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Maat for Peace' Report Submitted to Universal Periodic Review Mechanism on **Armenia**

In this report, Maat for Peace, Development and Human Rights presents an assessment of the human rights situation in Armenia ahead of the fourth review under the Universal Periodic Review (UPR) mechanism. This assessment partly follows up on the progress made regarding the recommendations accepted by Armenia during the third review in January 2020. In that round, the Armenian government accepted 239 out of 252 recommendations, took note of six, and rejected seven.¹ Despite the progress made in implementing some accepted recommendations, Armenia still faces various challenges in addressing others.

First: Cooperation with International Human Rights Mechanisms

During the third round of the UPR in January 2020, Armenia received 25 recommendations concerning the ratification of international and regional human rights agreements. Of these, 21 were accepted, while four were rejected.² Armenia is a party to eight out of nine core human rights treaties, having ratified all except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Additionally, it has not ratified the Optional Protocol to the Convention on the Rights of the Child concerning a communications procedure³. Since the third periodic review in January 2020, Maat has documented progress in Armenia's ratification of optional protocols to human rights agreements. Notably, Armenia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, on March 18, 2021. It also ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities on September 25, 2023.⁴ Maat commends Armenia for its ongoing engagement with the UN Special Procedures since 2006. However, it notes that there

¹ Addendum 1, outcome of the review (Armenia 2020), ohchr, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

² Op. cit, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

³ UN Treaty Body Database, Armenia, <https://tinyurl.com/33x62fhu>

⁴ Op. cit, <https://tinyurl.com/33x62fhu>

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are pending requests from several special procedure mandate holders, including the Working Group on Mercenaries (pending since 2011), the Independent Expert on Older Persons (pending since 2014), and the Special Rapporteur on the Right to Water and Sanitation.⁵

Second: Institutional Framework for Human Rights and Independence of National Human Rights Commission

During the last review in January 2020, the Republic of Armenia received three recommendations related to legal and institutional reform in human rights, all of which were accepted.⁶ However, significant gaps remain in the institutional and national framework for human rights, particularly regarding anti-discrimination legislation. Current laws do not provide adequate means or mechanisms for effective protection against discrimination. Maat has noted substantial delays in the Armenian government's progress on adopting the draft anti-discrimination law. Although the National Strategy for the Protection of Human Rights in Armenia for 2023-2025 includes plans to amend this draft to align with international standards and submit it to the National Assembly for adoption by the end of 2024, progress has been lacking. The draft law aims to address legislative gaps by defining various forms of discrimination and establishing an equality council that includes representatives from civil society organizations and independent professionals. Maat also notes that the current draft law does not grant civil society organizations the authority to take legal action in courts to protect the rights of victims in discrimination cases.⁷ Regarding the National Human Rights Institution of the Republic of Armenia, known as the "Human Rights Defender of Republic of Armenia," Armenian government received two recommendations concerning this institution during the third round of the Universal Periodic Review and accepted both. However, Maat highlights financial obstacles that limit the provision of adequate and sustainable funding for the Human

⁵ Country visits of Special Procedures of the Human Rights Council since 1998, Armenia, <https://tinyurl.com/2uj9zhnv>

⁶ Ibid, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

⁷ Armenia: New draft law on antidiscrimination is now open to public discussion, cso meter, 31 July 2024, <https://tinyurl.com/3dzhcd8s>

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Rights Defender's Office. Notably, the funding from the state budget is provided in equal monthly instalments, which hampers the Office's ability to develop long-term plans. Receiving funds as monthly advances rather than a single payment restricts financial planning for the entire year. Additionally, the monthly instalment process requires various administrative procedures, leading to significant time wastage each month, especially since these payments must be redistributed between the main office and its regional branches.⁸

