



## **Armenia's Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues**

### **Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

### **The Women's Resource Center Armenia**

a non-governmental organization

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

**The Women's Resource Center Armenia** ("WRCA") was founded in 2003. WRCA is working in the area of women's human right, women's social and political empowerment, reproductive and sexual rights, sexual violence and women's role in the conflict resolution and peace building. WRCA's main goal is to give women the necessary tools and empower them to become active citizens of the Armenian community, through education and support. WRCA is a member of several local and international networks and coalitions. Since 2003 the organization submitted shadow reports and stakeholders report to different UN treaty bodies.

## EXECUTIVE SUMMARY

1. The period since Armenia's last report includes years of widespread corruption and repression of opinion and expression prior to 2018. Police used excessive force against political protestors and arrested numerous members of opposition to the government. In 2018, opposition leader Nikol Pashinyan replaced former Prime Minister Serzh Sargsyan. This transition of power, referred to by some as the "Velvet Revolution," put Armenia on a path toward addressing past human rights violations, establishing independence of the judiciary, and eradicating governmental corruption. Though this is a significant step for human rights in Armenia, serious problems remain.
2. Armenia has begun to undertake much-needed reforms in its handling of domestic violence. In 2017, a new Domestic Violence Law was passed that provided for some improvements to the police response, for increased access to shelters, and to police training. Yet it did not criminalize a first instance of domestic violence that results in minor injury, and its focus on family reconciliation failed to account for the serious, gender-based issue that domestic violence is.
3. Although recent changes provided more shelter beds than existed previously, women's access to assistance and to shelters with properly-trained staff is still far from what is needed. Women face barriers to leaving their abusers, especially if they have children, because the regulation of support systems does not have exceptions for women fleeing abuse.
4. The State party has signed but not ratified the Istanbul Convention. It has made a commitment to a five-year review period toward ratification, beginning in 2019.
5. Violence and discrimination against LGBTI individuals is still a serious problem.
6. The government has not established the independence of the judiciary.
7. During the current state of emergency, the government has forced at least two newspapers to censor articles about the coronavirus. Defamation suits against journalists have also increased. Moreover, LGBTI and women human rights defenders experience routine death threats, yet the government provides them with little to no protection or remedy.

### **Armenia fails to uphold its obligations under the International Covenant on Civil and Political Rights (ICCPR).**

#### **I. Armenia fails to protect women from domestic violence.**

8. Domestic violence and other forms of violence against women constitute a violation of women's rights under the ICCPR. Domestic violence violates a woman's rights to life and security of person (Articles 6 and 9), freedom from torture and inhumane or degrading treatment (Article 7), equality before the courts (Article 14), equal protection before the law (Article 26), and protection of the family and equality in marriage (Article 23), among others.
9. As a State party to the ICCPR, Armenia is obligated to ensure that its criminal and civil laws adequately protect women from violence and consistently hold perpetrators accountable, and that its agents – such as police and prosecutors – implement laws that protect victims of domestic violence (Article 2). If a State fails in this obligation, the State has not acted with

due diligence to prevent, punish, investigate or redress such gender-based violations of civil and political rights.

10. In its 2012 Concluding Observations on Armenia, the Human Rights Committee (“Committee”) expressed its concern over the high rates of domestic violence and other forms of gender-based violence against women in the country.<sup>1</sup> The Committee also noted the absence of a specific law criminalizing domestic violence as well as an “insufficient number of shelters for victims of domestic violence”.<sup>2</sup> The Committee recommended that Armenia adopt comprehensive domestic violence legislation, expand the availability of shelters across the country, implement awareness-raising campaigns to educate Armenians about gender-based violence, and train relevant system actors such as law-enforcement and social workers on how to work with victims of domestic violence.<sup>3</sup>
11. Armenia’s 2019 State Party Report cited a number of new laws, initiatives, and policies intended to prevent and combat domestic violence and gender-based violence, including the adoption in late 2017 of a Law “On prevention of domestic violence in the family, protection of persons having been subjected to violence in the family and restoration of solidarity in the family”.<sup>4</sup>
12. Domestic violence and other forms of gender-based violence against women are still serious problems in Armenia. According to a 2016 UN Population Fund (UNFPA) survey, one in four Armenian women report experiencing some form of physical violence in her lifetime at the hands of a partner and nearly one in two women report experiencing psychological violence.<sup>5</sup> Approximately twenty percent of women say their partner has “prohibited” them from earning money. Eight percent of men who responded to the survey admitted that they had sexually assaulted a woman or girl.<sup>6</sup> Earlier surveys have found similar rates of violence in Armenia, with a 2011 UNFPA survey finding over 60% of women have experienced “controlling” behavior by an intimate partner (e.g. limiting her movement outside the house or forcing her to ask permission to access health care).<sup>7</sup> At least fifty women in Armenia were killed as a result of domestic violence or gender-based violence against women

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<sup>1</sup> Human Rights Committee, *Concluding Observations on the Second Periodic Report of Armenia*, (Aug. 31, 2012), U.N. Doc. CCPR/C/ARM/CO/2.

