

## **Submission by the United Nations High Commissioner for Refugees**

### **For the Office of the High Commissioner for Human Rights' Compilation Report**

#### **- Universal Periodic Review:**

#### **ARMENIA**

### **I. BACKGROUND INFORMATION**

The Republic of Armenia was one of the first republics of the former Soviet Union to ratify the *1951 Refugee Convention* and its *1967 Protocol* (hereinafter collectively referred to as the *1951 Convention*) in 1993. Armenia also acceded to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness* in 1994 (hereinafter the *1954 Convention* and *1961 Convention* respectively). However, Armenia has not yet signed the Council of Europe *1997 European Convention on Nationality*, nor the *2006 Convention on the Avoidance of Statelessness in Relation to State Succession*.

The first domestic refugee legislation was adopted in 1999, and has been subject to amendments since. The latest revised *Law on Refugees and Asylum*, which entered into force in 2009, incorporates most of the basic principles of refugee protection enshrined in the *1951 Convention*. It has adopted a broader refugee definition to include individuals fleeing from generalized violence. Most of the socio-economic rights in the *1951 Convention* are incorporated in the Law. However, there are also a number of deficiencies; for example, refugee status and asylum are defined as two distinct concepts, in a rather confusing manner; exclusion, cessation, cancellation, and revocation are also used interchangeably; and the specific situation of various vulnerable groups is not taken into account<sup>1</sup>. In 2014, the Government reiterated its commitment to align national legislation in the field of migration more closely with that of the European Union.

As of 31 December 2013, Armenia hosts 77 asylum-seekers and 3,132 refugees. 2013 saw the State Migration Service (SMS), the main body responsible for asylum and migration issues in Armenia, issue 632 asylum decisions, of which 459 were positive. As of December

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<sup>1</sup> At the first session of the UPR in 2010, Armenia accepted the recommendation to “continue its efforts to address discrepancies in the enjoyment of rights by vulnerable groups, including children with disabilities, refugee children and children living in rural areas” (para 93.15 of the Report of the Working group on the UPR)

2013, there were 29 asylum-seekers from Iran, Lebanon and a number of African countries whose applications were pending either with SMS or the courts. According to the Government of Armenia, since the start of the conflict in Syria until spring 2014, approximately 16,000 persons displaced due to the conflict have at some stage sought protection in Armenia. Of those 16,000, 12,000 remain in the country. The majority of those arriving are of ethnic Armenian background and many have subsequently acquired Armenian citizenship. Of the 12,000, some 615 have been recognized as refugees (and this figure is included in the total number of refugees mentioned above).

According to the official statistics provided by the Armenian police, the number of documented stateless persons was 56 at the end of 2013. However, from a survey that UNHCR Armenia commissioned in 2012, it appears that there may be more stateless persons or persons with undetermined nationality (a total of 124 individuals were identified within 1,000 surveyed households).

## **II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

### **1. The reception by the Government of Armenia of persons displaced from Syria**

UNHCR welcomes the reception by the Government of Armenia (Government) of persons displaced from Syria. The arrival of persons displaced by the conflict in Syria is high on the political agenda and subject to intensive debate within the Government and civil society, taking into account not only the challenges related to the reception, accommodation and potential integration of the displaced, but also concerns over the future of the Syrian-Armenian diaspora in Syria, which has historically played an important role in preserving and developing Armenian culture. The Government has, in principle, taken a very generous approach in offering Syrian Armenians a choice between three protection options: (i) simplified acquisition of citizenship, (ii) accelerated asylum procedures which resulted in a 100 per cent recognition rate, or (iii) privileged granting of short, mid-term or long-term residence permits.

Moreover, the Government has taken a number of measures serving protection and assistance to persons displaced from Syria including: (i) maintaining in operations its Consulate in Aleppo, (ii) facilitation of the import of cars, personal belongings and even some machinery by waiving custom duties; (iii) access to universities free of charge or largely subsidized; (iv) basic health care support as available for vulnerable Armenians (v) provision of assistance in finding employment and of micro-credits schemes, and (vi) temporary accommodation for some of the most vulnerable.