Third: Right to Life, Personal Security, and Protection from Torture

During the third round of the Universal Periodic Review in January 2020,⁹ Armenia received five recommendations related to the right to life and the abolition of the death penalty. Maat documented a significant response to these recommendations, as the Armenian authorities took positive measures to uphold individuals' right to life. Armenia reaffirmed its commitment to abolishing the death penalty under all circumstances by completing the ratification process for Protocol No. 13 to the European Convention on Human Rights on October 19, 2023, which entered into force in February 2024. While Armenia was already a party to Protocol No. 6, which abolishes the death penalty in peacetime, the ratification of Protocol No. 13 represents a crucial step forward, providing comprehensive protection against the death penalty in all circumstances. This ratification occurred two and a half years after the Armenian government ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, on March 18, 2021.¹⁰

Furthermore, Armenia received 14 recommendations during the third review cycle regarding the prohibition of torture and ill-treatment, including cruel, inhuman, or degrading treatment, and accepted all of them. However, Maat documented

⁸ constitutional law of the republic of Armenia on the human rights defender, Article 8, <https://tinyurl.com/mtrxs4t2>

⁹ Ibid, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

¹⁰ Armenia ratifies international treaties aiming at the abolition of the death penalty, Parliamentarians for Global Actions, 24 October, 2023, <https://tinyurl.com/fer5w32d>

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shortcomings in the authorities' efforts to prohibit ill-treatment, highlighting issues such as physical abuse of individuals arrested by the police, particularly in the prisons of Nubarashen and Vanadzor.¹¹

Fourth: Freedom of Opinion and Expression

During the third review, Armenia received 13 recommendations concerning freedom of opinion and expression, as well as the right to access information. Armenia accepted 12 of these recommendations and rejected one.¹² However, Maat observed a widespread campaign by the Armenian authorities to restrict freedom of opinion and expression, particularly in response to increased criticism directed at government officials following the war with Azerbaijan. On October 9, 2021, the Constitutional Court of Armenia approved a new law that significantly increases penalties for insults directed at individuals due to their public activities. The maximum fine for this offense is approximately \$12,600, equivalent to 30 times the average monthly salary of a journalist in Armenia. Some citizens have been charged under this law for insults aimed at government officials. This law represents a major setback for freedom of expression in Armenia and poses a significant threat to press freedom. The regulations governing the media contribute to the intimidation and harassment of journalists.¹³ Amid the rise of misinformation and hate speech in Armenia's media landscape, Maat has documented widespread targeting of media workers, particularly women. Female journalists often face additional forms of harassment, including physical and verbal attacks, both online and offline. As the media undergoes digital transformation, journalists increasingly encounter threats to their digital security, including content monitoring and email hacking via spyware.¹⁴

Fifth: Right to Fair and Satisfactory Working Conditions

¹¹ Preliminary Observations on the periodic visit to Armenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 12 to 22 September 2023, COE, 1 March 2024, <https://tinyurl.com/yy3j33ym>

¹² Ibid, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

¹³ Armenian government cracks down on free speech, eurasianet, 25 October, 2021, <https://tinyurl.com/bdew2d2e>

¹⁴ Freedom of Expression, Armenia, National chapter, COE, <https://tinyurl.com/4bpsjr5f>

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During the Universal Periodic Review in January 2020, Armenia received five recommendations related to the right to work and reducing unemployment, all of which were accepted by the government.¹⁵ Maat noted a decrease in unemployment rates in Armenia, from 12% in 2020 to 10% in 2021, and further down to 8.6% in 2022.¹⁶ In May 2023, amendments were made to the Labor Code of Armenia to prohibit violence and sexual harassment in the workplace. These amendments introduced legal definitions of workplace violence and sexual harassment, which previously lacked formal definitions in the Labor Code.

Despite these advancements, Maat has documented numerous complaints from workers advocating for their rights to safe and decent working conditions, rest, fair wages, and overtime pay. Prominent complaints include delays in salary payments, denial of annual leave, unjustified changes in working conditions, non-compliance with legal standards for final settlements upon contract termination, and insufficient enforcement of occupational safety procedures. In the first quarter of 2024 alone, three deaths occurred due to safety violations, and fines totalling nearly \$150 million were issued within the first three months of 2024 for employer violations of workers' rights.¹⁷ Violations are particularly severe for women and girls, who often experience verbal and sexual harassment at work, prompting many to leave their jobs in favour of unemployment or emigration.¹⁸ It is estimated that approximately 92% of Armenians with disabilities are unemployed, contrasting sharply with the unemployment rate among individuals without disabilities.¹⁹