<sup>2</sup> *Id.* ¶ 8.

<sup>3</sup> *Id.*, ¶ 8.

<sup>4</sup> International Covenant on Civil and Political Rights, *Third periodic report submitted by Armenia*, (September 30, 2019), U.N. Doc. CCPR/C/ARM/3, ¶ 58-61.

<sup>5</sup> Women’s Support Center, *Gender Politics in Armenia, An Exploration of Legislation, Anti-Gender Rhetoric, and Community Strategies*, by Ani Jilozian, (2017), 16, *citing* Vladimir Osipov and Jina Sargizova, Men and Gender Equality in Armenia: Report on Sociological Survey Findings, United Nations Population Fund, 2016, *available at* [https://armenia.unfpa.org/sites/default/files/pub-pdf/MEN%20AND%20GENDER%20EQUALITY\\_Final\\_0.pdf](https://armenia.unfpa.org/sites/default/files/pub-pdf/MEN%20AND%20GENDER%20EQUALITY_Final_0.pdf).

<sup>6</sup> *Ibid.*

<sup>7</sup> See Council of Europe, *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe Following His Visit to Armenia from 5 to 9 October 2014* (March 10, 2015), ¶ 126-128, for description of several surveys on domestic violence in Armenia.

(femicides) between 2010 and 2017.<sup>8</sup> In the first six months of 2019, 10 women were killed by intimate partners.<sup>9</sup>

13. Additionally, the prevalence of domestic violence in Armenia is likely much higher than what is reported in surveys or official statistics, given how few women actually report violent incidents committed by an intimate partner. As the Commissioner for Human Rights at the Council of Europe has noted, “[w]omen who voice complaints or attempt to escape a violent situation are generally perceived as endangering family unity and stability” and that “[u]nder the guise of preserving the family, acts of violence, which mostly affect women and children, remain unaddressed.”<sup>10</sup> Local non-governmental organizations report that a “shroud of stigma and shame” and official indifference continue to limit many women’s ability to seek help or report abuse.<sup>11</sup>
14. The State party has taken some steps to address domestic violence since its last review by the Committee. After years of debate and effort by advocates and NGOs, and substantial pressure from European human rights bodies, Armenia finally adopted a Law on Prevention of Domestic Violence in December of 2017. This law was a fiercely-debated first step toward offering women some degree of protection from violent perpetrators, as it requires police for the first time to “urgently” intervene in certain domestic violence situations and allows for the issuance of longer term orders for protection.<sup>12</sup> The law also directs the government to fund crisis centers for victims, to establish a Domestic Violence Council, and mandates domestic violence trainings for systems actors such as law enforcement.
15. However, the proposed domestic violence law had to be modified significantly before it could be passed to accommodate public misperceptions that it would “destroy everything” and “subvert family values.”<sup>13</sup> The revised law shifts the emphasis from best practices of protecting women from violence and preventing violence to instead emphasizing the aim to “retain solidarity in the family” or restore “harmony in the family” (depending on the translation).<sup>14</sup> Additionally, the State party did not enact Criminal Code provisions to specifically penalize domestic violence. The law does, however, require prosecutors to investigate “alleged crimes in the family” even if a victim withdraws her complaint.<sup>15</sup> While the Criminal Code punishes violent acts like beating or causing physical or emotional harm, advocates say that these acts are hard to “prove” in the absence of severe injury, even for repeated abuse.<sup>16</sup> This evidentiary burden makes it difficult to punish many acts of domestic

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<sup>8</sup> Women’s Support Center, *Gender Politics in Armenia, An Exploration of Legislation, Anti-Gender Rhetoric, and Community Strategies*, by Ani Jilozian, (2017), 16.

<sup>9</sup> Human Rights Watch, “Armenia: Little Protection, Aid for Domestic Violence Survivors; New Law Should Enhance Safety, Services, Justice,” accessed April 27, 2020, <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors#>

<sup>10</sup> Council of Europe, *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe Following His Visit to Armenia from 5 to 9 October 2014* (March 10, 2015), ¶124.

<sup>11</sup> Women’s Support Center, *Gender Politics in Armenia, An Exploration of Legislation, Anti-Gender Rhetoric, and Community Strategies*, by Ani Jilozian, (2017), 18.

<sup>12</sup> Koltsova, Maria, ““Pass a law, even if it’s a bad one”: how Armenia is tackling domestic violence,” Open Democracy (January 21, 2020), available at <https://www.opendemocracy.net/en/odr/armenia-domestic-violence-law/>.