The Government has made efforts to coordinate all of these interventions, and the President has appointed the Minister of Diaspora to lead the coordination. A monthly inter-agency Commission meets to review programmes. UNHCR enjoys observer status in this Commission and is given the possibility to share its views and recommendations. The Government acknowledges the limits of its own resources and, in line with its

international obligations, has continued to request and is facilitating the provision of additional international assistance.

## **2. Legislative framework<sup>2</sup>**

The latest revised *Law on Refugees and Asylum*, which entered into force in 2009, incorporates most of the basic principles of refugee protection enshrined in the *1951 Convention*. There remain, however, a number of gaps in the law that may indirectly affect the quality of refugee status determination procedures. These were highlighted in a recent report by UNHCR.<sup>3</sup> In recognition of these concerns, the authorities have committed to introducing legislative amendments in 2014 and established a joint UNHCR-Government drafting group. UNHCR also welcomes the commitment by the authorities to introduce legislation that will allow for the issuance of ICAO-compliant Convention Travel Documents to refugees.

## **3. Access to quality RSD procedures**

In terms of access to and quality of asylum procedures, UNHCR welcomes the approach taken by the authorities towards Syrian asylum-seekers. In 2013, the recognition rate for Syrian applicants was 100%, and all applicants were granted refugee status in accordance with the 1951 definition. Recognition rates for other nationalities also remained fairly high at 61%.

A number of positive initiatives, such as the strong engagement of the State Migration Service in RSD-related training and the adoption of six standard operating procedures regulating the SMS workings within the asylum procedure, led to an overall improvement in the legal and policy framework, although it is too soon to measure their impact on the treatment of individual cases. Moreover, efforts to include refugees in free legal aid services provided by the Public Defender's Office of the Chamber of Advocates in Armenia continue.<sup>4</sup> While in 2011, Armenia adopted the relevant amendments to the *Law on Advocacy*, asylum-seekers are not expressly mentioned. The Government has indicated its willingness to close this gap and will be working with UNHCR to address this issue in the future.

## **4. Statelessness**

UNHCR notes with appreciation the long running cooperation of the Armenian authorities in efforts to revise the *Law on Citizenship of the Republic of Armenia* with a view towards further enhancing safeguards and protection against statelessness and reducing statelessness

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<sup>2</sup> Government's pledge, made during the 2011 Ministerial meeting, to improve the *Law on Refugees and Asylum* to ensure its full conformity with agreed international standards for the protection of refugees. Available at p. 49, <http://www.unhcr.org/commemorations/Pledges2011-preview-compilation-analysis.pdf>.

<sup>3</sup> Asylum Systems Quality Initiative in Eastern Europe and South Caucasus: Gaps Analysis Report Armenia, UNHCR Armenia, December 2013.

<sup>4</sup> This measure is taken to "better protect fundamental rights of migrant workers and refugees living in Armenia", as recommended under para 93.52 of the Report of the Working Group on the UPR, and to build on 2011 amendments to the *Law on Advocacy*.

in Armenia.<sup>5</sup> In particular, the Government has taken two important measures aimed at reducing and preventing statelessness from occurring.

First, the provision in the *Citizenship Law* allowing for deprivation of nationality based on prolonged residence abroad was repealed. Second, the Government issued a decree in November 2012 stipulating that persons who want to renounce their Armenian nationality must submit a document issued by the competent authority of a foreign country confirming the legal possibility for acquisition of the nationality of that country.

In 2013, the Government committed to adopt a *Law on Statelessness*, which will provide for the protection of stateless persons under national law as well as for status determination procedures. As of May 2014, the draft law had been circulated within the Government and is pending its endorsement to be sent to the Parliament for adoption.

### III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

#### 1. Access to the territory and non-penalization of asylum-seekers

Some challenges remain with regard to access of asylum-seekers of non-Armenian background to the territory of Armenia and to the asylum procedures. These were highlighted during participatory assessments undertaken with Syrians in February 2014, when a number of families of mixed backgrounds (ethnic-Armenians married to non-Armenians) described their experiences at the borders of Armenia. However, contrary to earlier years, there were no confirmed reports of *refoulement* in 2013 or 2014, and UNHCR was able to negotiate access to the territory in all known cases.

