



## **International Covenant on Civil and Political Rights**

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### **Human Rights Committee**

**103rd session**

Geneva, 17 October -4 November 2011

### **List of issues to be taken up in connection with the consideration of the second report of Armenia (CCPR/C/ARM/2-3)**

#### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide information on cases where the provisions of the Covenant have been invoked before the courts of the State party, and on the availability of remedies, and their effectiveness, for individuals claiming violations of their rights under the Covenant.
2. Please indicate how the role of the Ombudsman, in its capacity as national human rights institution, has furthered implementation of the Covenant and comment on the availability of resources to finance the office's activities.

#### **Principle of non-discrimination, minority rights and equality between men and women (arts. 2, 3, 26 and 27)**

3. Please describe the legislative and administrative measures in place to protect against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and include any recent court decisions taken in this regard. In particular, please provide information relating to the number of complaints about acts of racial discrimination lodged before the courts and other relevant authorities during the reporting period as well as the outcome of any such complaints.
4. Please provide information on measures taken to combat discrimination against women, including measures taken to address discriminatory practices against women within minority groups.
5. Please inform the Committee on the measures adopted to prevent and sanction discrimination and hate speech against lesbian, gay, bisexual and transgender (LGBT) people. Please specify the number of related complaints registered and the decisions taken by the judicial authorities in these cases.

**Right to life, prohibition of torture and cruel, inhuman or degrading treatment, trafficking against persons, and conditions of detention (arts. 6, 7, 8, 10)**

6. Please provide information on the measures taken to ensure the independent and thorough investigation into excessive use of force by security officers during the 1 and 2 March clashes in the aftermath of the Presidential election of 19 February 2008 and the subsequent declaration of a state of emergency by the president of Armenia on 1 March 2009 for a period of 20 days. Please provide information on the results of the ad hoc parliamentary commission's investigation into these events and 10 resulting deaths, and on the measures taken to investigate reported ill-treatment and physical abuse of detainees during their arrest and detention.

7. Please provide information on the measures taken to prevent arbitrary arrests and detention during police investigations. Please also provide information on the number of reported cases of ill-treatment and death of detainees and on the measures taken to investigate and punish any such cases. Please provide information on the measures taken to implement the Law on Treatment of Arrestees and Detainees since its adoption in 2002.

8. Please provide information on the measures taken to prevent domestic violence and ensure its effective investigation and sanction. Information should be provided on: (a) the number of complaints received for such cases; (b) the number of investigations carried out; (c) the types of penalties imposed; (d) the compensation awarded to the victims and; (e) the number of safe shelters and any other resources allocated to assist victims of domestic violence. Please also provide information on the impact of the State Interagency Committee to Combat Gender-Based Violence and on the progress made by the Government to enact legislation specifically addressing violence against women.

9. Please describe measures taken to prevent the ill-treatment of detainees in police custody, and respond to allegations that prosecutors and judges have refused to admit evidence of ill-treatment in court. Please comment on a reported 20 per cent increase in the national prison population leading to overcrowding, health problems and conflicts among detainees, and describe the measures available to address prisoners' grievances. Please also provide information on the measures taken to broaden the mandate of the Prison Monitoring Group to all police detention facilities and to enhance its capacity to protect the rights of detainees.

10. Please provide information on the legislative and practical measures that have been adopted to combat and prevent trafficking and sale of persons, in particular in women and children, especially after the amendments to the Criminal Code adopted in March 2011. Please provide information on the measures in place to protect and rehabilitate victims of trafficking and comment on the reported 2010 precipitous drop in the number of victims identified.

11. Please indicate whether the State party intends to modify existing legislation on torture to ensure its consistency with article 7 of the Covenant. Please also provide information on the measures taken to guarantee the prompt and independent investigation of such acts of torture, and the access of the victims to adequate remedies.

12. Please provide information on the measures taken to investigate and sanction allegations of hazing (*dedovshchina*) in the military, and to provide the victims with adequate remedies and rehabilitation.

13. Please describe the steps taken to ensure that the law explicitly prohibit corporal punishment of children in all settings, including the home and non-institutional forms of care?

### **Right to liberty (art. 9)**

14. Please provide information, disaggregated by the charges in those cases, on: (a) the number of persons charged with a criminal offence, (b) the proportion of cases in which pre-trial detention was applied; and (c) the number and kind of preventive measures applied. Please specify the measures adopted to prevent the use of excessive pre-trial detention, to ensure that it is imposed only as a measure of last resort, individually and thoroughly justified. Also report on the actions taken to promote the use of non-custodial preventive measures.