<sup>13</sup> *Ibid.*

<sup>14</sup> Interview with Advocate, via Skype, January 14, 2020.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

violence, such as: long-term violence; threats of harm; violence that does not leave visible injury; violence causing injuries that are not medically documented; and highly dangerous violence where authorities may not be trained to recognize and document, such as strangulation. Even when a woman's injury is well documented or hard to ignore (such as an injury severe enough to send her to the hospital or kill her), the penalty is usually just a fine, and perpetrators serve little to no jail time.<sup>17</sup>

16. The requirement for urgent police intervention is also fraught with barriers to holding offenders accountable. Police are required to “urgently” intervene only in cases of severe domestic violence or where the woman has complained more than once.<sup>18</sup> Further, the new law includes a reconciliation clause, which allows the victim to reconcile with the abuser if both parties agree.<sup>19</sup>
17. The implementation of court-issued protective orders is also fraught with challenges. Protective orders of up to six months may be issued by the court order after a hearing. Advocates indicate, however, that courts often ask the victim to reconcile with her abuser.<sup>20</sup> Even when courts issue a protective order, such orders are poorly monitored and enforced by the police,<sup>21</sup> leaving little protection for the victim beyond the paper order.
18. Domestic violence that takes the form of sexual violence is not separately prohibited in the Criminal Code, although nothing prohibits application of the general rape law to married persons.<sup>22</sup> The State party has undertaken no plan to address sexual violence or to improve services to victims of sexual violence.<sup>23</sup> Additionally, police need better training in responding to sexual assault, because they often blame the woman for triggering the sexual violence against them.<sup>24</sup>
19. Advocates and women's rights organizations have welcomed the current government's outreach to civil society and say they appreciate that various government ministries have requested their input into proposed amendments to improve the domestic violence law and amend the criminal code.<sup>25</sup> They remain concerned, however, that progress has stalled and that the domestic violence law's emphasis on preserving and restoring family harmony will result in women remaining in abusive situations.<sup>26</sup> The Minister of Justice has stated that the provision on restoring family harmony is not aimed at reducing women's safety, but applies to offender services, such as drug or alcohol treatment.<sup>27</sup> Not convinced, advocates are

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<sup>17</sup> Ibid.

<sup>18</sup> Human Rights Watch, *Armenia World Report 2019*, August 19, 2019, <https://www.hrw.org/world-report/2020/country-chapters/armenia>; Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>19</sup> Rupen Janbazian, *Armenia Adopts Law Against Domestic Violence At Last*, The Armenian Weekly, December 8, 2019. <https://armenianweekly.com/2017/12/08/armenia-adopts-law-domestic-violence-last/>

<sup>20</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>21</sup> Ibid.

<sup>22</sup> Asian Development Bank, “Armenia Country Gender Assessment,” accessed April 26, 2020. <https://www.adb.org/documents/armenia-country-gender-assessment-2019>.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Interview with Advocate, via Skype, January 14, 2020.

<sup>26</sup> Ibid.

<sup>27</sup> Human Rights Watch, “Armenia: Little Protection, Aid for Domestic Violence Survivors; New Law Should Enhance Safety, Services, Justice;” accessed April 27, 2020, <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors#>

concerned about the lack of progress on updating the Criminal Code to pursue offender accountability, saying that a recent draft of amendments from the government was “completely gender insensitive” and contained “nothing dealing with domestic violence.”<sup>28</sup> The amendments, proposed in October of 2019, would remove the “restoration of family harmony” and reconciliation provisions, provide for inclusion of former partners, and define coercive controlling behavior as a form of domestic violence, but those provisions remain at the proposal stage.<sup>29</sup>

20. Along with an inadequate domestic violence law, advocates say that the police response is inadequate.<sup>30</sup> Police do not have a strong understanding of domestic violence, and do not respond appropriately.<sup>31</sup> They frequently rely on giving a warning rather making a decision that urgent intervention is warranted, such as prohibiting the offender from approaching the victim.<sup>32</sup> In a 2019 public statement touting reforms in the police response to domestic violence, State Police Colonel Nelly Durian noted that, of 2,682 emergency domestic-violence calls, a warning was given in 1,166 cases, and “urgent intervention” taken in only 375.<sup>33</sup> Apparently no action was taken in the remaining 1,141 calls. Colonel Durian acknowledged that there is considerable work yet to be done regarding the police response to assure the safety of victims who call police.<sup>34</sup> Advocates note that, while police cooperate with measures such as sitting on the Domestic Violence Council, the underlying mentality has not changed.<sup>35</sup> As mentioned above, police enforcement of protective orders is weak.
21. The safety of victims is also compromised because of inadequate provision of protection and shelter. Two shelters and six crisis centers recently opened for victims of violence, run by NGO’s and co-funded by the State.<sup>36</sup> This is a step in the right direction, but the number of shelters is still too low to secure safety for all women who need them.<sup>37</sup> The State party has not provided one shelter space per every 10,000 in the population, as recommended by the Council of Europe.<sup>38</sup> A 2019 Ministry of Labor and Social affairs decree promising to open a shelter in each province has not yet been fully realized.<sup>39</sup> Further, the shelters and other financial assistance legal measures are not sufficiently funded; there is no allocation for them in local annual budgets.<sup>40</sup> Particularly as the State party works to raise awareness and

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<sup>28</sup> Interview with Advocate, via Skype, January 14, 2020.