While the *Law on Refugees and Asylum* provides for access to territory and to asylum procedures for asylum-seekers arriving or present in the country in an irregular manner, the *Criminal Code (Article 329)* does not explicitly exempt asylum-seekers from criminal liability. This has led to the detention of asylum-seekers and initiation of criminal proceedings in a number of cases. There is a need to make necessary amendments to Article 329 of the *Criminal Code* to harmonize it with the *Law on Refugees and Asylum*, and to ensure that asylum-seekers and refugees are not detained. Draft legislation aiming to overcome this shortcoming is under preparation yet no major changes are expected before its adoption and implementation.<sup>6</sup>

#### **Recommendations:**

- Uphold the principle of *non-refoulement* and grant asylum-seekers access to the territory and asylum procedures irrespective of their ethnic background; and
- Ensure that the detention of asylum-seekers is only used as a last resort, and where necessary, for as short a period as possible and apply alternatives to detention.

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<sup>5</sup> In line with the Government's pledge to amend the provisions of the citizenship law that may cause statelessness, made at the 2011 Ministerial meeting, available at p. 49, <http://www.unhcr.org/commemorations/Pledges2011-preview-compilation-analysis.pdf>.

<sup>6</sup> See UNHCR Detention Guidelines, available at <http://www.unhcr.org/505b10ee9.html>.

## **2. Fair and Efficient RSD Procedures**

The State Migration Service (SMS) is the main body responsible for the asylum system and migration issues in Armenia. It carries out the RSD procedure and facilitates sustainable local integration of refugees. Appeal against a negative RSD decision must be lodged with the Administrative Court in the first instance, Administrative Court of Appeals in the second instance, and the Cassation Court in the third instance. There are no administrative contingency mechanisms to fall back on should the country experience higher numbers of asylum-seekers, which is a possibility given the political instability of the region.

Free legal aid is regulated by the *Law on Advocacy*, which expressly mentions refugees but not asylum-seekers. There are only a small number of trained advocates with experience in representing asylum-seekers.

### ***2.1 Interplay between national security and protection of refugees***

One of the main actors currently involved in the asylum process is the National Security Service adjunct to the Government of Armenia. As of August 2012, there were significant developments regarding the role of the National Security Service in the refugee status determination procedure. According to the presented bill of proposed amendments to the *Law on Refugees and Asylum* (Article 11 section 2),<sup>7</sup> the “grant of asylum shall be denied if according to the conclusion of authorized body on national security issues [National Security Service] the asylum-seeker presents a possible threat to the national security of the Republic of Armenia”.

This development, if introduced, could increase the decision-making powers of the National Security Service in the refugee context, as the National Security Service’s negative assessment will become a direct reason for refusal of protection. It can be reasonably expected that this development will shift the influence on the decision-making process in asylum cases towards security concerns and shall require close observation in the future, since the National Security Service in general does not have the appropriate training to assess international protection needs.

In a recent judgment of the Administrative Court of Armenia on an appeal filed by an asylum-seeker rejected by the SMS, the Court made a reference to the letter received by the SMS from the National Security Service in response to the request for information/opinion filed by the SMS. The letter of the National Security Service to the SMS states, as presented in the judgment, that it is appropriate to refuse the grant of asylum in the Republic of Armenia to the applicant and her daughter considering the fact that the applicant arrived in the Republic of Armenian with a fake passport and taking into account the requirements of Article 11(2) of the *Law on Refugees and Asylum*, according to which the grant of asylum may be refused to a refugee who has arrived from a safe third country where he/she has no fear of persecution, human rights violations, or *refoulement* to his/her country.<sup>8</sup> Where, as

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<sup>7</sup> Available at <http://parliament.am/drafts.php?sel=showdraft&DraftID=28051>.

<sup>8</sup> Judgment of the Administrative Court of Armenia of 9 July 2013 on the administrative case No. VD/3048/05/12, at page 3.

here, the respective powers of the other government agencies are not well spelled-out in practice,<sup>9</sup> there is always a risk that these agencies may, without even realizing it, find themselves in the position of a body assessing the eligibility of an applicant for international protection in Armenia.

## ***2.2 Applications from persons in detention facilities<sup>10</sup>***

Detention facilities are not mentioned in the legislation of Armenia as authorities who may receive claims for international protection and refer them to the asylum authority. This partly explains the absence at detention facilities of instructions for identifying and dealing with such cases. Due to lack of training on refugee protection, the management of the detention facilities typically informs the diplomatic representation of the respective country of origin in Armenia about the detention of their citizen.<sup>11</sup> Thus, there are no rules or established procedures addressing the special situation of asylum-seekers and refugees.

