



UPR Submission

Armenia

June 2014

Summary

Armenia's human rights record has remained problematic since its UPR in 2010, leaving many of the accepted recommendations unfulfilled, casting some doubts on the government's willingness to abide by its commitments. Although the 2012 and 2013 parliamentary and presidential elections were generally better administered than past votes, they were marred by reports of voter harassment, vote-buying, misuse of administrative resources to favor incumbents, and police unresponsiveness to citizens' complaints. Ill-treatment in police custody persists. The authorities do not adequately investigate a troubling number of noncombat deaths in the military. There have been no effective investigations into violent attacks against peaceful protesters by unidentified assailants. Broadcast media continues to lack pluralism, and instances of violence and harassment against journalists and media workers continue to occur with impunity. Violence and discrimination based on sexual orientation and gender identity by both state and non-state actors are serious problems. Bureaucratic restrictions prevent people with terminal illnesses from accessing adequate pain medications in violation of their human rights.

Elections

During the previous UPR in 2010, Armenia accepted to "implement recommendations issued by the Office for Democratic Institutions and Human Rights of OSCE" to improve the conduct of future elections. Despite some reforms to the electoral code, 2012 parliamentary and 2013 presidential elections fell short of OSCE standards.

According to the OSCE's election monitoring report, the May 6, 2012 parliamentary election, although competitive and largely peaceful, was marred by "an unequal playing field" due to misuse of administrative resources, and party representatives and local authorities pressuring voters, interfering in voting, and hindering the work of journalists. Several violent incidents occurred during the campaign period in the capital Yerevan, including assaults on opposition party Armenian National Congress (ANC) candidates and members. The ANC members were distributing campaign information at the time of the attack. Police failed to effectively investigate.

The OSCE also concluded that the February 2013 presidential election "was generally well-administered" but noted "some serious violations" of OSCE and Council of Europe standards. The observers also noted other breaches, including public administration bias in favor of incumbents,

misuse of administrative resources, and undue interference by the incumbent's proxies. Local observers reported the presence of unauthorized persons at polling stations, numerous attempts to pressure observers and journalists by political parties and election commission members, and widespread ballot stuffing for the incumbent candidate.

Freedom of Assembly and Association

Armenia accepted several recommendations related to freedom of assembly and association, and in a positive move the government lifted the blanket ban on public rallies at Yerevan's Freedom Square. However, in several instances police used violence against people who had participated in peaceful protests. Authorities also failed to effectively investigate a spate of attacks against peaceful protesters by unidentified assailants.

For example, in August 2013, police used force to disperse a crowd of local residents and civic activists in central Yerevan, who were protesting against the construction of a high-rise apartment building in the city center. Police briefly detained some 26 protesters and beat at least one as he was transported to a police station; he required brief hospitalization. In October 2013, the Armenian ombudsman's office also found that the police had used disproportionate force but the authorities failed to take effective measures to investigate.

September 2013 saw a spate of attacks against peaceful protesters in Yerevan, apparently intended to discourage participation in two peaceful protests. On September 5, about six unidentified assailants attacked Haykak Arshamyan and Suren Saghatelyan, well-known civil society activists, as they returned from a peaceful demonstration in front of the Republican Party headquarters where they were protesting President Sargsyan's announcement that Armenia would join the Russia-led Eurasian Customs Union. Saghatelyan suffered a broken nose, requiring surgery and hospitalization, and Arshamyan was treated for multiple bruises. On September 4, about 10 unidentified assailants attacked activist Arman Alexanyan after he left a sit-in at the municipal building to protest a temporary price increase in municipal transport fares. He was hospitalized briefly for bruises and head trauma. On August 25, about six unidentified assailants attacked two activists, Babken Der Grigoryan and Mihran Margaryan, shortly after they left the municipal building protest. Police failed to conduct effective investigations.

In 2012 and 2013, the Women's Resource Center, a nongovernmental women's rights organization working in the areas of reproductive health and rights of victims of sexual violence, has faced an increasing number of threats by nationalist groups, including Facebook comments by users who threatened to blow it up and slit the throats of its activists. While these threats have been reported to the police, authorities had yet to investigate at time of writing.