<sup>29</sup> Human Rights Watch, *Armenia World Report 2019*, August 19, 2019, <https://www.hrw.org/world-report/2020/country-chapters/armenia>.

<sup>30</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>31</sup> Human Rights Watch, “Armenia: Little Protection, Aid for Domestic Violence Survivors; New Law Should Enhance Safety, Services, Justice;” accessed April 27, 2020, <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors#>; Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>32</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>33</sup> Azbarez, “Violence Against Women in Armenia Highlighted in Various Forums,” accessed April 26, 2020 <http://asbarez.com/188773/violence-against-women-in-armenia-highlighted-in-various-forms/>.

<sup>34</sup> Ibid.

<sup>35</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>36</sup> Ibid.

<sup>37</sup> Human Rights Watch, “Armenia: Little Protection, Aid for Domestic Violence Survivors; New Law Should Enhance Safety, Services, Justice;” accessed April 27, 2020. <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors#>.

<sup>38</sup> Ibid.

<sup>39</sup> Asian Development Bank, “Armenia Country Gender Assessment,” accessed April 26, 2020. <https://www.adb.org/documents/armenia-country-gender-assessment-2019>.

<sup>40</sup> Ibid.

encourage more women to report domestic violence, the current shelter availability leaves a “huge gap” between what is needed and what is provided.<sup>41</sup>

22. For those shelter spots that are available, there also remain systemic obstacles for women to access that support. A woman with children who wishes to leave her home for a shelter may have difficulty because of residence registration requirements.<sup>42</sup> To move her children to a new school near the shelter, she must inform the old school of her new residence, but may be reluctant to give up the privacy of her physical location.<sup>43</sup> Similarly, to get medical treatment, the requirement for residential registration can get in the way if a woman who is at a shelter.<sup>44</sup>
23. A mother fleeing her abuser could also run into difficulty regarding custody of her children, as the first parent who “takes” the children will get custody.<sup>45</sup> There are no clear procedures for child custody in the domestic violence law, and the police will not assist a victim whose abuser has taken the children.<sup>46</sup> Legal services are available for free to assist women with accessing legal systems for child custody, child support, and joint property, but those services are vastly underfunded to meet the need.<sup>47</sup> There is also inadequate enforcement of court orders for child custody and support.<sup>48</sup>
24. Armenia signed the Istanbul Convention in 2018 but has not ratified it. The post-revolution government said in 2019 that it would ratify the Istanbul Convention,<sup>49</sup> a commitment that the authors commend. In 2019, the State launched a five-year plan to ratify the Istanbul Convention, including a review of the “constitutional implications” of undertaking the commitment to the Istanbul Convention.<sup>50</sup> That set off a heated debate between conservatives (led by the Armenian Apostolic Church), who falsely claim that it recognizes a non-traditional third gender, and human rights activists who say that holding to “traditional values” is a pretext for the patriarchy at the root of domestic violence.<sup>51</sup> Women’s advocates note that the State has been working to counteract misinformation about the Istanbul Convention by preparing public service announcements and social media.<sup>52</sup> Within the context of widespread public opinion against LGBTI individuals, the church and other opponents of the Istanbul Convention have based their claims on misinformation that it

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<sup>41</sup> Ibid.

<sup>42</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Interview with Advocate, via WhatsApp, February 7, 2020; Human Rights Watch, “Armenia: Little Protection, Aid for Domestic Violence Survivors; New Law Should Enhance Safety, Services, Justice;” accessed April 27, 2020, <https://www.hrw.org/news/2018/01/12/armenia-little-protection-aid-domestic-violence-survivors#>.

<sup>47</sup> Asian Development Bank, “Armenia Country Gender Assessment,” accessed April 26, 2020. <https://www.adb.org/documents/armenia-country-gender-assessment-2019>.

<sup>48</sup> Ibid.

<sup>49</sup> Manya Israyelyan, *The Istanbul Convention: A Peril or Prospect for Armenia?*, The Armenian Weekly, January 31, 2020. <https://armenianweekly.com/2020/01/31/the-istanbul-convention-a-peril-or-prospect-for-armenia/>.