There is a need of an inter-agency legal act setting out procedures for the referral of asylum-seekers to the asylum authority should cover the referral of applicants for international protection by detention authorities to the State Migration Service. This legal act should introduce a mechanism for the identification of persons in need of international protection and their referral to the appropriate asylum procedures.

## ***2.3 Special procedural guarantees for unaccompanied children seeking asylum***

The Law provides for the designation of a legal representative (guardian) in asylum proceedings for unaccompanied or separated children. The responsible actors involved in this process are the State Migration Service, the Ministry of Labour and Social Issues, the child protection units under the regional governors offices (or the municipality of the city of Yerevan) and the Guardianship and Trusteeship Authorities. Up to date, there has been one asylum application filed in Armenia by an unaccompanied child. No legal representative was designated during the procedure,<sup>12</sup> and a negative decision was issued without the child being represented during the procedure. The problem with designating a representative for the child was reportedly linked to the capacity of the Guardianship and Trusteeship Authority to take up the role of a representative for the unaccompanied child.

### **Recommendations:**

- Establish contingency mechanisms to be prepared for the scenario when the country experiences higher numbers of asylum seekers;
- Amend the *Law on Advocacy*, in order to ensure that asylum-seekers have access to independent, qualified and free legal advice and representation;

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<sup>9</sup> Since the Law may be changed but the practice may remain the same.

<sup>10</sup> There are no immigration detention facilities in Armenia. There are general detention facilities where detainees are not separated based on the reason of detention. One of the detention facilities in the capital is specialized in detaining foreigners and the latter was visited by UNHCR

<sup>11</sup> According to information provided by a detention facility visited by UNHCR

<sup>12</sup> Article 50(5) of the *Law on Refugees and Asylum* stipulates that the asylum authority shall not initiate any procedural action without the involvement of an unaccompanied child's representative, and that the latter's participation in the interviews conducted with the applicant is mandatory

- Avoid undermining refugee protection while addressing legitimate security concerns;
- Introduce referral mechanisms in all the facilities where persons in need of international protection may be detained; and
- Establish an effective mechanism for appointing representatives for unaccompanied children seeking asylum, which would take into account their specific situation.

### **3. Absence of a national strategy for local integration**

Acknowledging the outstanding need in this area, in 2011 during the Ministerial Intergovernmental Event on Refugees and Stateless Persons in Geneva, Armenia pledged to continue efforts aimed at solving social-economic issues of the remaining refugees from Azerbaijan.<sup>13</sup> Following research efforts in 2013 and a national conference on integration, in 2014 Armenia has decided to establish a dedicated integration unit within the State Migration Service. While UNHCR very much welcomes the approach taken, this preparatory effort needs to be translated into a national strategy on integration and follow-up action.

Achieving durable solutions through access to housing remains one of the priority concerns of all groups of displaced populations in Armenia. The Government of Armenia did its utmost to generate donor support as it claims it does not have sufficient budgetary resources to address these needs. While UNHCR tries to mitigate this challenge, *inter alia*, by way of rental subsidy scheme for persons displaced from Syria seeking protection in Armenia, the Government is expected to allocate more state budget resources to this challenge and to investigate alternative options, such as social housing schemes at regional and community levels.

#### **Recommendations:**

- Draft a national integration strategy and a related action plan to institutionalize work in this sector and to strengthen the mainstreaming of refugee integration within a broader range of government agencies and activities;<sup>14</sup> and
- Investigate alternative and innovative ways of providing housing to forcibly displaced populations.<sup>15</sup>

### **4. Sexual and Gender-Based Violence**

There are a number of gaps in the national sexual and gender-based violence (SGBV) response system in all sectors. These include a lack of effective reporting and referral mechanisms, a lack of specialized skills and knowledge on the part of health care providers and police personnel, and difficulties for SGBV survivors in accessing legal aid.

