and expressed its position on 80 of them during the Working group meeting on May 10, 52 of them were considered already implemented or in the process of implementation, 27 enjoyed our support as being in line with the policies in place and the projected programs. Only one recommendation was rejected as not corresponding to the actual situation on the ground.

For this session we have prepared written answers to the remaining 5 recommendations and those considered already implemented. In the follow up to the UPR discussion we have again closely reviewed all the remaining recommendations and discussed them extensively with state authorities and representatives of international organizations. To this end, a round-table was organized in July 2010 with the participation of the representatives of the line ministries and all international and regional organizations represented in the country. Thus, Armenia

accepted 81 out of the 85 recommendations, or 95% of all the recommendations. We were not able to accept in full two recommendations and rejected another two. This demonstrates the rightfulness of the path adopted by the Government towards betterment of the Armenian society in the area of democracy and human rights.

This approach is attributable to the genuinely constructive approach of the Republic of Armenia to the UPR process. Armenia is willing to comply with the recommendations, to review its policies, to carry on with its commitments in ensuring political rights, to continue with the reforms to protect human dignity and freedom of thought, conscience, and religion, to enforce economic, social and cultural rights and strengthen the national institutions of human rights. We are appreciative of the high assessment of the specific steps that our country has taken to improve lives of its citizens, and women and children, in particular.

Mr. President,

Now I would like to turn to those recommendations that were pending consideration, and those that Armenia considered implemented. The views of the Government of Armenia on conclusions and recommendations have been presented in detail in the document submitted to the Human Rights Council in September 2010.

Armenia accepted the recommendation on the consideration of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Armenia considered the recommendation on granting licenses to radio and television broadcasters 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.

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.

Armenia rejected the recommendation 95.3 as politically motivated prosecution is not exercised in Armenia. Moreover, any case of such allegations needs thorough consideration, and no international reliable body, including those within the Council of Europe, has registered such cases in Armenia despite voiced allegations.

Armenia rejected in part two of the remaining recommendations pending our Government's position. No separate definition of discrimination against women can be introduced in the Armenian legislation as all manifestations of discrimination are prohibited Article 14.1 of the Constitution, the Criminal Code, the Labour Code, and the Family. The current legislation in place is in full accordance with this requirement, and therefore, introduction of a separate clause referring to one of the sexes will violate the gender-neutrality principle of the Armenian legislation.

As for the Law of the Republic of Armenia "On conducting meetings, assemblies, rallies and demonstrations," it is worth noting that it underwent significant changes in 2008 which allowed for a more clear and unequivocal regulation of these relations. All amendments to the

Law underwent international expertise which qualified them being in conformity with international standards, and those of the Council of Europe in particular. /PACE resolution 1620/

Mr. President,

Armenia considered 16 recommendations already implemented and has presented a detailed account of its position in the above-mentioned document.

- Armenia has ratified the Convention on the Rights of Persons with Disabilities on 17 May 2010.
- It has already brought all laws in effect in Armenia in full compliance with the amended Constitution.
- The Ombudsman in Armenia, which is graded “A” under the Paris Principles, has been recognized as OPCAT National Preventive Mechanism in 2008. 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.
- Free legal aid is guaranteed in Armenia for all criminal cases and those identified for civil cases. Currently discussions are underway to expand the scope of the 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.
- As stated at the 8th session of the UPR WG, Armenia has presented all overdue reports to the Secretary-General of the United Nations in the period of October 2009 to April 2010.
- Human rights education has long been part of the curriculum at public schools. Currently efforts are underway to improve the textbooks and training of teachers in this area.
- 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 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 undergo such training annually. In the armed forces as well all military personnel and recruits undergo training in humanitarian law and human rights law.
- 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.
- 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.
- Armenia spares no effort to eradicate corruption in Armenia. The second Anticorruption Strategy and its Implementation Timetable for 2009-2012 was adopted by the Government of Armenia on 8 October 2009 and its implementation is monitored by the Council on Combating Corruption chaired by the Prime Minister.
- Tireless efforts are exerted to improve the socio-economic situation in the country. An integral part of these efforts is the Sustainable Development Program for 2009-2012 adopted by the Government on 30 October 2008.
- 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.

- All religious organizations enjoy equal rights and opportunities in Armenia and all legislative acts apply to them equally. At present, there is no religious organization denied of registration in Armenia.
- 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.

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.

- All minority children enjoy full and unimpeded access to education, and are provided with all opportunities to get education in their mother tongue. The details of all efforts carried out by the Government of Armenia are presented in its CRC and CERD national reports.

Today I am honored to register that two more recommendations have been implemented in addition to those presented.

Recommendation 94.8 has been successfully carried out and the Working Group on Arbitrary Detention has just concluded its visit to Armenia that took place from September 6-15, 2010.

Recommendation 94.23 touching upon the decriminalization of libel has also been implemented as the Criminal Code was amended on May 18, 2010, by the National Assembly of Armenia decriminalizing libel. Its full implementation is also guaranteed by the respective changes introduced into the Civil Code of Armenia.

Thank you, Mr. President.