



International Covenant on Civil and Political Rights

Distr.: General
6 December 2012
English
Original: French

Human Rights Committee

105th session

Summary record of the 2905th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 July 2012, at 10 a.m.

Chairperson: Ms. Majodina

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The meeting was called to order at 10 a.m.

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

Second and third periodic reports of Armenia (continued) (CCPR/C/ARM/2-3; CCPR/C/ARM/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Armenia resumed places at the Committee table.*

2. **The Chairperson** invited Committee members to ask further questions.

3. **Mr. Salvioli** said that in addition to the provisions of article 14.1 of the Constitution it would be important for Armenia to have a law prohibiting all forms of discrimination and urged the State party authorities to consider the adoption of such legislation. The Armenian delegation had mentioned the dissemination in schools of information on human rights and particularly relating to the prohibition of discrimination. He wished to know whether the information also covered discrimination on the basis of sexual orientation and whether the Committee might see it. The Armenian delegation had described measures to increase women's participation in parliament; however, some reports indicated that in several cases, women who had been elected had immediately resigned from their positions and been replaced by men. He asked what was the current proportion of men and women in parliament. He took note that a national plan promoting gender equality had been adopted for the period 2011 to 2015 and wished to know what measures the authorities had taken to monitor its implementation and ensure that the monitoring body was truly independent. With regard to discrimination and violence against lesbian, gay, bisexual and transgender persons (LGBT), the Human Rights Defender was apparently competent to consider complaints against such acts but the Committee had no information on the activities which he or she carried out in that respect. On the other hand, the Committee had received numerous reports of discrimination on the grounds of sexual orientation. For example, the Secretary of the National Security Council had apparently publicly stated that lesbian, gay, bisexual and transgender persons were a threat to national security and that homosexuality was extremely dangerous and unacceptable, while a former member of parliament was said to have advocated the stoning of homosexuals. He drew the State party representatives' attention to the need to react appropriately to such statements and ensure that in general lesbian, gay, bisexual and transgender persons were protected against discrimination and violence. A Parliamentary Assembly of the Council of Europe report published in 2011 on prenatal sex selection criticized the practice of selective abortion of girls and indicated that Armenia was one country in which it was practised. He asked what measures the Armenian authorities had taken or planned to take to counter the practice.

4. **Ms. Motoc** said that the Armenian delegation had mentioned the Human Rights Defender's financial independence and remuneration and the resources allocated to his or her office; in her view what mattered most was to ascertain whether the Human Rights Defender played an active role in the process of enabling individuals or NGOs to file complaints against human rights violations. Did the Human Rights Defender submit reports on the complaints and, more generally, what action did he or she take in such cases? The Office of the Human Rights Defender was an essential body which should enable State authorities to pay attention to all complaints against human rights violations. She also wished to know what stage the adoption of the bill on violence against women had reached and, more generally, what measures the authorities were taking or planned to take specifically to put an end to such violence. The delegation's replies regarding the state of emergency declared in the wake of the 2008 presidential election referred essentially to article 44 of the Constitution, which had been invoked when the state of emergency had been declared. She wished to know what the actual effect of the constitutional provisions

had been and what factors had justified the declaration of the state of emergency. With regard to equality between men and women, the written replies to the list of issues (CCPR/C/ARM/Q/2/Add.1) centred primarily on the condition of mothers. Did women who were not mothers also enjoy equal treatment? Lastly, the written replies provided information on case files and criminal records of a number of the victims of the events of March 2008 and she wondered whether that information was of any use given that the deaths did not necessarily have any connection with the victims' criminal history.

5. **Sir Nigel Rodley** said that he had high hopes that by the end of 2012, a definition of torture along the same lines as that set out in the main relevant international instruments would be incorporated into Armenian criminal law and that it would duly reflect the seriousness of the crime of torture. The delegation had provided information on the elimination of hazing in the armed forces but further clarification would be welcome, in particular regarding the kind of violations of which senior officers had been accused in disciplinary offences, ill-treatment or yet more serious offences committed by their subordinates. He also asked what proceedings had been initiated against senior officers who had covered for their subordinates or failed to take sanctions against them. He wished to know the number and type of convictions and penalties handed down in the previous few years in such cases and would welcome any information the delegation could provide the Committee in writing at a later date.