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<sup>13</sup> As per the pledge made by the Government in the 2011 Ministerial meeting to urgently address, with the support of donor governments and development organizations, the dire housing needs of Armenian refugees from Azerbaijan, as well as internally displaced persons. Available at p. 49, <http://www.unhcr.org/commemorations/Pledges2011-preview-compilation-analysis.pdf>.

<sup>14</sup> This will also address the gap noted by the COE Commissioner that “refugees had expressed a growing feeling of ostracism and encountered difficulties with social integration” (para 58 of the OHCHR Stakeholders Report).

<sup>15</sup> These could include the private sector, creation of employment options which include provision of housing, and establishment of social housing schemes (at regional and community levels).

Armenia is a signatory to the *Declaration on the Elimination of Violence against Women*, but not to the *Council of Europe Convention on preventing and combating violence against women and domestic violence* (the *Istanbul Convention*). There is a National Action Plan on the Advancement of Women which, in addition to other functions, also deals specifically with violence against women.

The *Criminal Code* criminalizes sexual violence, trafficking and some forms of sexual harassment, but does not criminalize domestic violence. After the failed adoption of a draft law on domestic violence, attention and priority must be given to strengthening the national referral mechanism with regard to coordinating existing actors that provide support to survivors of SGBV. Many challenges remain, in both law and practice, for the protection and rehabilitation of survivors of the 766 police-reported cases of domestic violence as of 30 June 2013, as well as all of the survivors of unreported domestic violence.

A survey commissioned by UNHCR in 2012 has shown that, given the slow pace of social and economic development, high unemployment, and a lack of job prospects, many refugee women are economically disadvantaged. Refugee women and girls are at greater risk of exploitation and abuse due to their precarious economic and social situation. This information has been further updated by 2013 UNHCR snapshot survey involving 200 female respondents from Syria. The snapshot survey showed that 23% were victims of or witness to violence (mostly prior to flight) and that in Armenia they have not accessed psycho-social support. Domestic violence is perceived as a family matter and not one to seek State support in addressing.

**Recommendations:**

- Accede to the *Council of Europe Convention on preventing and combating violence against women and domestic violence* (the *Istanbul Convention*);
- Address the gaps in the legislative framework pertaining to the criminalization of domestic violence; and
- Mainstream refugees and asylum-seekers in the State's plans to prevent and combat Sexual and Gender-Based Violence.

**5. Statelessness**

Notwithstanding Armenia being a State party to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness* since 1994, with regards to the protection of stateless persons, there is no designated administrative authority competent to deal with stateless persons, including the identification of stateless persons or the conducting of formal statelessness determination procedures. The absence of an administrative body and a formal procedure for determining statelessness creates a risk of arbitrary and inaccurate decision making. The Passport and Visa Department of the Armenian Police is the authority currently issuing documentation (“residence certificates”) to stateless persons residing in Armenia. However, there are no procedures that guide the Department through the process of determining whether the applicant for a document of a stateless person is in fact stateless.



In addition to the lack of domestic legislation and a specialized administrative body, Armenia also lacks a statelessness monitoring mechanism. As such, the protection of stateless persons is further marginalized by the lack of an effective database and sufficient statistics regarding stateless persons in Armenia.

In 2010, the Government established an inter-agency working group to reform birth registration procedures in the country. Following this, a number of sub-legislative acts were adopted by the Government between 2010 and 2012, which improved the regulation of the registration procedures.

Despite the steps taken by the State,<sup>16</sup> gaps remain that need to be addressed in order to improve birth registration in Armenia. In 2013, UNHCR commissioned an assessment, which revealed a number of shortcomings in the national legislation and practice. In particular, the birth of a child cannot be registered when the parents lack identity documents, and there are no national mechanisms in place to identify children whose birth is not registered. Under the current law, the Guardianship and Custody Commissions are obligated to identify unregistered births; however, they lack resources and capacity to do this – especially for outreach to families that do not have the financial means to travel. Birth registration helps to prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such, it serves as a key form of proof of the link between the child and the country of nationality of the parents and/or the country of birth and therefore facilitates acquisition of proof of nationality for the child. In addition to the risk of statelessness, failure to document a person's legal existence can prevent the effective enjoyment of a range of human rights, including access to education and health care.

