

**Submission to the UN Universal  
Periodic Review  
of Armenia**

*For consideration by the Office of the UN High  
Commissioner for Human Rights for the 21<sup>st</sup> session  
of the UPR Working Group in 2015*

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## **Introduction**

1. This submission is based on London Legal Group (LLG)'s work in Armenia, and it outlines ongoing concerns in relation to the following human rights issue in Armenia:
  - a) Minorities;
  - b) Refugees and Internally Displaced Persons;
  - c) Freedom of opinion and expression;
  - d) Torture.
  
2. Our concerns are based upon Armenia's obligations contained in a number of international treaties and conventions -signed and ratified by Armenia- and domestic remedies. Reference is also made to the recommendations Armenia received during the first Universal Period Review in 2010, as well as to the implementation of the accepted ones.

## **International instruments**

3. Despite accepting relevant recommendations in 2010 (recommendations 9, 68 and 89), Armenia has not yet signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty. The death penalty is a violation of the right to life as enshrined in the Universal Declaration of Human Rights and international human rights treaties to which Armenia is a State party, and is the ultimate cruel, inhuman and degrading punishment. Despite officially abolishing the death penalty in 2003 ratification of the Optional Protocol would provide added protection against its future reinstatement.
  
4. Similarly, in spite of accepting recommendations to ratify<sup>1</sup> the Rome Statute of the International Criminal Court (ICC), and the creating of a Commission for Constitutional reform which would allow Armenia to ratify the Rome Statute, Armenia has yet to complete the process of ratification.

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<sup>1</sup> Armenia signed the Rome Statute on 1 October 1999.

## Minorities

5. Previous issues relating to discrimination against conscientious objectors<sup>2</sup> have been dealt with by the introduction of a law which now provides the right to perform an alternative service to compulsory military service, the length of alternative service is now 30 months instead of 36 in the case of alternative military service and 36 months instead of 42 in the case of alternative civilian service<sup>3</sup>. This provision is particularly relevant to religious minorities such as Jehovah's Witnesses, who have experienced arrests for refusing to perform alternative service as it was under the control of the military authorities. Since May 2013, these criminal proceedings were discontinued and all those imprisoned have been released<sup>4</sup>.
6. Nevertheless, the LLG shares the concern raised by the UN Human Rights Committee in 2012<sup>5</sup> as to episodes of violence against racial and religious minorities: Armenia should increase its efforts in implementing the existing provisions prohibiting racial and religious hatred, carrying out proper investigation into allegations of such cases.
7. The London Legal Group is concerned with the situation of the Yezidis in Armenia. During the first cycle of the UPR, Armenia rejected a recommendation made by Azerbaijan (recommendation 25) as to the elimination of the discrimination against this group. According to the 2011 ECRI report<sup>6</sup>, there are allegations that some school directors do not encourage Yezidi parents to ask for the inclusion of the Yezidi language in the curriculum. This is highly concerning because minority education rights exist in Armenia only on demand: the possibility to have their children educated in their minority language is possible only if parents make an explicit request thereof. Omitting to inform Yezidi parents of this possibility could imply that

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<sup>2</sup> See for example the *Concluding Observations* adopted by the Human Rights Committee at its 105<sup>th</sup> session, 9-27 July 2012, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fC%2fO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fC%2fO%2f2&Lang=en)

<sup>3</sup> See ECRI *Conclusions on the implementation of the recommendations in respect of Armenia subject to interim follow-up*, adopted on 5 December 2013, available at <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Armenia/ARM-IFU-IV-2014-003-ENG.pdf>

<sup>4</sup> Ibid.

<sup>5</sup> *Concluding Observations* adopted by the Human Rights Committee at its 105<sup>th</sup> session, 9-27 July 2012, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fC%2fO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fC%2fO%2f2&Lang=en)

<sup>6</sup> *ECRI Report on Armenia* (fourth monitoring cycle), adopted on 7 December 2010, available at [http://hudoc.ecri.coe.int/XML/ENGLISH/Cycle\\_04/04\\_CbC\\_eng/ARM-CbC-IV-2011-001-ENG.pdf](http://hudoc.ecri.coe.int/XML/ENGLISH/Cycle_04/04_CbC_eng/ARM-CbC-IV-2011-001-ENG.pdf)

they not always make informed choices about their children's rights to be educated in their language.