6. The Armenian delegation had stressed the authorities' preference to make corporal punishment against children a separate offence. Existing legislation might well lay down appropriate penalties for the use of corporal punishment; however, to ascertain that was the case, the Committee needed to know how the legislation currently in force on corporal punishment in or outside the home was applied. He would appreciate the Armenian delegation's explanations to the Committee on that point.

7. With regard to pretrial detention, it would be useful to know what proportion of persons accused of a crime that carried a custodial penalty were placed in detention. According to the World Prison Population List, published by the International Centre for Prison Studies, in August 2011, there had been a total of 4,514 detainees in Armenia, 26 per cent of whom had been in pretrial detention. Given that the detention rate apparently stood at 146 per 100,000 inhabitants, he would be grateful to the Armenian delegation for clarification of the true state of affairs. The procedure whereby the police could summon a person as a witness and subsequently make them a suspect seemed logically justified but it was common knowledge that such a system was readily open to abuse. In particular, since the questioning of a suspect should be guided by a number of guarantees, he wished to know what measures had been taken to avoid breaches of the procedure and provide suspects with all appropriate guarantees. Regarding the possibility of keeping immigrants in remand beyond the legally prescribed 72 hours, he referred to the report published by the Working Group on Arbitrary Detention following its mission to Armenia in 2010 (A/HRC/16/47/Add.3), in which the Working Group had indicated that migrants in an irregular situation who had arrived at Zvartnots airport were placed in a special room and could be detained for periods in excess of 72 hours. The Working Group had on two occasions vainly attempted to gain access to those premises and had been unable to obtain any information on the procedures regarding the treatment of detainees. He requested details on the situation of those migrants.

8. **Mr. Bouzid** noted that article 5 of the law of 11 April 2005 approving the police disciplinary code established that any person subjected to torture by police officers could lodge a complaint. The Armenian delegation had indicated that four police officers had been convicted for insults but had not specified whether complaints had been received from persons detained by the police for acts of torture or cruel, inhuman or degrading treatment. Where complaints had been lodged on that count, how had the authorities followed them

up? More generally, it would be useful to know what procedure enabled victims who had suffered torture at the hands of police officers to lodge complaints and whether the complaint could be submitted by a third party.

9. **Ms. Harutiunyan** (Armenia), in reply to the questions about the events of March 2008, explained that fortunately they had been rather anomalous and did not reflect Armenia's mentality and political culture. Although no senior officials had been convicted, owing to lack of evidence, the criminal proceedings were nevertheless still ongoing. Several police officers had been convicted but had subsequently been released under an amnesty law and no police officers were any longer in prison in connection with the March 2008 riots. In any case, the authorities had learned a number of lessons from those dreadful events; for example, in April 2011, they had adopted a law on freedom of assembly which reduced the number of restrictions affecting freedom of assembly, and in March 2009, the Criminal Code had been amended to establish the specific responsibility of persons who committed homicide during riots.

10. **Mr. Petrosyan** (Armenia), replying to the questions asked about the police, said that the modernization of the police force was under way as part of the implementation of the 2010–2011 programme of reforms adopted following the events of 1 March 2008. A second programme covering the period 2012 to 2014 was currently under consideration and would be submitted for assessment by international legal experts and specialists before being adopted.

11. On 30 October 2008, the Government had adopted the list of arms, munitions, special means and personal protective equipment used by the police. The list included the AK-47 assault rifle and the KS-23 shotgun and it could be consulted on request. Its publication ensured that police work was transparent and allowed effective oversight of the implementation of the relevant provisions which had been adopted. International experts appointed by the Organization for Security and Cooperation in Europe (OSCE) had visited Armenia to examine legislation and practices for the maintenance of public order. Thus, in 2011, they had been involved in the drafting of directives, which had subsequently been approved by the competent authorities, on the rights and obligations of police officers when taking persons to a police station, the conduct of negotiations in the interest of public security and law and order, the actions of police officers assigned to maintain public order, and the use of physical force, special means and arms during riots.