**Recommendations:**

- Accede to the Council of Europe *1997 European Convention on Nationality* and the *2006 Convention on the Avoidance of Statelessness in Relation to State Succession*;
- Establish and implement a statelessness determination procedure to identify stateless persons within its territory; and
- Ensure the birth registration of children whose parents are undocumented (whether they are children of refugees, asylum-seekers, stateless persons or persons of undetermined nationality).

**Human Rights Liaison Unit  
Division of International Protection  
UNHCR  
June 2014**

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<sup>16</sup> The following procedures were put in place: (i) requirement of birth registration prior to discharge of a newborn from the medical institution, (ii) issuance of medical certificates on the fact of birth, (iii) establishment of a child's age when the time of birth is unknown, (iv) registration of a child without a birth certificate in the district clinics, (v) enrollment in the kindergartens and schools with a requirement to submit birth certificates, and (vi) provision of an increased lump-sum allowance to the parents of a newly born child in the territory of Armenia.

## **ANNEX**

### **Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports**

#### **- Universal Periodic Review:**

#### **ARMENIA**

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Armenia.

#### **I. Treaty Bodies**

##### **Committee against Torture**

CAT/C/ARM/CO/3/Add.1, 48<sup>th</sup> Session

11 July 2013

##### **Refugees**

16. It should be stated that on 19 January 2012 the Law of the Republic of Armenia "On making amendments and supplements to the Law of the Republic of Armenia "On the profession of advocate" entered into force, by which the Office of Public Defender was established, the purpose of which was to afford free legal aid to a number of social groups, among them, family members of a military servant deceased (died) while protecting the borders of the Republic of Armenia; persons with disabilities of 1st and 2nd level of gravity; convicts; members of vulnerable families; participants of combat operations during the Great Patriotic War and during the protection of the borders of the Republic of Armenia; the unemployed persons; pensioners living alone; children deprived of parental care; refugees; persons that have been granted temporary asylum in the Republic of Armenia; insolvent natural persons. Free legal aid includes legal consultation, drawing up of statements of claim, applications, appeals and other procedural legal documents, provision of legal information, as well as representation or defense regarding criminal, civil, administrative and constitutional cases.

##### **Detention**

9. The fight against torture in the Republic of Armenia, as the most essential component of the protection of human rights, was included in the directions stipulated by "The national strategy for the protection of human rights" approved by the executive order of the President of the Republic of Armenia NK-159-N of 29 October 2012, point 40 whereof envisages especially the following: "Safeguarding the right to not being subjected to torture or other cruel, inhuman or degrading treatment or punishment, which includes: (1) Definition of torture pursuant to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, differentiating torture from other forms of violence; (2) Determination of procedures for carrying out independent inquest on any incident of torture or ill-treatment even where no formal complaint is available; (3) Creation of a domestic system for examination of reports on incidents of torture in places of imprisonment and preliminary detention facilities, guaranteeing the protection of the

person making a report on the incident of torture and the victim; (4) Ensuring that victims of torture and ill-treatment are provided with compensation, as well as implementation of procedures required for full rehabilitation;

(5) Ensuring the compliance of arrest conditions with international standards of treatment; (6) Improving working conditions of the personnel in preliminary detention facilities; (7) Ensuring the transparency of the activities of penitentiary institutions and enhancing the cooperation of penitentiary institutions with mass media; (8) Increasing human and financial resources of the staff of the Human Rights Defender for the purpose of visiting holding facilities and exercising monitoring over the treatment of persons and conditions of keeping them; (9) Training of the medical personnel on the rules of medical ethics, directly or indirectly preventing the medical personnel from participating in the acts of torture and aggravating penalties for them; (10) Provision of education manuals to the personnel of law enforcement authorities on the international requirements for treatment of persons in the course of detention, as well as in preliminary detention facilities; (11) Providing the public with information regarding the unreserved prohibition against torture and ill-treatment.”

