



# International Covenant on Civil and Political Rights

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## 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 Committee's previous concluding observations (CCPR/C/ARM/CO/2, para. 4),<sup>1</sup> 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. With reference to the previous concluding observations (para. 12) and the 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 conflicts of interest of members of the National Assembly; and (d) the lack of transparency in natural resource management, particularly in the mining sector. In that regard, please provide 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. Please 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 the proposed amendments to the Criminal Code explicitly prohibit hate crimes and acts of 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

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\* Adopted by the Committee at its 129th session (29 June–24 July 2020).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.



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, the limitation of the legal capacity of persons with mental disabilities, and the lack of awareness of civil servants working with persons with disabilities concerning their rights. Please report on the effect of the comprehensive plan for 2017–2021 on the social inclusion of persons with disabilities.

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

5. With reference to the previous concluding observations (para. 7) and the information provided in the State party's report (CCPR/C/ARM/3, para. 62), please provide additional information on the measures taken 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 positions. Please include information on the impact of those measures and 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 information provided in 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 in strengthening the legal framework in this regard. In particular, please indicate the measures taken to: (a) encourage reporting of incidents of violence against women, including efforts to address the 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 the privacy of victims of sexual violence is not fully respected; that forensic examinations of victims of sexual violence are inadequate and inaccessible; and that law enforcement officers often put pressure on victims of violence against women to reconcile with the perpetrators of that violence.

#### **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 the reproductive rights of the person, which prohibits sex-selective abortion. Please include information on steps to raise awareness about safe, legal abortion services, to collect data and to provide training 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. 12–13) and the information provided in the State party's follow-up report (CCPR/C/ARM/CO/2/Add.1, para. 1) and in its 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 officers 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 and criminal proceedings carried out and the outcomes during the reporting period. Please indicate whether there have been any cases in which law enforcement officials have been given immunity or special protection when they have used force.

9. With reference to the previous concluding observations (para. 15) and the information provided in the State party's report (CCPR/C/ARM/3, paras. 90–91), please describe the impact of the measures taken 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 and on the processing of complaints made to the 1-28 hotline. 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 information provided in 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 have been no convictions for torture since the adoption of a new definition of torture in 2015.

#### **Liberty and security of person (arts. 9 and 10)**

11. With reference to the previous concluding observations (para. 19) and the information provided in the State party's report (CCPR/C/ARM/3, para. 120), please comment on reports that fundamental procedural safeguards, including the rights of detained individuals to have prompt access to a lawyer, to have access to a medical assessment and to be brought before a judge within a prescribed time frame, 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 able to grant probation to pretrial detainees.

12. With reference to the previous concluding observations (para. 20) and the information provided in the State party's report (CCPR/C/ARM/3, para. 147), please provide additional information on the measures taken to address overcrowding and the poor material conditions in places of detention, particularly Nubarashen, Vanadzor and Yerevan-Kentron prisons, and to ensure that prisoners have adequate access 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 of cases of trafficking in persons and establishing a procedure to assess the impact of measures taken to address human trafficking, as recommended by the Committee in its previous concluding observations (para. 16). Please provide additional information about: (a) specific training 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 the 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 information provided in 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 State party's Criminal Code and Code of Criminal Procedure do not provide sufficient safeguards against non-refoulement in cases of extradition. Please describe the measures taken to protect stateless persons, including plans to adopt the draft law on foreigners and stateless persons and to establish a stateless 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. Please describe the steps taken by the State party to improve their housing and living conditions, including with regard to housing programmes and budget allocation to that end.

**Access to justice, the independence of the judiciary and the right to a fair trial (art. 14)**

16. With reference to the previous concluding observations (para. 21) and the information provided in 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 the 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 chair, 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 and on the impact of the training provided to officials in the juvenile justice sector, as indicated 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 on a state of emergency and electronic communication, which were introduced in March 2020 in response to the coronavirus disease (COVID-19) pandemic, interfere with the right to privacy. Please comment on the compatibility of these laws with the Covenant. In this regard, 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 taken to ensure compliance with the requirements set out in the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency and 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 reference 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 on religious organizations, the process of public consultations on those amendments and the extent to which the amendments address the current limitations on the freedom of religious belief. Please also comment on reports of restrictions on freedom of religious belief indicating that: (a) employees of, inter alia, the military and the national security, penitentiary and rescue services are prohibited by law from membership of religious organizations, despite the fact

that the Constitutional Court found the same restriction concerning police officers to be unconstitutional; and (b) students in public schools are required to study the history of the Armenian Apostolic Church exclusively.

**Freedom of expression (arts. 19 and 20)**

20. With reference to the previous concluding observations (para. 26), please respond to continued reports of harassment and intimidation of 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. Please provide statistical information in that regard for the period under review. Please also comment on reports of: (a) an increase in the number of defamation lawsuits being brought 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 information provided in 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 assembly and comment on their compatibility with the Covenant. Please respond to reports of: (a) unjustifiable police interference in and disproportionate police presence at peaceful demonstrations; (b) arbitrary and prolonged detention of assembly participants without ensuring respect of their fundamental legal safeguards, including the right to legal assistance; (c) criminal proceedings initiated against assembly participants; and (d) the continued failure of the competent authorities to promptly investigate violations by police officers of the right to peaceful assembly and to bring the perpetrators to justice.

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

22. Please provide information on the measures taken to prohibit and combat cases of: (a) forced and early marriage, especially among Yazidi 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 Armenia.

**Participation in public affairs (arts. 25 and 26)**

23. Please indicate the measures taken by the State party to address the reported lack of transparency in campaign financing, including information on the new draft law on political parties, mentioned in the State party's report (CCPR/C/ARM/3, para. 227). Please also indicate what measures have been taken or are planned to ensure that polling stations are fully accessible for persons with disabilities.

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