Freedom of Expression

Armenia accepted a number of recommendations to ensure full respect for the right to freedom of opinion and expression, including by "ensuring that no persons are deprived of their liberty solely for

having exercised their freedom of expression, their right to peaceful assembly or their right to take part in the Government of their country” and “issuing broadcasting licences and guaranteeing the independence of broadcasting regulatory bodies.” However problems remain. Armenia has diverse print and online media, but broadcast media lacks pluralism; for example, only 1 of Armenia’s 13 television stations carries live political talk shows. Despite a 2008 European Court of Human Rights (ECtHR) judgment that Armenia had violated freedom of expression by repeatedly and arbitrarily denying the station a license to the independent television station A1+, it still remains off air.

On May 22, 2014 Armenia’s prosecutor’s office made a broad statement threatening to prosecute media outlets and journalists that report details of ongoing criminal investigations, citing a criminal code article, which makes publication of such information a crime punishable by heavy fines or a one-month arrest. The statement raised concern among many media outlets, which feared the authorities would use the criminal code arbitrarily to silence journalists exposing their failures and corruption in the system.

Following the 2013 presidential elections, OSCE observers noted the media’s “selective approach” to covering post-presidential election developments, notably limiting views critical of the conduct of the election. Also, a June 2012 Parliamentary Assembly of the Council of Europe (PACE) report on media freedom in Europe found Armenian journalists’ capacity to report was “hampered by pressures of self-censorship” and expressed concern about television stations’ use of material from political advertisements in news coverage.

The Committee to Protect Freedom of Expression, a local media monitoring group, reported six instances of physical violence against journalists during the first half of 2013. In one case, several young men forcibly prevented Artak Hambarzumyan, of the group Journalists for Human Rights, from documenting alleged ballot box stuffing in Artashat during the presidential election. The committee had documented 34 instances of pressure on media outlets and journalists in the first half of 2013.

At least two journalists suffered attacks while covering the May 2012 parliamentary elections. In Yerevan, a man punched Elina Chilingaryan as she filmed a bus arriving at a polling station, knocking her camera to the ground. Police brought charges against the assailant for interfering with the professional duties of a journalist, but later dropped the charges, claiming that Chilingaryan was not performing her professional duties at the time of the attack since she was not wearing her press badge. The authorities did not bring separate assault charges.

Torture and Ill-treatment in Custody

Armenia accepted a number of recommendations related to the fight against torture and ill-treatment, including to “ensure that all allegations of torture and inhuman or degrading treatment are investigated promptly and that perpetrators are brought to justice.” However, according to local human rights defenders, torture and ill-treatment in police custody persist, and the definition of

torture in Armenian law does not meet international standards, as it does not include crimes committed by public officials. Authorities often refuse to investigate allegations of ill-treatment or pressure victims to retract complaints. Police use torture to coerce confessions and incriminating statements from suspects and witnesses.

For example, Artur Karapetyan, detained in October 2012 on charges of illegal drug distribution, complained of police abuse in custody. According to his lawyer, Karapetyan showed him wounds on his feet that he said were from a beating. Karapetyan was subsequently released, in December 2012, and the charges against him were dropped in April 2013, but police failed to conduct an effective investigation into his ill-treatment allegations.

In November 2012, Mger Andreasyan testified in a local court that Yerevan police officers severely beat him after his arrest on robbery charges. Andreasyan stated that, unable to bear sustained beatings, he attempted suicide by using his head to break a window in the investigator's office and trying to jump out, but police prevented him. Although a Yerevan court dropped escape charges against Andreasyan in March 2013, there was no investigation into his ill-treatment allegations.

An October 2012 report of the European Committee for the Prevention of Torture (CPT) on its follow-up visit in December 2011 noted overcrowding, unhygienic conditions, and inadequate medical care in two prison facilities. CPT also noted that it received no new cases of ill-treatment from these facilities in 2012.

Army Abuses

Violence, noncombat deaths, and ineffective investigations into these issues remain persistent problems in Armenia. In 2013, the Helsinki Citizens' Assembly Vanadzor office had reported 29 noncombat army deaths, including 7 suicides. The authorities fail to investigate adequately and expose the circumstances of noncombat deaths and to account for evidence of violence in cases where the death is ruled a suicide.