18. For the purpose of prompt and proper response to a report of a person on incidents of torture and/or cruel treatment, by the protocol No 4 of the session of 10 August of 2012 of the Collegium of the Prosecutor's Office of the Republic of Armenia and by the order of the Prosecutor General of no 37 of 18 September 2012 the heads of all the subdivisions of the Prosecutor's Office of the Republic of Armenia were assigned to consider and decide on the reports received regarding the bodily injuries revealed in the course of medical examinations carried out when admitting persons to police holding facilities and detention facilities within the framework of their functions prescribed by Chapter 25 of the Criminal Procedure Code of the Republic of Armenia, to observe the reporting as a detection of physical traces and consequences of crime, and as reasons to institute a criminal case by the preliminary investigation and inquest body as defined by Article 176 (3) of the Criminal Code of the Republic of Armenia within the framework of their powers, thus, to decide on the reports within the framework of preparation of statements of the case separated from the main proceedings by making on each of them one of the decisions provided for by Article

181 of the Criminal Procedure Code of the Republic of Armenia or, in case of availability of relevant grounds, immediately after deciding on the ground of subordination as prescribed by Article 190 of the Criminal Procedure Code of the Republic of Armenia, to send to the Special Investigation Service of the Republic Armenia through the Prosecutor General of the Republic of Armenia.

### **Committee on the Rights of the Child**

CRC/C/ARM/CO/3-4, 63<sup>rd</sup> Session

8 July 2013

### **Unaccompanied, Asylum-Seeking and Refugee Children**

47. The Committee welcomes the adoption of the 2008 Law on Refugees and Asylum which provides basic safeguards for the protection of unaccompanied refugee and asylum-seeking children. However, the Committee regrets that the Law fails to meet minimum social and economic standards prescribed by the 1951 Convention on the Status of Refugees such as access to decent housing, public relief and naturalization. The Committee is also concerned that some

refugee parents have been facing problems enrolling their children in schools due to the absence of documents from previous schools and translation of documents into Armenian.

48. In light of its general comment No 6 (2005) on the treatment of unaccompanied and separated children outside their countries of origin, the Committee recommends that the State party amend its Law on Refugees and Asylum Seekers to provide basic safeguards and ensure its effective implementation. It also recommends that the State party ensure that all children regardless of their status have access to education and remove administrative barriers for the enrolment of refugee and asylum-seeking children. Further, the Committee recommends that the State party amend its legislation to ensure that no children under its jurisdiction can become stateless as a result of its regulations and practices.

### **Committee on the Elimination of all forms of Discrimination**

CERD/C/ARM/CO/5-6, 78<sup>th</sup> Session

14 February 2013

#### **Positive Aspects**

3. The Committee welcomes the legislative, institutional and other measures taken by the State party since the examination of the combined third and fourth periodic reports of the State party in 2002, to combat racial discrimination and to promote tolerance and understanding among the various ethnic and national groups of its population. In particular, it notes with interest: (a) The constitutional prohibition of discrimination on the grounds of, among others, race, colour, ethnic origin, genetic features and circumstances of personal nature; (b) The inclusion of the prohibition of racial discrimination in a number of laws regulating various aspects of public life, such as in the Law on Television and Radio; (c) The provision of the Criminal Code establishing ethnic and racial motives as circumstances aggravating liability and punishment; (d) The establishment of various instruments with capacity for dialogue and consultation with national minorities, such as the Coordinating Council for National and Cultural Organizations of National Minorities and the Committee on National Minorities of the Public Council, and the creation of the Department of National Minorities and Religious Affairs which, among others, implements the Government's policy on national minorities; (e) The efforts undertaken by the State party to promote the preservation, dissemination and development of the cultural heritage of national minorities and to provide education of national languages and literature for minorities; and (f) The inclusion of human rights, issues concerning discrimination and intolerance as well as matters relating to national and racial minorities in the continuing and formal education programmes for the police.

#### **Concerns and Recommendations**

9. The Committee notes the absence of complaints of acts of racial discrimination lodged with courts and other relevant authorities during the reporting period. (art. 6)

**Recalling its general recommendation No. 31 (2005) on the functioning and administration of the criminal justice, the Committee is of the view that absence of complaints of acts of racial discrimination cannot be understood as absence of racism or racial discrimination and that it can be the result of lack of awareness of their rights by victims, fear of reprisals, complex judicial procedures limiting the effective access to remedies by victims, lack of confidence in the judicial authorities or unwillingness of competent authorities to institute legal proceedings. The Committee therefore calls on the State party to: (a) Raise awareness of what is understood by racial discrimination, as defined by article 1 of the Convention**

**and the State party's Constitution, among the population in general and minorities in particular; (b) Inform the public, and particularly vulnerable groups, such as minorities, non-nationals, refugees and asylum-seekers, of legislation on racial discrimination and of avenues of redress available.**

11. The Committee regrets that, while the political situation within the South Caucasus region has brought a substantial number of refugees to the State party and has displaced a sizable number of persons internally, little information on the situation of these groups has been provided in the State party's report and during the dialogue.