Sixth: Right to Education

During Universal Periodic Review in January 2020, Armenia received 25 recommendations related to the right to education, all of which were accepted.²⁰

¹⁵ Ibid, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

¹⁶ Armenia Unemployment Rate 1960-2024, macrotrends, <https://tinyurl.com/3twyu62t>

¹⁷ 168 inspections, 3 fatalities: Labor law violations in Armenia, jam-news, 3 May 2024, <https://tinyurl.com/bdcwz9sc>

¹⁸ Sexual harassment in the workplace in Armenia, jam-news, 3 April 2023, <https://tinyurl.com/36sp4rmx>

¹⁹ Disability and Poverty in Armenia, borgenproject, 8 December, 2023, <https://tinyurl.com/4jrjhnzn>

²⁰ Ibid, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

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Maat noted that since 2020, Armenia has made significant strides in improving access to education, with gross enrolment rates in primary and secondary education reaching 91.24% and 87.25%, respectively, in 2020. In 2023, the European Training Foundation launched a new round of the Torino Initiative in Armenia, aimed at analysing education and training systems to guide and reform education policies. This initiative focuses on lifelong learning perspectives and reviews national policies, particularly regarding the accessibility and attractiveness of vocational education and training. Armenia's participation in the Torino Process offers an opportunity for policymakers and social partners in vocational education and training to regularly review sector policies and assess the effectiveness of implemented programs for the benefit of learners and their employability in the labour market.²¹ However, challenges remain, as documented by Maat, in achieving significant progress in the right to education in Armenia. The average public spending on education in Armenia is less than 2.7% of GDP, which is half the average spending in European Union countries.²²

Despite Armenian government's emphasis on the fundamental importance of education as a strategy for progress, only 5 out of 100 graduates have the opportunity to attend university for free. Data from the 2022-2023 academic year indicates that a limited percentage of graduates benefited from free higher education.²³

Seventh: Women's Rights

During the third review, Armenia received 69 recommendations related to women's rights, aimed at reducing violence and discrimination against women and expanding their political participation.²⁴ Armenia accepted all of these

²¹ 30 years, 30+ stories. "Investing in education pays off." The history of ETF cooperation with Armenia, Europa, 13 Feb 2024, <https://tinyurl.com/4dy59pum>

²² Education: Armenia's Path to Stronger Economic Growth, world bank, 22 March, 2023, <https://tinyurl.com/mt3tk7b4>

²³ Poverty as a barrier to higher education in Armenia, Armenian weekly, 17 July, 2024, <https://tinyurl.com/muf7d8zc>

²⁴ Ibid, <https://www.ohchr.org/en/hr-bodies/upr/am-index>

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recommendations. However, the number of criminal investigations into domestic violence increased, rising from 960 in 2022 to 1,848 in 2023. Maat documented several measures taken by Armenian authorities to combat domestic violence against women. In April 2024, the Armenian Parliament adopted amendments to strengthen the Domestic Violence Law. The accountability provisions in the 2017 Domestic Violence Law were inadequate, and protection measures were severely flawed. The new amendments expanded the definition of domestic violence to include additional acts of physical, sexual, psychological, and economic violence. The amendments also addressed forced medical and psychological interventions, obstruction of access to medical care, virginity testing, and prohibitions or obstructions of contact with relatives and friends. Furthermore, they stipulate that survivors have priority in accessing care services, free healthcare for conditions resulting from domestic violence, and that shelters must be accessible to persons with disabilities.²⁵

Despite these improvements, Armenian women and girls continue to face high levels of domestic violence. Between September 2022 and September 2023, at least 12 women were killed, eight by family members and one by her partner, with six of these women over the age of 60. There are only two shelters for survivors of domestic violence in Armenia, accommodating 24 women and their children, and both shelters are consistently full.