12. He read out article 129 of the law on custody and temporary detention which stipulated that any person suspected of an offence could be placed in detention by the enquiry and preliminary investigation services or by the prosecutor in the following circumstances: if they had been caught in flagrante delicto or arrested immediately after the offence had been committed; if they had been accused by a witness of committing the offence; if clear evidence that they were involved in the commission of the crime was found on the person, the person's clothes, other objects which they used, in the person's immediate vicinity, at their home or in the means of transport which they had used; if there were other grounds to believe that the offender was somebody who had tried to flee the scene of the crime or avoid being apprehended by the authority conducting the criminal proceedings or if the person was homeless or did not live in the area or their identity was not known. Under the Code of Criminal Procedure, each person who was arrested was guaranteed the right to see a lawyer from the moment of their arrest, and the law on custody of arrestees and remand prisoners explicitly set out the right to be represented by a lawyer. The Code of Criminal Procedure set the maximum period of custody at 72 hours.

13. **Ms. Soudjian** (Armenia) said that an interministerial working group had been established to monitor the follow-up given to recommendations made by the various treaty bodies, special procedures mandate holders and the Human Rights Council during the universal periodic review. The Armenian delegation had taken note of the Committee

members' recommendation to adopt a new law against discrimination which would translate article 14.1 of the Constitution into practice. With regard to female representation in elections, the new Electoral Code established that no more than 80 per cent of candidates from second position and lower on the shortlist for parliamentary elections could be of the same sex. The number of female members of parliament had increased: there were currently 14 women in parliament, including the Vice-President.

14. The information on human rights designed for schools was published in Armenian which would make it complicated to circulate it among the Committee members, but the Armenian authorities would do their utmost to provide summaries in one of the Committee's working languages.

15. To answer questions on human trafficking, she invited Committee members to consult the statistics provided to them the previous day.

16. **Mr. Demirtshyan** (Armenia) said that the mandate of the Office of the Human Rights Defender was defined by the law. The Human Rights Defender had access to all places of detention and could meet directors of local authorities and prisons to obtain the necessary documents and information to review a complaint, conduct investigations and disseminate the findings with complete confidentiality. According to the Government, the Office of the Human Rights Defender enjoyed all the rights and powers provided by law and was therefore fully independent in the exercise of its functions. The creation in April 2012 of six regional offices with the assistance of international partners had helped to improve access to its services and enhance the protection of human rights across Armenia. It would be important to ensure that the offices were sustainable when their international funding came to an end in mid-2013. In 2011, the Office of the Human Rights Defender had established a department responsible for the protection of the rights of vulnerable groups such as religious and sexual minorities, women, children, the disabled and refugees. Target-based programmes had been introduced in collaboration with civil society and international partners. The Office of the Human Rights Defender published an annual report which was sent to all the State bodies and acted on in line with directives set out by the Government. It could also draw up special reports and directly call public authorities into question, as it had done a few days earlier by sending the Prime Minister a letter notifying him of its primary causes for concern.

17. The Criminal Code contained no explicit provisions banning corporal punishment, but the various forms of violence, whether committed in the family or outside, were covered by several articles. It should be recalled that the Government planned to add an article explicitly banning corporal punishment. It also intended to adopt the domestic violence bill as soon as possible.

18. **Ms. Soudjian** (Armenia) referring to the campaign against domestic violence, said that the Government worked in close cooperation with the Special Rapporteur on violence against women on the Committee's recommendations to eliminate discrimination against women – whose implementation was covered in a midterm report. A strategic plan of action had been drawn up to counter gender-based violence, while specific objectives had been established in areas such as prevention, the protection of victims, the prosecution of offenders, education, health, culture and information.

19. There were no official statistics on selective abortions and the only data available were supplied by NGOs. Nevertheless, the Government was aware of the problem and under point 44 of its national plan of action had set itself the aim of preventing selective abortion and reducing the number of cases.

20. **Mr. Petrosyan** (Armenia), replying to Mr. Bouzid, said that article 13 of the law on custody of arrestees and remand prisoners referred to in paragraph 287 of the State party

report, defined the right of persons who had been arrested or temporarily detained to file requests and complaints reporting a violation of their rights and freedoms.

21. **Mr. Sahakyan** (Armenia), replying to a question asked at the previous meeting, said that searches could only be conducted by decision of a judge.

22. **Ms. Chanet** said that the delegation had referred to the presence of a lawyer immediately after arrest only in the context of the prevention of ill-treatment and emphasized that the lawyer should also help the person under arrest to organize their defence. With regard to searches, possession of a search warrant was not enough; the presence of a witness was also necessary to avoid the fabrication of evidence. In reference to article 9, paragraph 4, of the Covenant, she asked which judicial authority decided on the lawfulness of the detention of persons under arrest.