In June 2013, in a positive move, parliament amended the law on alternative military service to remove military supervision from alternative labor service and reduce it from 42 to 36 months. However, local activists voiced concerns about the amendments, including the Defense Ministry's continued decisive role in application decisions, vague eligibility requirements, and length of service, which would still be longer than regular military service. By the end of 2013, 33 Jehovah's Witnesses who had been convicted and held for refusing to perform alternative service were released but were still required to perform alternative service.

Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, and transgender (LGBT) rights activists in Armenia have expressed concern for the alarming level of homophobia in the country. According to PINK Armenia, a local rights group, transgender women who engage in sex work are frequently assaulted and receive no police

protection when they report abuse. PINK Armenia also reported that the LGBT population continues to experience discrimination in employment, obstacles to accessing health care, and physical and psychological abuse in the army, in public, and from their families.

According to an August 2013 Amnesty International report, government officials frequently condone violent attacks against LGBT people, characterizing the violence as an expression of “traditional values.” In July 2013, the Armenian police proposed to amend the code of administrative offenses to establish a fine of up to US\$4,000 for promoting “nontraditional sexual relationships.” The proposal was subsequently withdrawn.

Also in July 2013, a Yerevan court convicted two people for damage to property stemming from a bomb attack in May 2012 against DIY, a bar frequented by LGBT and women’s rights activists. The two perpetrators wrote graffiti “where??”, which indicated that LGBT people were the intended targets of the attack. One attacker was sentenced to 19 months in prison and the other received a two-year suspended sentence. They were both amnestied in October. Local human rights groups expressed frustration that the sentence was too lenient.

Palliative Care

In 2010 Armenia also accepted several recommendations on enhancing and expanding access to and the affordability of health-care services. Human Rights Watch research documented Armenia’s complicated and time-consuming prescription and procurement procedures for opioid medications obstructing the delivery of adequate palliative care, condemning most terminally ill patients to unnecessary suffering. Although morphine is a safe, effective, and inexpensive way to improve the lives of terminally ill people, Armenia’s current consumption levels of morphine and alternative strong opioid medicines are insufficient to provide care to all terminally ill cancer patients, leaving many without adequate pain relief during the last stages of their illness.

Recommendations

- Ensure full implementation of all OSCE/ODIHR election monitoring report recommendations:
 - Implement effective measures to eradicate any improper use of administrative resources in future elections;
 - Ensure an equal playing field for all contestants, the free expression of the will of the voters, and the integrity of electoral process.

- Ensure that there are no impediments to freedom of assembly and association:
 - Promptly, thoroughly and effectively investigate all incidents of use of force by law enforcement officers, and attacks against peaceful protesters by unidentified assailants.
 - Promptly and effectively investigate the threats against the Women’s Resource Center and ensure the safety of its staff.

- Ensure freedom of expression and media pluralism:

- Review the licensing process to allow greater media diversity;
 - Fully implement the European Court decision on A1+ television station and allow it back on air;
 - Ensure thorough and effective investigations into attacks and threats against journalists; such investigations should be capable of identifying and prosecuting the perpetrators.
- Thoroughly investigate all allegations of torture and ill-treatment of detainees and hold perpetrators accountable:
 - Make a statement at the highest level condemning torture and ill-treatment;
 - Ensure that the definition of torture in domestic legislation is fully in line with international standards.
- Promptly, thoroughly, effectively, and transparently investigate all cases of noncombat deaths and ill-treatment in the army, and hold perpetrators accountable:
 - Ensure that conscientious objectors are provided with a genuine alternative to military service, which is not discriminatory.
- Uphold the government's international obligations on non-discrimination on grounds of sexual orientation and gender identity, whether in a public or private sectors:
 - Thoroughly and effectively investigate all attacks and threats against individuals on the grounds of sexual orientation and gender identity;
- Take immediate steps to ensure an effective supply and distribution system of strong pain medications:
 - Reform excessively onerous drug control regulations that interfere with opioids availability.