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## STATEMENT

by H.E. Mr. Ashot Hovakimian, Deputy Minister of Foreign Affairs  
at the 21<sup>st</sup> session of the Working Group  
on Universal Periodic Review of Armenia

Geneva, 22 January 2015

Mr. President,

It is an honor to lead the Armenian delegation in the second cycle of the Universal Periodic Review. Armenia supports UPR process as an effective tool commending states to improve their human rights situation and a real instrument for assessment of positive developments and challenges. I would like also to underline the importance of sharing of the best practices. We strongly believe that the effectiveness of work of the UPR depends on political will of each particular state to comply with fundamental principles of this process as a cooperative and intergovernmental mechanism.

I would like to thank all the Governments that have submitted written questions in advance, and we look forward to a constructive and fruitful discussion. Members of Armenian delegation, comprised of the high officials of the different governmental offices, and I myself will address them in the course of this review.

Mr. President,

Our report is a result of work of inter-ministerial commission established by the Decision of the Prime Minister. The report outlines the key areas of human rights reform process during last years as well as shows the main challenges and obstacles for implementation of human rights. We focus also on how we addressed recommendations from the first UPR cycle. A number of legislative and practical measures have been adopted with the aim to bring these recommendations into practice. It is worth to mention that recommendations made during the first UPR cycle received close attention of the Government, and Armenia voluntarily prepared a mid-term report covering the implementation of recommendations undertaken. During the first UPR cycle Armenia was among the countries that accepted the highest number of recommendations, as majority of them were under implementation. I would like also to stress the active interest of civil society and NGOs towards UPR process which we realized not only during discussions but by the large number of presented alternative reports. We appreciate the interest shown towards the work that has been done. We

believe that strong human rights system can be only a result of synergies between the state and the civil society.

The civil society development started in Armenia since the first days of independence. Armenian NGOs have been significantly active in the recent decade, with the opportunity to operate freely, guaranteed for by the legislation of the Republic of Armenia. NGOs directly promote the dissemination of human rights and have a major contribution to the protection of these rights. Particularly, they are actively engaged in the issues concerning children, women, national minorities, disabled people, and detainees. Many NGOs regularly carry out studies in the sphere of human rights protection, develop various preventive and public awareness programs. According to data provided by the State Register Agency of Legal Entities of the Ministry of Justice – there are 5.512 non-governmental organizations registered in the Republic of Armenia.

Mr. President,

Since the beginning of the process of formation of independent statehood, Armenia has taken the path of creation of a democratic society based on the rule of law.

The intensive reform of political and legal structure of the country has started since the first days of independence despite the economic and financial crises and the blockade of a landlocked country.

United Nations membership and relevant international obligations became an important part of international vector of Armenian policy.

Armenia has been actively involved in the activities launched within the UN framework and has co-operated with many structures and subdivisions of the organization. Armenia is a signatory to numerous international treaties including the fundamental instruments in the sphere of human rights.

According to the article 6 of Constitution, international treaties ratified or approved by the Republic of Armenia are an integral part of the legal system and shall have prevalence over national laws, while those international treaties that contradict the Constitution simply may not be ratified.

On May 2006 Armenian Government extended a standing invitation to thematic special procedures. This year, as of now, we are planning to receive two of them - Independent expert on the enjoyment of all human rights by older persons and Special Rapporteur on the sale of children, child prostitution and child pornography.

By the adoption in 2007 of the Government decision on co-ordination and preparation of the national reports, deriving from international

commitments, the Ministry of Foreign Affairs coordinates these activities. Non-governmental entities are also engaged in the preparation of national reports. Open discussions of special format are organized for these purposes, during which the provisions of the given report are discussed. During 2014 Armenia prepared and submitted to OHCHR its fully updated Core document. The latest report submitted by Armenia was the 5<sup>th</sup> and 6<sup>th</sup> joint periodic report sent to the UN Committee on the Elimination of all Forms of Discrimination against Women.

Since the first review cycle there were significant positive developments regarding Armenia's compliance with human rights instruments. Numerous laws were enacted, several reforms initiated, different National Action Plans were adopted. Independent control mechanisms continued its activities.

I will now briefly describe the main achievements that have taken place in Armenia since the first UPR cycle.