23. **Mr. Petrosyan** (Armenia) said that persons could be placed in custody if they were suspected of direct involvement in committing an act that constituted a criminal offence or by decision of the authority responsible for the investigation. It was only following a maximum of 72 hours remand that a judicial decision was required to keep the suspect in detention. Searches, on the other hand, had to be authorized by the courts since they carried a risk of human rights violations.

24. **Mr. Sarsembayev** asked for additional clarification of the events of 1 March 2008. The delegation had affirmed that all the arms of the law enforcement officials on the scene had been seized but it had not been determined where the bullets had been fired from. He wondered who had been able to fire shots if not the police and whether the possibility of snipers had been investigated. With regard to the 25 per cent of police officers who were women, he wished to know whether they were actively involved in law and order or whether they were appointed to other tasks. He also requested clarification of the medical examinations to which detainees would be entitled at their own expense.

25. **Ms. Harutiunyan** (Armenia), recalling the information contained in the report which she had sent to the Committee members, said that the inquiry into the incidents of 1 March 2008, conducted with the help of international experts, had involved dozens of witness accounts and the objective review of all the possible scenarios, including the one suggested by Mr. Sarsembayev. Unfortunately, it had not been possible to identify those responsible for the 10 deaths during the demonstrations.

26. **Mr. Petrosyan** (Armenia) said that on 1 March 2012, a special patrol unit, which was intended to serve as a model for the modernization of the law enforcement agencies, had been created; thanks to efforts by the Government to promote gender equality, 25 per cent of the unit's personnel were female. The patrol was responsible for responding to disturbances of public order through new methods, based on confidence-building among the public. The members of the unit, who had received higher education and spoke at least one foreign language, received special training in negotiations and the handling of emergency situations and met very demanding criteria for integrity and professionalism. In response to Mr. Sarsembayev's third question, he confirmed that people placed in detention had the right to request the services of a doctor of their choice, at their own expense, *inter alia*, to assess their state of health at the moment of imprisonment.

27. **Mr. Hovakimian** (Armenia) explained that health care and basic medical checks were also provided free-of-charge throughout the detention period. Prisoners had the right to a doctor of their choice in all places of detention attached to the Ministry of Justice and also, as far as he knew, in police detention facilities.

28. **The Chairperson** thanked the delegation for its replies and invited the Committee members to ask further questions on the second part of the list of issues (17 to 30).

29. **Mr. Thelin** said that according to some reports, the executive branch played a role in the appointment of judges and exerted pressure in certain legal matters considered sensitive. Moreover, some judges' positions and favourable verdicts had allegedly been obtained in return for bribes. In that regard, he wished to know more about the content of the plan of action to reform the judiciary, as adopted by the presidential decree of 2 July 2012, and especially about the measures to combat corruption and strengthen the independence of the judiciary. He asked whether paragraph 189 of the replies to the list of issues referred to a salary increase for judges and invited the delegation to indicate the remuneration of judges in comparison, for example, with that of the President. Some reports claimed that judges were biased in favour of the prosecution during trials and he urged the State party to discard that inheritance from Soviet times and make sure that judges had the necessary powers and authority to exercise their functions. He asked whether the Council of Justice, which was the Armenian judiciary's disciplinary body, handled corruption cases. He also wished to know whether the most serious cases were referred to the ordinary courts and whether judges had been given sentences or penalties, other than disciplinary ones, such as being struck off. With regard to the 8 judges who had faced disciplinary measures in 2010, and the 15 in 2011, it would be interesting to compare those figures with the total number of judges in Armenia. The delegation was also invited to specify which international organizations had given positive evaluations of the State party's efforts to combat corruption, referred to in paragraph 192 of the replies to the list of issues. He noted that the Council of Justice considered that the possibility for the Ministry of Justice to initiate disciplinary proceedings against judges was a threat to the independence of judges and asked whether the situation had been redressed.

30. Referring to the written replies in response to paragraph 18 of the list of issues, he requested more details of the specific measures provided for in the anti-corruption strategy programme mentioned in paragraph 196 and on the initial results. It was encouraging that the Prosecutor's Office worked with civil society to combat corruption and he requested specific examples of that cooperation.