<sup>50</sup> Asian Development Bank, “Armenia Country Gender Assessment,” accessed April 26, 2020. <https://www.adb.org/documents/armenia-country-gender-assessment-2019>.

<sup>51</sup> Manya Israyelyan, *The Istanbul Convention: A Peril or Prospect for Armenia?*, The Armenian Weekly, January 31, 2020. <https://armenianweekly.com/2020/01/31/the-istanbul-convention-a-peril-or-prospect-for-armenia/>.

<sup>52</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

promotes amoral teaching on gender issues and same-sex marriage, and it thus should not be ratified.<sup>53</sup>

**25. Suggested questions relating to the prevention of domestic violence.**

- Does the State party plan to systematically shift its priorities across all forms of government about domestic violence from concerns about maintaining family harmony, to concerns about the serious human rights violation presented by domestic violence and protecting victims? If so, describe what measures it will take to do so.
- Does the State party intend to enact a stand-alone provision criminalizing the first instance of domestic violence reported to the police without regard to the level of physical injury, and if so, on what timeline? What steps will it take to engage and consult with NGOs that serve domestic violence victims and best understand the dynamics of domestic violence?
- Is the State party working on enacting a civil protective measure that does not depend upon a report to the police, and if so, on what timeline? What steps will it take to engage and consult with NGOs that serve domestic violence victims and best understand their needs?
- Is the State party working to amend the Domestic Violence Law to remove references to family reunification and family harmony, and rather, focus on domestic violence as a form of gender-based violence against women, and if so, on what timeline? If so, how will the State party open any proposed amendments up to public comment
- Is the State party working on immediately removing reconciliation provisions from the domestic violence law, and if so, on what timeline? What steps will the State party take to ensure that authorities do not engage in nor encourage informal reconciliation or mediation between abusers and victims?
- Is the State party considering expanding the law to prohibit domestic violence by former, as well as current, partners or spouses?
- Is there any discussion within the State party about enacting a criminal prohibition of coercive controlling behavior as domestic violence?
- Does the State party have a commitment to immediately train all police personnel that domestic violence presents a real danger of grave or deadly harm and should be treated with all due urgency? In this regard, will the State party commit to requiring police to enforce the domestic law provisions, using protection measures, identifying the primary aggressor in accordance with best practice standards, and avoiding the use of verbal warnings to the abuser? Please describe the plan to undertake such trainings.

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<sup>53</sup> Interview with Advocate, via WhatsApp, February 7, 2020.



- What are the measures undertaken by the State party to implement ensure that police and prosecutors enforce the domestic violence laws and prioritize safety for victims and accountability for offenders over family harmony and preservation?
- What is the State party’s plan to immediately increase the number of shelters available throughout the country to one space per 10,000 people, and to sufficiently fund shelters so that they can provide robust assistance to victims?
- What can the State party do to immediately begin to review and modify residency regulations that present barriers to victims who need access to shelters, legal, and health assistance, and if so, on what timeline? What other steps can it take to guarantee effective access to shelters for victims needing shelter?
- What can the State party do to review shelter and child custody provisions to ensure that a woman seeking to leave her abuser does not lose custody of her children?
- Is there any discussion within the State party about enacting a marital rape provision in the Criminal Code and immediately beginning to train all police personnel on gender-sensitive responses to sexual violence report?
- Does the State party plan to ratify the Istanbul Convention before the expiration of the five-year period?

## **II. Armenia fails to protect LGBTI individuals from violence and discrimination.**

26. Gender-based violence, including violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals is a violation of the ICCPR. The State party has an obligation to uphold the rights to life and security of person (Articles 6 and 9), freedom from torture and inhumane or degrading treatment (Article 7), equality before the courts (Article 14), equal protection before the law (Article 26), and protection of the family and equality in marriage (Article 23), among others.
27. The ICCPR obligates the State party to ensure that LGBTI individuals are included in protections under criminal and civil laws and that perpetrators are held accountable. Pursuant to those obligations, State agents – such as police and prosecutors – must implement laws protecting all people, including LGBTI individuals (Article 2).
28. In its August 2012 Concluding Observations, the Committee expressed concern about the “discrimination and violence suffered by lesbian, gay, bisexual and transgender (LGBT) persons.”<sup>54</sup>
29. The Committee recommended that the State party clearly state that it does not tolerate any form of social stigmatization of LGBTI individuals, or violence against them.<sup>55</sup> The Committee recommended that the State party prohibit discrimination and effectively protect individuals in the LGBTI community.<sup>56</sup>

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<sup>54</sup> Human Rights Committee *Concluding Observations adopted by the Human Rights Committee at its 105<sup>th</sup> Session*, (31 August 2012) U.N. Doc. CCPR/C/ARM/CO/2. ¶10.

<sup>55</sup> *Id.* ¶10.

<sup>56</sup> *Id.* ¶10.