## **Refugees and Internally Displaced Persons**

8. The LLG notes that Armenia is Party of the 1951 Convention relating to the status of refugees and has therefore a legal duty to protect those having the right to obtain asylum. For this reason, the London Legal Group is highly concerned by reports that illegally entering asylum-seekers are detained by border officials and passed on to National Security Services for criminal investigation<sup>7</sup>. The Working Group on Arbitrary detention in 2011 reported that migrants in an irregular situation who have entered Armenia through Zvartnots Airport are held in a special room and can be detained there for periods longer than 72 hours. Lack of identification and referral mechanisms for persons held in such a dwelling may result in prolonged “detention-like” situation for persons kept in this place<sup>8</sup>.
  
9. As mentioned by the UN representative specializing in the human rights of internally displaced persons (IDPs) in 2010<sup>9</sup>, there is a lack of adequate housing and limited economic opportunities, which limit some of Armenia’s IDPs and former refugees. The LLG shares this concern as it constitutes a fundamental obstacle to the reintegration of part of the people who were forced to leave their houses during the conflict with Azerbaijan over Nagorno-Karabakh (approximately 65 000 households were evacuated from the border region)<sup>10</sup>. We received many reports of IPDs who have been prevented from returning to their homes since when the attacks in Nagorno-Karabakh started<sup>11</sup>. We share the conclusion of the Minsk Group, which

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<sup>7</sup> *Concluding Observations* adopted by the Human Rights Committee at its 105<sup>th</sup> session, 9-27 July 2012, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fARM%2fCO%2f2&Lang=en)

<sup>8</sup> *Report of the Working Group on Arbitrary Detention, Addendum, Mission to Armenia*, 17 February 2011, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/108/49/PDF/G1110849.pdf?OpenElement>

<sup>9</sup> *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Addendum, Follow-up to the visit to Azerbaijan in 2007*, Human Rights Council, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/179/05/PDF/G1017905.pdf?OpenElement>

<sup>10</sup> *Armenia 2013 Human Rights Report*, US Department of State, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>11</sup> See for example the case brought before the ECtHR by the London Legal Group on behalf of 6 Azeri Kurds, who were forced to leave their homes in Lachin in Nagorno Karabakh in 1992 and who complain that the loss of control over their property constitutes continue violations of their human rights (application no. 13216/05).

spearheads the Organization for Security and Cooperation in Europe (OSCE)'s efforts to find a peaceful solution to the Nagorno-Karabakh conflict<sup>12</sup>: “the absence of a final settlement has resulted in the ongoing displacement of hundreds of thousands of people”. This situation does not seem to have improved, since the Co-Chairs of the Minsk Group<sup>13</sup> and the Personal Representative of the OSCE Chairperson-in-Office, Ambassador Andrzej Kasprzyk, during their recent visit to Nagorno-Karabakh, Kelbajar, and Lachin in May 2014, “could not observe any indications that the size of the population had changed in recent years”<sup>14</sup>.

### **Freedom of opinion and expression**

10. The LLG shares the concern raised in the Annual Report of the Committee to protect freedom and expression<sup>15</sup>- an Armenian NGO, member of Partnership for Open Society Initiative- which denounced that 2013 was a considerably tense period for the Armenian media and journalists. The Committee also registered a worsening in the situation of physical integrity and independence of journalists compared to 2012: there were in fact 10 cases of physical violence and 57 incidents of pressure on the mass media and their workers.
  
11. This alarming escalation may be related to the presidential and Yerevan Council elections. The elections were defined as “generally well-administered” by the International Observers of the Organization for Security and Co-operation in Europe (OSCE)<sup>16</sup>; nevertheless, some serious violations were registered, among which pressure on voters. Local observers reported “numerous attempts to pressure observers and journalists by political parties and election commission members”<sup>17</sup>.