31. Regarding question 19, he requested clarification of the maximum length of pre-indictment inquiries and the procedure followed if the period elapsed. He also requested information on the procedures in place for judicial review during the preliminary investigation phase and, given that the appeal court could check the lawfulness of detention, whether the courts of first instance could also perform such checks. In addition, he would like to know whether the length of the trial was taken into account when handing down sentences.

32. Lastly, he observed that the Committee had not received any communications regarding Armenia since the latter's accession to the Optional Protocol in 1993, and wondered whether Armenian citizens preferred to apply to the European Court of Human Rights or whether they had not received enough information on the possibility of sending communications to the Committee.

33. **Mr. Neuman** observed that the draft bill on freedom of conscience and religious organizations had been suspended due to the negative opinions of civil society and religious organizations. He asked whether attempts to reform the law had been abandoned and whether a new bill was being drafted with the discriminatory content removed. Under article 18 of the Covenant, everyone had the right to persuade others or to be persuaded to adopt a religion of belief of their own choice; he therefore wished to know how article 8 of the current law on freedom of conscience and religious organizations, which banned proselytism, was applied.

34. The decriminalization of defamation in 2010 was a positive step, but doubts and concerns remained over certain ambiguities in the law. The Constitutional Court's decision on 15 November 2011 relating to the conformity of legislation with the Constitution and

human rights principles was an excellent starting point for addressing those questions. Furthermore, he noted with satisfaction that the Constitutional Court's decision referred to the Committee's general comment No. 34 on freedom of opinion and expression. However, it would be useful to know to what extent the guidelines set forth by the Court were respected by the lower courts. More details would also be welcome on the recent decision on that matter by the Court of Cassation. Along the same lines, he wished to know whether the number of complaints of defamation and insults had decreased since the Constitutional Court's decision and whether the Council competent for the settlement of such disputes had helped defamation claims to be settled out of court. Lastly, he asked whether the Constitutional Court's recommendation to reduce the maximum level of compensation for non-pecuniary damages had been acted on in the interest of protecting freedom of expression.

35. The State party had not replied to the Committee's request for statistics showing the number of complaints for threats and aggression against journalists and human rights defenders during the period covered by the report. In a report on her mission to Armenia in June 2010 (A/HRC/16/44/Add.2), the Special Rapporteur on the situation of human rights defenders indicated that journalists who criticized the Government or exposed corruption appeared to be particularly at risk from reprisals and that the police and the judicial authorities did nothing to counter such acts. It would be interesting to know whether that was still the case or whether the situation had improved. Statistics would be useful, as well as information on the steps taken by the Government in recent years to enhance the safety of both journalists close to the opposition and human rights defenders.

36. The State party indicated in paragraph 239 of its written replies that, due to a lack of funding, it had not been possible to implement the programme for the return of persons internally displaced in the country as a result of the conflict with Azerbaijan. He asked whether the programme's funding came entirely from abroad or whether the Government contributed part of it. He also wished to know what measures had been taken to assist displaced persons who were waiting to return home — particularly if their status as displaced persons entitled them to social benefits — and whether it was true that the Government refused to demine the affected zone, thereby preventing the displaced persons from returning. Also, according to some reports, refugees, whether naturalized or not, were not entitled to the same rights and social benefits as Armenians. If that was the case, the delegation might wish to explain the reasons for the different treatment.

37. **Sir Nigel Rodley** said that he did not understand what the State party meant in paragraph 224 of its written replies where it was reported that the number of juvenile convicts was not so large as to justify the creation of a separate juvenile court. That was not the point of the Committee's question, as it wanted above all to know whether all the cases concerning minors were heard by judges specializing in juvenile affairs, whether procedures tailored to the particular needs of minors were in place or were due to be introduced in the new Code of Criminal Procedure under preparation — especially in terms of confidentiality and the protection of identity — and whether juvenile hearings were held in compliance with those procedures. The delegation might wish to give details on the three points since, according to the information provided by the State party, it would appear that there were judges specializing in juvenile affairs among the judges of courts of general jurisdiction but, owing to the rotation system of judges, minors were not always judged by judges specializing in juvenile affairs, and the environment of the hearings in which minors were involved did not meet specific procedural guarantees appropriate for minors.