30. Although Armenia addressed general discrimination in its State Party Report, it did not explicitly mention discrimination or violence against LGBTI individuals.<sup>57</sup>
31. Armenian law does not protect LGBTI individuals from discrimination and hate crimes. A recently proposed equality bill meant to combat discrimination does not include sexual orientation and gender identity as a basis for protection.<sup>58</sup> Moreover, the criminal code does not include homophobia or transphobia as aggravating factors for a crime.<sup>59</sup>
32. Although Prime Minister Pashinyan has led Armenia toward progress in many areas of human rights, his stance on LGBTI rights remains neutral. During a special parliamentary session in October of 2018, when several groups asked him not to allow a forum on LGBTI rights, his response was that conversations about LGBTI rights should be kept to a minimum because the issue is “problematic.”<sup>60</sup>
33. LGBTI individuals face harassment, violence, and discrimination. In 2018, PINK Armenia reported 25 instances of violence or discrimination against LGBTI individuals<sup>61</sup> and 17 physical attacks in 2019.<sup>62</sup> In 10 out of the 25 cases, the individuals did not report violence to the police because they were either afraid the police would disclose their sexual orientation to the public or the incident was a case of domestic violence and they did not want to press charges against a family member.<sup>63</sup>
34. LGBTI individuals also face disproportionate violence and discrimination in prisons. Armenia’s Prison Monitoring Group reports that LGBTI individuals experience ill-treatment and torture from both other inmates and prison officials. Prison guards hold LGBTI individuals in separate cells under the pretext of protecting them from other inmates yet the conditions in their cells are insufficient and inhumane.<sup>64</sup> Staff even serve food to LGBTI individuals separately from other prisoners.<sup>65</sup>

### 35. Suggested questions relating to LGBTI issues:

- To what extent has the Armenian Government protected LGBTI individuals in the law?

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<sup>57</sup> Human Rights Committee, *Third Periodic Report submitted by Armenia*, 30 September 2019, U.N. Doc CCPR/C/ARM/3.

<sup>58</sup> Human Rights Watch, *Armenia World Report 2019*, August 19, 2019, <https://www.hrw.org/world-report/2020/country-chapters/armenia>.

<sup>59</sup> Ibid.

<sup>60</sup> Anna Pumbukhchyan, “Propaganda and Human Rights Discourse in Armenia,” EVN Report, (October 28, 2018), available at <https://www.evnreport.com/politics/propaganda-and-human-rights-discourse-in-armenia>.

<sup>61</sup> PINK Armenia, *Human Rights Situation of LGBTI People: Annual Review Armenia, 2018*, (May 2019), 1, file:///C:/Users/localadmin/The%20Advocates%20for%20Human%20Rights/Women's%20Rights%20-%20Documents/Countries/Armenia/UN%20Reporting/Expression/PINK%20Armenia%202018%20Report.pdf.

<sup>62</sup> Human Rights Watch, *Armenia World Report 2019*, August 19, 2019, <https://www.hrw.org/world-report/2020/country-chapters/armenia>.

<sup>63</sup> PINK Armenia, *Human Rights Situation of LGBTI People: Annual Review Armenia, 2018*, (May 2019), 1, file:///C:/Users/localadmin/The%20Advocates%20for%20Human%20Rights/Women's%20Rights%20-%20Documents/Countries/Armenia/UN%20Reporting/Expression/PINK%20Armenia%202018%20Report.pdf.

<sup>64</sup> Nare Hovhannisyan, *LGBT Convicts in Armenia: The Term “Homosexual” is a Lifetime Stigma in the Criminal World*, HETQ, 10 April 2019.

<sup>65</sup> “Food for Homosexuals is still served in separate conditions,” EN News (2 April 2020).

- What measures has the Armenian Government put in place to protect LGBTI individuals from violence and discrimination?
- How many cases of violence or discrimination on the basis of sexual orientation or gender identity have been investigated and prosecuted? What remedies are available to victims?
- What awareness-raising campaigns has the Armenian Government put in place to eradicate stigma and discrimination against LGBTI individuals?
- To what extent has the Armenian Government disciplined prison guards who discriminate against LGBTI individuals in prison? What measures has the government taken to prevent further abuse in prisons?
- What training, if any, has the Armenian Government provided to prison staff on LGBTI issues?