Mr. President,

Armenian Government has a conceptual approach towards the implementation of human rights standards on the ground. The reform process of the judicial system initiated in Armenia is currently underway. The 2012-2016 Strategic Program for Legal and Judicial Reforms has been adopted, which provides for wide-ranging activities covering judicial, penitentiary and criminal legislation, decriminalizing some activities and reducing sentences for others; the introduction of a probation system; reduced trial lengths. Strategic Program foresees large-scale activities both with regard to judicial legislation, and penitentiary and criminal legislation and with regard to all those laws that are related to the human rights sphere. Within the framework of the reform process Law on Investigative Committee of the Republic of Armenia was adopted on May 19, 2014.

For many years the Cabinet approves thematic programs in the field of rights of the child, women's rights, rights of disabled persons, anti-trafficking action plans, etc. These thematic actions plans have become important tools for improvement of human rights of the most vulnerable sectors of population and strengthen not only intergovernmental co-operation but also ensure active participation of different strata of society in the elaboration and implementation process. Action plans "On the Rights of the Child" and "On Improving the Status of Women and Enhancing their Role in Society" were among the first Government approved human rights strategies. Within this context and in order to ensure the continuity of this important activity, National Strategy on Human Rights Protection was approved by the President on October 29, 2012. It refers to all fields of human rights, including civil, political, economic, social and cultural rights. The Government approved a Plan of Action for the National Human Rights

Strategy on February 27, 2014. It includes the implementation of such important issues as elaboration of programs for reduction of youth unemployment, establishment of integrated social services system to assist the most vulnerable part of the society, to improve health care system in detention, access to quality education for vulnerable groups and wide range of activities in the field of civil and political rights. In December, 2014 there was established a Working Group by the Minister of Justice for coordinating the implementation of the National Strategy. A Working Group has the main mission to coordinate the implementation of the provisions of the National Strategy, *inter alia* to identify and make proposals, if any, in order to fill contingent gaps while implementation of the Action Plan. According to the Action Plan, the new legislative acts are to be adopted:

- Law on Personal Data Protection (now it is in the National Assembly);
- Law on Non-Governmental Organizations (Public Discussions Stage).

According to the Plan of Actions each national institution in Armenia has the obligation to submit a report within the time limits set with respect of the implementation of the provisions of the National Strategy. The first report was submitted on March 31.

A Specialized Commission on Constitutional Reforms was formed by the Decree of the President of the Republic of Armenia of September 4, 2013, based on the necessity of implementing the principle of the rule of law, improving the constitutional mechanisms for guaranteeing the fundamental human rights and freedoms, ensuring the complete balancing of powers and increasing the efficiency of public administration. The objective of the Commission was the drafting of a Concept Paper.

The Council on Women Issues was reorganized into National Mechanism for implementation of gender equality policy, according to the Prime Minister's Decision of November 19, 2014. One of the principal goals of this machinery is to promote and achieve gender equality and ensure full enjoyment of women's rights. The national machinery's main function is to monitor the effective implementation of national legislation based on principle of non-discrimination and equality, as well as incorporation into national policies and agendas of international obligations assumed by the State in this field. The location at the highest possible level in the Government is one of the important conditions for an effective functioning of such machinery.

The Law "On Ensuring Equal Rights and Equal Opportunities for Women and Men" was adopted on May 20, 2013. The main objective of the Law is to ensure equality between women and men in all spheres and provide legal protection against discrimination. To ensure the effective

implementation of this Law, as well as for guaranteeing the comprehensive accountability of the Government in the process of achieving gender equality, a Decision on "The Procedure for monitoring the state policy programs on ensuring gender equality and information exchange" was submitted for the approval of the Government.

The Ombudsman's Office has a strong role among independent human rights protection mechanisms. It was awarded "A" class highest status by the International Ombudsman Association in 2013, which proves the independence and objectivity of the Defender. The Government has every year consistently increased the annual budget allocated for the activities of the Defender's Office, guaranteeing continuous operation of the Rapid Response Service and Defender's regional Offices in Gyumri, Gavar and Kapan. Every year the Human Rights Defender publishes Annual Reports thoroughly addressing the activities carried out in the field of human rights.