In this context, Maat notes a continued decline in women's participation in Armenia at the highest levels of decision-making. According to the 2024 Global Gender Gap Report, Armenia ranks 64th out of 146 countries regarding women's political participation and gender equality in decision-making. No woman has held the position of Prime Minister or Deputy Prime Minister, and their representation in government is limited: 16.7% as ministers, 17% as deputy ministers, and 30% in local councils.²⁶

Eighth: Children's Rights

²⁵ Armenia's domestic violence law is dramatically improved, Armenian weekly, 16 April, 2024, <https://tinyurl.com/9hh4ta8f>

²⁶ Women in Politics, Public Administration, Civil, Armenia, UNDP, <https://tinyurl.com/yuu77nzh>

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During the third round of the Universal Periodic Review in January 2020, Armenia received numerous recommendations concerning various children's rights. In response, Maat documented several measures taken by the Armenian authorities since the review, most notably the government's adoption of the amended Labor Code in 2023, which fully incorporates provisions regarding child labour, including for those working in the informal sector. Law enforcement agencies, including National Police, the Investigation Committee, and the Prosecutor General's Office, have also implemented guidelines to ensure respect for children's rights, raise awareness, and adopt a victim-centred approach when working with all victims of human trafficking or exploitation, including children. Additionally, the government has adopted the 2023-2025 Action Plan on Trafficking in Persons, which includes a chapter focused on preventing child trafficking and exploitation.²⁷ Maat has also noted significant progress in digital education for children in Armenia, as the authorities have taken effective steps toward digital innovation and literacy. Armenia boasts one of the leading centres for creative technologies, where many children receive an education, providing an exceptional model for fostering digital knowledge.²⁸

However, these measures remain insufficient. Armenia's labour inspectors lack full legal authority to conduct unannounced inspections, which may leave potential violations of child labour laws and other labour abuses undetected in the workplace. The minimum age for employment is set at 16, which is lower than the compulsory education age of 18, potentially encouraging children to leave school before completing their education. The government does not routinely collect or maintain official data on the prevalence of child labour, nor does it have mechanisms or policies to coordinate efforts to address child labour in agriculture, services, and other informal sectors.²⁹ Furthermore, Armenia's laws do not prohibit corporal

²⁷ Child Labor and Forced Labor Reports, Armenia, Bureau of International Labor Affairs, 2023, <https://tinyurl.com/3vnst4yx>

²⁸ Experts of the Committee on the Rights of the Child Commend Armenia on its Digital Literacy Education for Children, Raise Questions on Corporal Punishment and Children's Participation in Climate Change Policies, ohchr, 5 September 2024, <https://tinyurl.com/ycxnfr2y>

²⁹ Ibid, <https://tinyurl.com/3vnst4yx>

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punishment in all settings, and it has not yet been eliminated in homes and some alternative care environments.³⁰

Recommendations

Maat for Peace, Development and Human Rights recommends the following actions:

- Ratify international and regional human rights agreements that have not yet been ratified by September 2024.
- Increase cooperation with the special procedures of the United Nations and expedite decisions regarding requests from special rapporteurs to visit Armenia, especially those pending since 2011.
- Urge Armenian authorities to grant civil society organizations the power to take legal action in courts to protect the rights of victims of discrimination, as outlined in the draft anti-discrimination law.
- Ensure adequate and sustainable funding for the Office of the Human Rights Defender, and eliminate the current funding method that relies on monthly instalments.
- Develop mechanisms to accelerate the investigation of workers' complaints, particularly those related to rights concerning safe and decent working conditions, rest, fair wages, and overtime pay.
- Create clear strategies and action plans to reduce unemployment rates, especially among people with disabilities, ensuring equality with other demographic groups.
- Implement new educational strategies that provide increased free education opportunities for the poorest communities at various educational stages.
- Strengthen legislative and implementation efforts to reduce domestic violence against women, and develop a specific action plan aimed at eliminating such violence.
- Ensure women participation in Armenia in decision-making positions, especially in ministerial and governorship positions and at National Assembly level.
- Grant labour inspectors in Armenia full legal authority to conduct unannounced inspections, which limits potential violations of legal texts

³⁰ Ibid, <https://tinyurl.com/ycxnfr2y>

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regulating child labour.

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