### **III. Despite progress, Armenia has not established full independence of the judiciary.**

36. Armenia is obligated by the ICCPR to establish and maintain an independent and impartial tribunal under the law (Article 14).
37. In its August 2012 Concluding Observations, the Committee expressed concern about the independence of the judiciary. The Committee specifically mentioned an appointment mechanism for judges that exposes them to political pressure as well as a lack of an independent disciplinary system.<sup>66</sup>
38. In its State Party Report, The Armenian Government identified several action plans to establish the independence of the judiciary, including the 2018-2023 Strategy for Judicial and Legal Reforms of the Republic of Armenia and an Anti-Corruption Strategy.<sup>67</sup>
39. Under the previous regime, the government assigned additional powers to the prime minister.<sup>68</sup> NGOs and activists are concerned that the imbalance of power in favor of the prime minister could result in less will to support judicial reforms that would strengthen the judiciary.<sup>69</sup>
40. In October of 2019, lawmakers called on the Constitutional Court to dismiss its chairman, Hrayr Tomasyan due to his ruling on charges against former President Robert Kocharyan. Parliament argued he was not able to be impartial because of his ties to the former administration. The Court ultimately refused to vote on his dismissal.<sup>70</sup>

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<sup>66</sup> Human Rights Committee, *Concluding Observations adopted by the Human Rights Committee at its 105<sup>th</sup> Session*, (31 August 2012) U.N. Doc. CCPR/C/ARM/CO/2 ¶21.

<sup>67</sup> Human Rights Committee, *Third Periodic Report submitted by Armenia*, 30 September 2019, U.N. Doc CCPR/C/ARM/3. ¶ 172-174.

<sup>68</sup> Interview with Advocate, via WhatsApp, February 7, 2020.

<sup>69</sup> Ibid.

<sup>70</sup> Gayane Saribekian, "Armenia's Constitutional Court Refuses to Oust Chairman," *The Armenian Mirror-Spectator*, 17 October, 2019.

file:///C:/Users/localadmin/The%20Advocates%20for%20Human%20Rights/Women's%20Rights%20-%20Documents/Countries/Armenia/UN%20Reporting/Expression/Armenia's%20Constitutional%20Court%20Refuses%20to%20Oust%20Chairman%20-%20The%20Armenian%20Mirror-Spectator.pdf.

#### 41. Suggested questions relating to the independence of the judiciary:

- What is being done to vet incoming judges to assure their qualifications and that they are not beholden to support government officials?
- To what extent has the State party amended its domestic legislation to establish an independent disciplinary mechanism for judges that does not rely on political pressure?
- What are the specific goals of the five-year Strategy for Judicial and Legal Reforms, and what is the timeline for their implementation?
- How will the State party ensure the proper balance between the various branches of government to permit the judicial branch to provide genuine oversight of the other activities of government?

#### IV. Armenia fails to protect journalists and human rights defenders from threats and attacks.

42. The ICCPR requires the State party to protect the right to free expression (Article 19) so that individuals can advocate for their interests. It also requires the State party to ensure the right of free association (Article 22), in the interests of a robust civil society.
43. In its 2012 Concluding Observations, the Committee expressed concern about threats and attacks against journalists and human rights defenders.<sup>71</sup>
44. In its State Party Report, Armenia acknowledged violence against journalists during 2016 protests and explained that charges were brought against perpetrators of the violence.<sup>72</sup> Armenia also stated that freedom of expression is restricted “only by law, for the purpose of state security, protecting public order, health and morals or the honour and good reputation of others and other basic rights and freedoms thereof.”<sup>73</sup>

#### *Journalists*

45. Though threats and violence against journalists have decreased since the 2018 revolution, there have been reports of increased defamation suits against journalists. The Committee to Protect Freedom of Expression reported 96 lawsuits in 2019 alone.<sup>74</sup>
46. The government of Armenia has restricted the freedom of the press since the spread of the coronavirus. State-of-emergency laws have allowed the government to censor media outlets that purportedly cause “public panic.”<sup>75</sup> Since the coronavirus outbreak, the government has forced at least two papers to edit articles about the pandemic, saying the articles contributed

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<sup>71</sup> Human Rights Committee, *Concluding Observations adopted by the Human Rights Committee at its 105<sup>th</sup> Session*, (31 August 2012) U.N. Doc. CCPR/C/ARM/CO/2, ¶26.

<sup>72</sup> *Id.*, ¶ 106.

<sup>73</sup> *Id.*, ¶ 208.

<sup>74</sup> Freedom House, “Freedom in the World 2020: Armenia,” accessed May 11, 2020, <https://freedomhouse.org/country/armenia/freedom-world/2020>.

<sup>75</sup> Grisha Balasanyan, *Media in Armenia Voice Concerns Over State of Emergency Restrictions: Two Papers Forced to Edit Coronavirus Articles Deemed “Panic-mongering”* HETQ, 19 March 2020. <https://hetq.am/en/article/114706>.

to “panic-mongering.”<sup>76</sup> At least one article talked about Russia’s underreporting of COVID-19 cases.