15. Please provide information on reports of a process of “inviting persons” to police headquarters as material witnesses to a crime, holding them beyond the statutory 72-hour period, after which their status is changed from witness to suspect without any access to a lawyer or information on their rights.

16. Please comment on the allegation that migrants in an irregular situation who enter Armenia through Zvartnots Airport are held in a special room and can be detained there for periods longer than 72 hours, which is the prescribed maximum time under the Law on Refugees and Asylum.

### **Right to a fair trial, independence of the judiciary (art. 14)**

17. Please indicate the legal and practical measures that have been adopted and implemented to guarantee the independence and impartiality of the judiciary.

18. Please provide information on the available disciplinary and judicial measures to investigate, punish and prevent corruption in judicial and other law-enforcement bodies.

19. Please provide information on the average length of trials, on the procedure by which Prosecutors may request postponements of trials, and its impact on the duration of pretrial detention. Please provide information on the procedures in place for judicial review of pretrial detention that extends beyond the twelve months period prescribed by the law.

20. Please provide information on the measures taken to develop and implement a system of juvenile justice, especially to establish laws, procedures and juvenile courts to deal with all persons under the age of 18.

### **Freedom of expression and right to peaceful assembly and freedom of association (arts. 19, 21, 22)**

21. Please provide information on: (a) the number of complaints received regarding murders, assaults and threats against journalists and human rights defenders during the period covered by the State party’s report; (b) the action taken on complaints and the penalties imposed on the perpetrators, specifying the cases when the perpetrators were public officials; (c) the remedies made available to the victims; and (d) the measures taken to prevent such attacks.

22. Please explain the measures taken to implement the 2010 amendments to the Armenian Criminal and Civil codes, decriminalizing defamation and removing imprisonment from the list of penalties for insult, libel or slander. Please also indicate whether the State party intends to more specifically define the terms “insult” and “libel” contained in the provisions, and to reduce the high monetary fines for slander through civil suits, in line with Committee’s general comment 34.

23. Please provide information on the restrictions allegedly imposed on the media and on the temporary suspension of activities of political parties and NGOs, as a result of the state of emergency declared on 2 March 2008. Please also specify the measures taken to bring such restrictions to an end.

24. Please comment on the alleged restrictions imposed since 2008 on NGOs to organize events in venues such as hotel conference rooms, following the obligation imposed on hotel employees to get approval from the State for each NGO request for hall rental. Please also provide information on the mandate and activities of the Department of Control over Illegality of Activities of Non-Commercial Organizations.

### **Refugees, asylum-seekers and internally displaced persons (arts. 2, 13, 27)**

25. Please describe the measures taken to promote and protect the rights of persons who were internally displaced as a result of the conflict with Azerbaijan in 1988, especially with regard to the implementation of the policy of local integration. Please provide information on the measures taken to naturalize the remaining 2,000 ethnic Armenian refugees from Azerbaijan who have been in exile for over two decades.

### **Freedom of conscience and religious belief, including the right of conscientious objection (art. 2, 8, 18 and 26)**

26. Please explain how the conditions for registration of religious communities imposed by the 2009 amendments to the Draft Law on Freedom of Conscience and Religious Organizations, including the prohibition of registration of non-Trinitarian Christian communities, are compatible with the Covenant.

27. Please explain any legal restrictions on proselytization, and explain how they are compatible with the Covenant.

28. Please explain what steps the State party intends to take to bring its 2003 legal provisions on conscientious objection in line with articles 18 and 26 of the Covenant, with a view to ensuring that the rights of conscientious objectors to military services are fully respected. Please provide information on the arrest and detention of 75 to 80 Jehovah’s Witnesses, who were imprisoned owing to their refusal to enlist in the military and participate in alternative civil service.

### **Right to vote and participate in public life (art. 25)**

29. Please indicate whether the State party has implemented a mechanism for detecting and punishing electoral fraud and other electoral violations, including those related to campaign funding and misuse of administrative resources. In particular, please provide information on the actions taken to respond to claims that the conduct of the 31 May 2009 election of the Yerevan City Council was significantly flawed.

30. Please explain how any measures disqualifying persons with disabilities from voting, including those persons found to be incompetent by court ruling, are consistent with the Covenant.

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