**The Committee calls on the State party to include in its next report detailed information on the situation of refugees and internally displaced persons on its territory, particularly in relation to the effective enjoyment of rights under article 5 of the Convention, including an update on the housing problem.**

15. While commending the efforts undertaken by the State party in the area of education for national minorities, including the provision of education in their languages and courses on their native languages and literature, the Committee regrets that effective enjoyment of the right to education is not guaranteed for all children from national minorities and other vulnerable groups, such as refugees and asylum-seekers, and that very few of them achieve higher education despite the implementation of measures such as affording priority to candidates from national minorities who have passed the university entry exams.

**The Committee encourages the State party to strengthen efforts to ensure effective access to education and calls on the State party to: (a) Expand the implementation of the sample curriculum of general education schools of national minorities and the training of national minorities' teachers; (b) Consider providing language support in pre-school education in areas with compact minority population so as to facilitate the integration of minority pupils into mainstream education; (c) Increase efforts to promote access to higher education for children from national minorities and other vulnerable groups.**

### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/ARM/CO/4/Rev.1, 43<sup>rd</sup> Session

2 February 2009

#### **Positive aspects**

5. The Committee commends the State party for acceding, in May 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

#### **Stereotypes and Cultural Practices**

20. The Committee reiterates its concern about the deeply rooted patriarchal attitudes subordinating women and the strong stereotypes regarding their roles and responsibilities in the family and society expressed in its previous concluding observations (A/57/38). These attitudes and stereotypes present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in political life, the labour market, education and other areas.

#### **Violence against Women**

22. The Committee reiterates its concern that a lack of understanding and acknowledgment of the fact that gender-based violence against women, and in particular domestic violence, continues to

be a significant problem in the State party as expressed in its previous concluding observations (A/57/38). The Committee also regrets that the State party's report makes no mention of this phenomenon. It is further concerned that there is no specific legislation addressing violence against women and that the Criminal Code does not define domestic violence as a separate crime and does not criminalize it as such. The Committee is further concerned that there is no dedicated governmental body or coordinating institution tasked with implementing measures to counter all forms of gender-based violence against women. While noting the establishment in 2002 of a shelter by the Centre for Women's Rights in collaboration with the police, the Committee is concerned at the lack of sufficient shelters for victims of violence. Furthermore, the Committee expresses its concern about the absence of data in regard to court cases on domestic violence and that there has been inexplicably very few court cases in the areas of sexual and other forms of violence against women. The Committee is also concerned about the lack of statistics provided on the incidence of various forms of violence against women, including the number of women murdered by their husbands, partners or ex-partners in cases of domestic violence, and on the availability of support services for victims.

### **Human Trafficking**

24. While welcoming the measures taken by the State party to combat human trafficking, including through amendments to the Criminal Code criminalizing trafficking in persons for both labor and sexual exploitation and the adoption of the 2007-2009 national action plan to combat human trafficking, the Committee is concerned about the growth in the phenomenon and the fact that there are insufficient measures to address the main causes of trafficking such as economic hardship and prevalence of the stereotypical gender roles and gender inequality. It is further concerned about the lack of protection for women at risk of trafficking, limited support and lack of shelters for the victims, and that the stigma these women are facing hampers their reintegration into society. The Committee regrets the very limited data with regard to the trafficking of women and teenagers for sexual exploitation and is particularly concerned by the absence of information regarding the outcome of the various measures taken in this regard.

### **Vulnerable Groups of Women**

36. The Committee notes the lack of information and statistics about vulnerable groups of women, particularly rural women, single mothers, women with disabilities, refugees and women belonging to ethnic and religious minorities who often suffer from multiple forms of discrimination, especially in regard to access to employment, health care, education and social benefits. The Committee also notes with concern the State party's maintenance of allegedly gender-neutral programmes in such areas as refugees or people with disabilities, which in fact do not meet the specific needs of women with disabilities or women refugees.