Mr. President,

During the period under review Armenia has signed or ratified a number of international conventions, including new documents in the field of non-discrimination, such as the Convention on the Rights of Persons with Disabilities (ratified on May 17, 2010), Convention for the Protection of All Persons from Enforced Disappearance (ratified on January 24, 2011), Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (signed on September 26, 2013).

The process of ratification of the Rome Statute of the International Criminal Court may be possible only when the existing discrepancies with the Constitution of the Republic of Armenia are eliminated. This important issue is included among those to be considered within the initiated Constitutional reform process.

During the last few years steps have been taken to set up a National Preventive Mechanism (NPM), in order to comply with obligations under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This task was assigned to the Office of the Human Rights Defender in 2008. Since 2012, civil society representatives have been involved in the work of the NPM, in particular through the establishment of a Council for the Prevention of Torture. In its 2014 Interim Report it has been highlighted by the NPM that as a result of constructive collaboration and cooperation with the Police specific issues which needed concrete practical solutions have been solved.

The state criminal policy in respect of the crime of torture has been totally changed. Taking into due consideration the necessity to bring the national legislation criminalizing "torture" (Article 119 of the RA Criminal

Code) into conformity with Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, UNCAT) the Criminal Code has been amended and submitted to the final approval. This amendment, among the others, is aimed at ensuring that the definition of torture is in line with the international standards and norms criminalizing "torture".

Since 2012, comprehensive reforms have been implemented in the field of state regulation of employment, particularly, in 2012, the Government approved the Employment Strategy for 2013-2018, and with a view to stipulating legal grounds for the new model of employment policy and providing for comprehensive and effective legislative framework for the main mechanisms for the implementation of priority goals of the Strategy, the Law "On employment" was adopted by the National Assembly on December 11, 2013. Since 2014, apart from seven formerly existing active programs, the following new state programs for persons uncompetitive in the labour market are envisaged within the framework of the annual state employment programs funded from the State Budget. The priority in this group is given to women, as well as to persons with disabilities.

The National Assembly adopted the Law "On public service" on May 26, 2011 which regulates the principles and procedures for the organisation of public service. One of the main principles of the public service is the legal equality of public servants before the law (part 1 of Article 3), and one of the main rights is the right to receive equivalent remuneration for work (point 5 of Article 20). Each public servant is, without any discrimination, entitled to remuneration in the amount prescribed by the legislation (part 2 of Article 27). Issues related to the remuneration for each state service are mainly regulated by the law on each service. Basic and supplementary salary for both state and community services is prescribed for a particular position and no discrimination is allowed based on sex.

Quality of democracy is predicated on the scope and scale of women's civic and political participation and their involvement in decision-making. Article 108.2 of the Electoral Code represents an improvement of gender balance requirements, in particular establishment of gender sensitive quotas compared to earlier codes and draft legislation. A list of candidates must have both genders represented among the first six candidates on the list, starting with candidate number two, and further for each interval of five candidates. Article 155.2 of the Electoral Code has a similar provision for women candidates on the lists for elections to the Yerevan Council of Elders.

Since the submission of our first UPR report, Parliamentary and Presidential elections were held in Armenia on May 6, 2012 and February 18, 2013 accordingly. After the parliamentary elections according to the order of the President from August 23, 2012 a working group has been established, aimed at carefully studying recommendations presented by OSCE/ODIHR and offering a comprehensive action plan for the implementation of the named recommendations. The same group dealt also with the recommendations received from OSCE/ODIHR after Presidential Elections. Large amount of work has been done by the Working group for elaboration of Action plan on implementation of recommendations. In drafting action plan round-table discussions and debates have been organized with participation of the OSCE Yerevan Office, representatives of political parties, mass media and Central Electoral Commission. Most of the recommendations address issues of application of laws and codification of election-related norms. The recommendations related to the Constitutional reform are included in the Concept Paper dealing with the matter.

In the course of the last decade, the Government has undertaken a number of important steps in the field of the fight against corruption. By adoption of the anticorruption strategy documents, the state policy on the fight against corruption has fully fledged, the key directions of the state policy on the fight against corruption have been set, the legislative framework has improved, and an institutional system of anti-corruption bodies has been introduced. Combating corruption is among Government priorities. With this regard in 2014 following activities have been realized.