38. **Ms. Motoc** asked for details of the nature of the restrictions imposed on the media and political parties following the declaration of the state of emergency on 2 March 2008 and their repercussions on the independence of the media and political parties. Regarding the restrictions imposed since 2008 on NGOs to organize events in venues such as hotel

conference rooms (question 24), it would be interesting to know the number of requests for room rentals submitted by NGOs and, of those, how many had been refused by the authorities and on what grounds. More information on the mandate and running of the Department of Control over the Illegality of the Activities of Non-Commercial Organizations would also be appreciated.

39. The State party indicated in paragraph 248 of its written replies that a bill modifying the 2009 law on alternative service was currently under consideration. According to the information at the Committee's disposal, currently between 75 and 80 Jehovah's Witnesses were allegedly in prison under article 327 of the Criminal Code for refusing to perform military or alternative service; however the figure did not match that in the written replies and thus required clarification.

40. **Mr. Salvioli** asked whether there were specific means to detect and punish electoral fraud, monitor how electoral campaigns were funded and prevent the embezzlement of administrative resources. He also asked what measures had been taken in response to the serious irregularities which had apparently overshadowed the elections for the Yerevan City Council on 31 May 2009. The State party indicated in its written replies that it was working in close collaboration with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) to strengthen supervision of elections and was using instructions drawn up by the Office to do so. It would be interesting to know what the instructions were. In a May 2011 report on the legislative elections in Armenia, OSCE indicated that the authorities were exerting pressure to ensure the election of their preferred candidates. He wished to hear the delegation's comments on the matter. He also wished to know whether steps had been taken to make it easier for persons with disabilities to take part in the elections and how the right to vote was guaranteed for persons declared legally incompetent by the courts.

41. **Mr. Ben Achour** noted that in its report, the State party had addressed the conflict with Azerbaijan over Nagorny Karabakh in the light of article 1 of the Covenant, on the right of peoples to self-determination. Insofar as the issue fell under the Covenant and since both States concerned were parties to it, there was every reason to apply the procedure established under article 41, which allowed States parties to file claims to the Committee if they believed that another State party had not complied with its obligations under the Covenant. However, Armenia had not made the declaration recognizing the Committee's competence which was required for that procedure; he suggested it might consider making the declaration in order to bring the matter before the Committee.

42. **The Chairperson** suggested suspending the meeting to allow the Armenian delegation to prepare its replies to the questions which it had just been asked.

The meeting was suspended at 11.55 a.m. and resumed at 12.10 p.m.

43. **Mr. Demirtshyan** (Armenia) said that the presidential decree on the reform of the judiciary, which had recently been adopted, provided for a vast package of measures to strengthen the independence and effectiveness of the judiciary in criminal, civil and administrative affairs. It would take too long to outline the many measures provided for, but if the Committee so wished, a copy of the English version of the decree could be sent to give Committee members a clearer idea of what the measures entailed.

44. **Mr. Sahakyan** (Armenia) said that among other measures, the decree established fair, objective and transparent procedures in the assignment of cases to judges, the application of disciplinary measures and also the setting of limits to the lengths of the terms of the presidents of courts of first and second instance. The salary scale of judges was set annually by the State Budget Act. In the past three years, judges of courts of first instance had been allocated a salary of approximately 1,000 dollars, which was equivalent to that of

the President of the Republic, 30 per cent higher than that of appeal court judges and 50 per cent higher than that of judges on the Court of Cassation.

45. **Mr. Petrosyan** (Armenia) said that the Government had adopted an anti-corruption programme containing 124 targeted measures for the period from 2009 to 2012. The Chief of Police had approved the measures specifically focused on the police and its various departments and on that basis had drawn up anti-corruption guidelines which were due to be adopted imminently. In 2011, two senior officers had been prosecuted and sentenced to 4 and 6 years of imprisonment respectively.

46. **Ms. Harutiunyan** (Armenia) said that a department responsible for combating corruption and organized crime had been established by order of the Prosecutor-General and that the Code of Criminal Procedure had been amended under an act which provided for the creation of a special independent body in charge of investigating abuse of authority by civil servants and any offences committed by senior officials of the judicial, legislative and executive branches of the Government in the exercise of their functions. The Prosecutor-General had also introduced a special procedure to detect corruption risks that defined 22 situations of risk.

47. **Mr. Sahakyan** (Armenia) said that in a report dated March 2010, the OSCE Office for Democratic Institutions and Human Rights had commended the efforts to combat corruption in the judicial system.