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<sup>12</sup> OSCE Minsk Group, <http://www.osce.org/mg>

<sup>13</sup> Ambassadors Igor Popov of the Russian Federation, Jacques Faure of France, and James Warlick of the United States of America

<sup>14</sup> *Press Release by the Co-Chairs of the OSCE Minsk Group*, 19 May 2014, available at <http://www.osce.org/mg/118715>

<sup>15</sup> *Annual Report-2013*, Committee to protect freedom of expression, available at <http://khosq.am/en/reports/annual-report-2013/>

<sup>16</sup> *Republic Of Armenia Presidential Election*, 18 February 2013, OSCE/ODIHR Election Observation Mission Final Report, available at <http://www.osce.org/odihr/elections/101314?download=true>

<sup>17</sup> *World Report 2014*, Human Rights Watch, available at <http://www.hrw.org/world-report/2014/country-chapters/armenia>

## Torture

12. Armenia accepted several recommendations made during the first cycle of the UPR as to review the definition of torture in its national legislation, so that it fully complies with that set out in the CAT (recommendations 54, 90 and 159). As it has been reported by the International Federation for Human Rights (FIDH) together with the Civil Society Institute (CSI) and the Norwegian Helsinki Committee (NHC), no legislative amendments have been made so far and the definition of torture in the Criminal Code (article 119) still falls short of the requirements of the United Nations Convention against Torture<sup>18</sup>.
  
13. The London Legal Group is highly concerned by the findings of the third periodic report of Armenia by the Committee against Torture in 2012. In fact, allegations of routine use of torture and ill-treatments are numerous, especially with the aim of extorting confessions to be used in criminal proceedings.<sup>19</sup> We raise great concern in relation to the opinion of Arman Danielyan<sup>20</sup>: “Armenian policeman tortures, as he is not capable to use other means to solve a crime”<sup>21</sup>.
  
14. Comparing to the situation described by the Committee against Torture in 2012, we note an achievement by the Armenian authorities. In fact, in 2013 for the first time two police officers were sentenced to 3 years in prison for violence committed with the aim of extracting self-incriminatory confession.
  
15. The LLG shares the concern raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)<sup>22</sup>, according to which the conditions of detention in Armenia are in violation of the prohibition of

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<sup>18</sup> *Armenia urged to implement UPR commitments and recommendations*, International Federation for Human Rights, available at <http://www.fidh.org/en/eastern-europe-central-asia/Armenia,437/Armenia-urged-to-implement-UPR-13088>

<sup>19</sup> *Concluding observations of the Committee against Torture, Armenia*, Forty-eighth session 7 May–1 June 2012, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fARM%2fCO%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fARM%2fCO%2f3&Lang=en)

<sup>20</sup> President of the Civil Society Institute and a member of the UN Subcommittee on the Prevention of Torture

<sup>21</sup> *Human Rights in Armenia in 2013: torture and ill treatment*, Civil Society Institute NGO, available at <http://www.hra.am/en/point-of-view/2014/01/09/torture>

<sup>22</sup> *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) from 5 to 7 December 2011*, available at <http://www.cpt.coe.int/documents/arm/2012-23-inf-eng.pdf>

torture and inhumane treatment. Armenia has also been found in violation of art. 3 (prohibition of torture) of the European Convention of Human Rights on several occasions<sup>23</sup>, due to the poor conditions in which prisoners live while in custody. Notwithstanding international obligations, the situation in the Country seems not to have improved, since there are continued reports of severe overcrowding, understaffing and inadequate food and health care<sup>24</sup>.

## Conclusions

16. Armenia seems to have successfully introduced some innovations with the aim of improving the human rights situation in the country. Nevertheless, some serious concerns remain and need to be fully addressed, in order to bring Armenian national legislation in compliance with its obligation under international law.
17. The London Legal Group stresses the importance of fully implementing all the legal measures which might be necessary to fully guarantee and protect the rights and freedoms enshrined in the international instruments to which Armenia is already a signatory (with a special focus on the definition of torture in the CAT). Conditions of detention need to be improved, so to meet international standards and obligations deriving from the European Court of Human Rights' judgments.
18. Of particular importance is the fight against impunity, which might importantly increase the credibility of authorities among the population and before the international community. Allegations of torture, attacks against journalists and discrimination on any basis should be promptly investigated and criminal proceedings should be carried out, without limitations linked to the status of the alleged perpetrator as public official.

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<sup>23</sup> See for example Karapetyan v. Armenia (22387/05), Kirakosyan v. Armenia (31237/03), Ashot Harutyunyan v. Armenia (34334/04), Mkhitarian v. Armenia (22390/05), Tadevosyan v. Armenia (41698/04)

<sup>24</sup> *Concluding observations of the Committee against Torture, Armenia*, Forty-eighth session  
7 May–1 June 2012, available at  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fARM%2fCO%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fARM%2fCO%2f3&Lang=en)