1. The Government approved the concept on the fight against corruption in the public administration system in April 2014. According to this decision, new institutional system in Armenia, as well as New Anticorruption Strategy and its action plan were developed.
2. Government cooperates actively with the OECD, and based on the results of the monitoring, the report on anticorruption reforms in Armenia was adopted at the ACN meeting in October 2014 at the OECD in Paris.
3. In 2014 GRECO released the second report on the implementation by Armenia of its obligations in compliance with the recommendations of the Council of Europe in the field of criminalization of corruption and transparency of party funding. The document was approved during the 66th plenary session of GRECO, held in Strasbourg last December. States have come to the conclusion that Armenia fulfilled the 19 recommendations contained in the Report and congratulated the country with reforms that have led to those results.
4. New approaches of the state policy highlight the active participation of the civil society and each individual in the anticorruption programs. For that reason numerous discussions were organized in Yerevan and in regions with the cooperation of NGOs and the drafts of the decisions on establishment of new institutional system and on the New Anticorruption Strategy have been

actively discussed. Moreover, as different from the previous Anticorruption Council, the new Council will include two representatives from the civil society, four representatives from the opposition parties, Chair of the Public Council, and the representative of the Union of Communities.

Armenia continues to have one of the lowest numbers of detained children in pre- and post-sentencing facilities in the CEE/CIS region, amounting to only 18 juveniles in 2014. The numbers of arrested children, children charged with an offence, and children convicted for criminal activity has seen a steady drop in the last few years.

By the Decision of the Government, the “Strategic Program for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016” and the “Timetable of measures of the Strategic Program for the Protection of the Rights of the Child for 2013-2016” were approved in December 2012. Measures include drawing up of the concept on combating the violence against the child and of the action plan, where the forms of combating the violence against the child shall be established, the procedures for guiding the protection of children against violence shall be applied, the ongoing trainings for the specialists (psychologists, pedagogues, social workers, physicians, policemen, etc.) engaged in the issues concerning children will be carried out on a regular basis. The child care and protection institutions functioning within the system of the Ministry of Labor and Social Affairs are under permanent supervision by the state.

Freedom, independence and pluralism of media are of great importance in the context of ensuring the realization of the constitutional right of persons to have access to information. Armenian Government paid special attention to ensuring this fundamental freedom throughout legislative reform that has been conducted since Armenia’s independence. Armenia actively cooperates with regional organizations in this field.

The development of Internet and innovative technologies has become one of the strategic priorities of our Government. The issue of accessibility of Internet in Armenia is regulated by the Law “On Electronic Communications”, the main objective of which is “to promote the development of electronic communications on the territory of the Republic of Armenia, to ensure fair and open competition in the provision of electronic communications, and to protect the interests of the users of electronic communications services, operators and providers under an open market economy”. According to international watchdogs, Armenia was considered a country with free internet. The President of Armenia signed into effect the amendments to the Criminal Code on June 15, 2010, thus decriminalizing defamation in Armenia.



Armenian authorities have carried out active campaign against human trafficking in all its manifestations, combining it with a large-scale public awareness campaign. The new law "On Identification of and Assistance to the Victims of Human Trafficking and Exploitation" was adopted on December 17, 2014. This law replaces the existing National Referral Mechanism and focuses on all the aspects of human trafficking and exploitation in its entirety, including issues of protection, prevention and punishment. The purpose of the legislation is to properly implement the support and the reintegration processes of the identified victims, through the cooperation and joint efforts of governmental, non-governmental and international organizations which comprise the Interagency Working Group on combating human trafficking.

Armenia is an active member of the Council of Europe Convention on Action against Trafficking in Human Beings. Armenia has undergone the First evaluation round of GRETA and presented its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings on September 21, 2012. Armenia has also submitted its Report on measures taken to comply with Committee of the Parties Recommendation on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings on November 5, 2014. We are looking forward to a constructive dialogue during the Second evaluation round. Armenia has also a very substantial bilateral cooperation, including signing of a number of agreements, with many countries. US State Department Trafficking in Persons 2014 Report has ranked Armenia in Tire 1 for the second consecutive year.

Mr. President,

This was a brief overview of the human rights situation in Armenia outlining its major progress in the fulfillment of recommendations by the UN and other international monitoring bodies. Now I would like to give the floor back to you for the first round of interventions.