48. **Mr. Demirtshyan** (Armenia) said that there were judges specializing in juvenile affairs in each court and that the rotation system was organized so as to ensure that there was one such judge in each court in all circumstances. The Criminal Code contained specific provisions pertaining to minors, which, in particular, established lighter sentences for them than for adults. The Code of Criminal Procedure also included special regulations which took into account the specific needs of minors. Laws on arrest, detention and prison also contained individual provisions to ensure more favourable detention conditions for minors. Social reform centres for minors had been introduced with the assistance of civil society and international organizations, although the Government was aware that more efforts were required with regard to the reintegration of young offenders.

49. **Ms. Harutiunyan** (Armenia) explained that the Government and all competent authorities always took journalists' complaints into account and assured Committee members that all submissions were subject to in-depth analysis with published results and that the courts had convicted the officials responsible or, in some cases, the criminal procedures were still under way.

50. **Mr. Sahakyan** (Armenia) said that there was no maximum length for pre-indictment inquiries and that the courts had no jurisdiction over the matter. As for the decriminalization of defamation, a law had been adopted and the articles of the Criminal Code and the Civil Code which criminalized defamation had been repealed and replaced by new articles. The Constitutional court and the Supreme Court had clarified the terms "slander" and "insult", and decrees and other measures had been adopted to regulate those offences and to set appropriate fines. The Court of Cassation had indicated that in considering such cases, it had been necessary to weigh freedom of speech against respect for the honour, dignity and reputation of others and when the judges set a figure for any compensation, they had to pay close attention to the financial situation of the two parties.

51. **Ms. Harutiunyan** (Armenia) said that the state of emergency had been declared in Yerevan on 1 March 2008 by presidential decree, in compliance with the Constitution, to prevent threats against the constitutional order and protect the rights and legitimate interests of the population.

52. **Mr. Demirtshyan** (Armenia) added that in March 2012, parliament had adopted a new bill on the state of emergency which hopefully, would never need to be applied. He was not aware of any restrictions that had been imposed by the authorities on the organization of demonstrations by NGOs in large conference areas; hotels and conference rooms were private facilities and even if the State wished to impose restrictions, it would have no means of compelling the owners to agree or refuse to allow their premises to be used for a particular purpose. With reference to the mandate and operations of the Department of Control over the Illegality of the Activities of Non-Commercial Organizations, he said that the Department was under the authority of the Ministry of Justice and was responsible for checking the registration and legality of the activities of NGOs. The Ministry had no power to close NGOs down; only the courts could do that. In case of a breach of law, the Ministry's only recourse was to send a letter to the NGO concerned requesting it to remedy the situation, and to take the matter to court if the NGO did not comply.

53. **Ms. Soudjian** (Armenia) recalled that since 1988 Armenia had welcomed over 360,000 Azerbaijani refugees. Unfortunately, the voluntary return of refugees and displaced persons to their country of origin had not taken place, because Azerbaijan had not provided guarantees for their security. The situation of refugees in Armenia was a constant concern of the Government whose policy was to integrate refugees fully into society. By the end of 2011, some 86,000 Azerbaijani refugees had obtained Armenian nationality. Applications for Armenian citizenship were voluntary and refugees wishing to obtain nationality could do so within three days. The Government had implemented a wide variety of measures to address the most pressing refugee problems and, in particular, the most urgent issue of all: housing. To that end, in May 2011, it had organized an international fundraising conference in Yerevan for donors.

54. **Mr. Demirtshyan** (Armenia) said that the law on freedom of conscience and religious organizations contained a list of acts which were not considered as proselytism. Prohibitions applied only to certain deplorable forms of proselytism which were set out in the new bill, such as, exerting influence on a person of another religion or attempting to convert someone to a religion by means of threats or physical or mental violence. The bill covered all aspects of the freedom of conscience and belief and removed a considerable number of restrictions on the registration of religious organizations. Registration was mandatory for religious organizations with at least 25 members. The bill had been sent for consideration to the Venice Commission of the Organization for Security and Cooperation in Europe and was the subject of a public debate. It had not been suspended but just postponed until certain problems between the interested parties had been resolved.