### *Human Rights Defenders*

47. LGBTI and women human rights defenders experience disproportionate threats and violence compared to other human rights defenders. In April of 2019, Lilit Martirosyan, a transgender woman, addressed the National Assembly about the rights of LGBTI individuals. The Chair of the Standing Committee ridiculed her and dismissed her from the room.<sup>77</sup> Following her speech, she and her family experienced death threats and other acts of intimidation.<sup>78</sup> Police did not pursue investigation of the threats.<sup>79</sup>
48. An atmosphere of impunity for threats against human rights defenders emboldens perpetrators. In 2019, Lara Aharonian, a prominent women’s rights activist, received threats of death and rape following her involvement in an event on International Women’s Day. When she reported the incidents to the police and appealed to public officials to act, the police initiated and investigated the case, yet the perpetrators were not prosecuted.<sup>80</sup>
49. The Sexual Assault Crisis Center (SACC) and the Women’s Resource Center in Armenia, have also faced persecution for their activities to protect women and children. After their release of a book to prevent sexual abuse of children, these organizations have become the targets of an extremist nationalist group of violent men. On one occasion, these men caused the cancellation of an event and threw eggs at one of the participants. The criminal case against them was closed and is now being appealed. Law enforcement agencies have failed to take sufficient action to investigate the men’s actions and provide protection to the women under threat. Instead of holding the alleged offenders accountable, the authorities have begun investigating activities of the women’s NGOs, including their website on sexual education, [www.serakanutyun.org](http://www.serakanutyun.org), based on misinformation from nationalist groups that this work to prevent sexual violence and promote healthy relationships is a guise to spread pornographic materials. Such investigations restrict individual rights to freedom of expression and freedom of association and assembly. Calls have been made for a thorough and impartial investigation into the attacks and violent threats by private actors, for immediate and effective measures to ensure the safety of the women’s rights defenders, and for the cessation of the unnecessary investigation of the SACC and Women’s Resource Center.<sup>81</sup>

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<sup>76</sup> Grisha Balasanyan, *Media in Armenia Voice Concerns Over State of Emergency Restrictions: Two Papers Forced to Edit Coronavirus Articles Deemed “Panic-mongering”* HETQ, 19 March 2020, <https://hetq.am/en/article/114706>.

<sup>77</sup> Human Rights Watch, *Armenia World Report 2019*, August 19, 2019. Available at [file:///C:/Users/localadmin/The%20Advocates%20for%20Human%20Rights/Women's%20Rights%20-%20Documents/Countries/Armenia/UN%20Reporting/Expression/World%20Report%202020\\_%20Armenia%20\\_%20Human%20Rights%20Watch.pdf](file:///C:/Users/localadmin/The%20Advocates%20for%20Human%20Rights/Women's%20Rights%20-%20Documents/Countries/Armenia/UN%20Reporting/Expression/World%20Report%202020_%20Armenia%20_%20Human%20Rights%20Watch.pdf).

<sup>78</sup> Front Line Defenders, “Armenia: Death Threats against LGBTI Rights Defender Lilit Martirosyan,” Accessed April 21, 2020, <https://www.frontlinedefenders.org/en/case/armenia-death-threats-against-lgbt-rights-defender-lilit-martirosyan>.

<sup>79</sup> Human Rights Watch, *Armenia World Report 2019*, August 19, 2019.

<sup>80</sup> Human Rights Foundation, “Promoting a safer environment for human rights defenders in Armenia,” by Maria Dahle, 8 April 2019, <https://humanrightshouse.org/wp-content/uploads/2019/04/2019-letter-to-Armenian-authorities.pdf>.

<sup>81</sup> The Advocates for Human Rights, *Advocate for Women in Armenia – Send This Letter Today*, Oct. 22, 2019, [http://www.stopvaw.org/advocate\\_for\\_women\\_in\\_armenia\\_--\\_send\\_this\\_letter\\_today.html](http://www.stopvaw.org/advocate_for_women_in_armenia_--_send_this_letter_today.html).

**50. Suggested questions related to attacks on journalists and human rights defenders:**

- What definition of “state security” and “public order” does the Armenian Government abide by in restricting freedom of expression?
- How has the government of Armenia ensured that its measures for protection of security and public order reach those goals without impeding the rights of expression and association under the Covenant?
- How is the State party upholding the freedom of the press and ensuring the public receives important information during the coronavirus state of emergency?
- To what extent has the government of Armenia narrowed defamation laws to protect journalists from being sued for legitimate human rights activities?
- How, if at all, has the government of Armenia responded to threats and threats against human rights defenders?
- What steps is the government of Armenia taking to ensure police investigate and prosecute perpetrators of attacks and threats against LGBTI and women human rights defenders? Has the government begun a thorough and impartial investigation into the attacks and violent threats against women’s NGOs by private actors as describe above?
- Has the government of Armenia ended its investigation of [www.serakanutyun.org](http://www.serakanutyun.org)? If so, what were the results? If not, what are its reasons for continuing to investigate a website that aims to prevent sexual violence?