55. **Ms. Harutiunyan** (Armenia) explained that the majority of Jehovah's Witnesses had refused to perform alternative service because they believed that it was not under civilian control. Steps were under way to review the law on Alternative Service, but as the review was not yet complete, 15 persons were currently detained for refusing to perform their military service or alternative service. The Venice Commission, which had reviewed the bill, was of the opinion that its adoption would be an important step towards harmonizing legislation with international norms on conscientious objection. At the same time, she expressed concern that alternative service lasted 42 months, compared to 24 months in military service, which was not in line with international standards. One positive aspect of the new bill was the provision that persons carrying out alternative service received their service record booklet, which was essential for certain jobs.

56. **Mr. Demirtshyan** (Armenia) said that the new Electoral Code, adopted in May 2011, was an excellent tool for detecting and stopping electoral fraud and other fraudulent practices and had proven its worth during the recent parliamentary elections. The Code contained all the necessary provisions to ensure that the electoral process was legal, and

guarantees to prevent and clamp down on infractions. It also set out penalties for serious violations.

57. With regard to the disciplinary and judicial measures applicable to members of the judiciary, it should be noted that the Ministry of Justice only had the power to apply to the Council of Justice but not to influence its decisions.

58. **Ms. Harutiunyan** (Armenia) added that the Prosecutor's Office was the coordinating body between police authorities. Before the elections, it consisted of ad hoc working groups made up of experienced judges who handled complaints and launched inquiries. Following the elections of the Yerevan City Council in May 2009, nine criminal cases had been instigated for breaches of the electoral legislation and five persons had been sentenced.

59. **Ms. Soudjian** (Armenia) said that there was no specific law governing discrimination against persons with disabilities but that several instruments explicitly covered the topic, in particular, the Constitution, the Labour Code, the law on employment and social welfare for the unemployed and the bill on the protection of the rights of persons with disabilities and their social integration. The Central Electoral Commission had taken note of the recommendations contained in the final report of the OSCE Office for Democratic Institutions and Human Rights and worked closely with national and international partners to ensure that the disabled were not restricted in the exercise of the right to vote.

60. **Mr. Salvioli** said that he was aware that Armenia was striving to take appropriate measures in support of victims of enforced disappearances during the Nagorny Karabakh conflict. He hoped that the delegation would supply the Committee with written details of the measures that might be taken in consultation with the Azerbaijani Government to identify the victims and provide compensation to the families.

61. **Mr. Thelin** said that he hoped the delegation would submit written details of the key aspects of the plan of action to reform the judiciary, adopted on 2 July, and also asked how many judges had been convicted of corruption.

62. **Ms. Motoc** requested more information on the new plan for alternative service, since, according to some sources, and as had apparently been confirmed by the Venice Commission, the new kind of alternative service would not apply to conscientious objectors such as Jehovah's Witnesses.

63. **Mr. Hovakimian** (Armenia) said that his country was in the throes of change and that several plans and activities were still planned for the future. On the matter of self-determination, the OSCE Minsk Group was the platform of choice for settlement of the Nagorny Karabakh conflict; however, it was the self-determination of Nagorny Karabakh, and not of Armenia, which was at stake, and consideration should be given to ways of associating the de facto authorities of Nagorny Karabakh with the work of the Minsk Group. The question of the measures taken to support victims of enforced disappearances should be addressed to the authorities of Nagorny Karabakh.

64. The delegation would send written responses to the Committee to any questions which had not been answered.

65. **The Chairperson** thanked the delegation for the frank and fruitful dialogue and expressed her hope that the next report would show further progress. Since the submission of its initial report, Armenia had continued to introduce the necessary changes to bring its legislation into line with the Covenant, but there had been setbacks. The events of 1 March 2008 had had severe consequences on the country's human rights situation and halted progress towards democracy. The lack of real investigations into the facts was regrettable, especially because the event had taken place four years earlier. One consequence was the

persistent impunity of the law enforcement authorities. Allegations from various sources of ill-treatment of detainees by the police were also a cause for concern, and the Committee had not received any responses regarding measures taken by the State party to address the issue. The absence of statistics on domestic violence made it impossible to ascertain the scale of the problem. The response to the question on preventing and clamping down on gender-based violence and domestic violence had been quite general.

66. She said that the delegation should submit additional information within 48 hours so that the Committee could take it into account in its concluding observations.

The meeting rose at 1.05 p.m.