

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 35th Session

Armenia

I. BACKGROUND INFORMATION

The Republic of Armenia was one of the first republics of the former Soviet Union to ratify the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly 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 Government of Armenia provides, in general, a favourable protection environment and collaborates closely with UNHCR. The first domestic refugee legislation was adopted in 1999, and underwent significant review in 2014-2015, in order to bring the *Law on Refugees and Asylum* more closely in line with international standards. Moreover, a state asylum authority, the Migration Service (hereinafter the MS) is fully operational, although still dependent on support by UNHCR for *inter alia* quality assurance, training and interpretation cost.

According to the Government of Armenia, as of 31 December 2018, Armenia hosted 18,933 persons under UNHCR's mandate, including 17,970 refugees and persons in refugee-like situation, 115 asylum-seekers and 848 stateless persons. There are an estimated 8,000 internally displaced persons based on a survey conducted by the Norwegian Refugee Council in 2005.¹ The number of persons in refugee-like situation is estimated at 14,000 from Syria and 573 from Nagorno-Karabakh (NK). The refugee population of Armenia comprises mostly of refugees from Azerbaijan, Iraq, Syria and Ukraine, while most newly arrived asylum-seekers originate from Iran, Iraq, Syria and Yemen. The persons of concern are mostly living in urban areas.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Issue 1: Positive amendments to the *Law on Refugees and Asylum*

UNHCR commends Armenia's continuous efforts to bring its asylum and refugee legislation and policy closer in line with international standards. Two packages of amendments to the *Law on Refugees and Asylum* were adopted by the National Assembly in 2015 and entered into force on 9 January 2016 and 30 June 2016, respectively. One was initiated by the MS following a comprehensive review of the Law and it includes amendments, such as: (i) granting asylum in

¹ Norwegian Refugee Council and the Republic of Armenia State Department for Migration and Refugees, *IDP Mapping Survey 2002-2004*, 2004.

case of mass influx to groups regardless of their country of origin, and no longer only from “bordering” states; (ii) allowing independent claims of family members (including in the context of cancellation or cessation of the status of the principle applicants); (iii) definitions of specific needs of asylum-seekers and refugees; (iv) definitions of exclusion, cessation and cancellation clauses in line with the *1951 Convention*; and (v) provision of financial assistance to asylum-seekers who are not accommodated in the reception centre.

Police authorities also proposed amendments to the *Law on Refugees and Asylum* with a view to set the legal basis for issuing refugees biometric travel documents compliant with the requirements of the International Civil Aviation Organization (ICAO). However, due to competing priorities, these documents have not been issued so far.

Moreover, the Government of Armenia has also developed a new Action Plan for 2017-2021 pursuing further alignment of the migration legislation with international standards. In this vein, the Government has, *inter alia*, set up a programme to provide housing assistance to refugees, through both housing in the Integration Centre and provision of rental subsidies.

Issue 2: Legislative changes to combat domestic violence and ensure accountability

Linked to 2nd cycle UPR recommendation no. 120.113: “Enhance the fight against domestic and gender-based violence, strengthen protection mechanisms for victims of domestic violence and adopt a comprehensive domestic violence law putting in place effective prevention and protection mechanisms.” (Czech Republic)

On 8 December 2017, the National Assembly of Armenia adopted the *Law on Domestic Violence* aimed at combating domestic violence by introducing criminal and administrative liability for perpetrators. The enactment of the *Law on Domestic Violence* has a direct impact on persons under UNHCR’s mandate who are victims of domestic violence. It complements the recognition by Armenian asylum authorities of domestic violence and gender-related persecution as grounds for asylum. It also ensures that persons under UNHCR’s mandate who are victims of domestic violence, including those currently living in shelters provided by NGOs/UNHCR Operational Partners, enjoy equal rights as the national victims of domestic violence. One of the major limitations of the *Law on Domestic Violence* lies in its emphasis on domestic violence occurring within a traditional marriage, which is narrowly interpreted putting emphasis on “preservation of traditional values in the families”.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Fair and efficient asylum procedure

Linked to 2nd cycle UPR recommendation no. 120.124: “Continue to enhance its positive policies and programs for trafficked victims and refugees.” (Philippines)

While the overall quality of the asylum procedure and decision-making for determination of refugee status has improved over the last decade, there are a number of gaps and shortcomings that still need to be addressed, notably in regard to: (1) challenges and delays with registration of asylum applications, in particular, asylum requests referred from penitentiary establishments; (2) absence of a mechanism of identification of persons with specific needs during registration and of a system of prioritization of assessment of their asylum applications and timely referral to available psycho-social protection mechanisms; (3) deprivation in certain cases of asylum-seekers and their representatives’ full access to the evidentiary documentation, which undermines the adversarial system of justice and is an obstacle for effective representation of interests of asylum-seekers and refugees; (4) the prevalence of political considerations over individuals’ protection needs during adjudication of some cases of

asylum-seekers of certain nationalities, religious and gender profiles; and (5) lack of continuous training opportunities for refugee status determination (RSD) specialists and public defenders.

Furthermore, while the Government of Armenia allocated funds to cover interpretation costs in refugee status determination procedures for the first time in 2018, the funding is insufficient to cover all needs. State-funded interpretation is also a challenge at border crossing points and within penitentiary institutions, hampering access to the asylum procedure.

Moreover, while UNHCR has, in general, observed an improved quality and fairness of judicial review of asylum appeals, a sustainable mechanism of Country of Origin Information (COI) research support is still not available, resulting in courts lacking access to quality COI needed to enhance informed decision-making in asylum cases. The high workload of judges causes long delays, with some cases taking 2 to 3 years before a final decision is taken.

Recommendations:

UNHCR recommends that the Government of Armenia:

- a) Increase allocated funds for refugees status determination and protection of asylum-seekers, and refugees;
- b) Continue enhancement of refugee status determination procedures in line with international standards and avoid political consideration during the asylum procedures;
- c) Ensure effective and timely registration of all asylum applications, including identification of persons with specific needs to guarantee their access to rights and services without delay;
- d) Ensure that all asylum-related decisions, including national security risk cases, are properly justified and that asylum-seekers and refugees or their representatives have access to evidence and materials to effectively enjoy the right to a fair trial;
- e) Establish clear mechanisms of cooperation between the Migration Service and the National Security Service with a view to address legitimate security concerns in line with international refugee and human rights law in the context of the asylum procedure;
- f) Develop and implement a sustainable mechanism of country of origin information research to enhance informed decision-making in asylum cases;
- g) Allocate sufficient resources for interpretation services within the refugee status determination procedures, at border crossing points and in penitentiary institutions;
- h) Consider refugee law specialisation/ capacity-building and training for judiciary and penitentiary authorities ; and
- i) Ensure that asylum-seekers and refugees have access to independent, qualified and free legal advice and representation.

Additional protection challenges

Issue 2: Non-penalisation for illegal entry and detention of asylum-seekers

Although the international and domestic legal framework does not allow penalisation for irregular entry/presence, UNHCR continues to observe the detention of asylum-seekers for irregular entry/presence in Armenia, under criminal law in regular detention facilities.

In 2018, some progress was observed with regard to this issue since alternatives to detention for irregular border crossing were applied in few cases where the *mens rea* to violate the state protected border was not established. However, this approach is not systematic and detention of asylum-seekers apprehended and sentenced for irregular entry remains a concern. The practice is based on a narrow application of the non-penalisation clause in article 329(3) of the Armenian Criminal Code.

Furthermore, despite the amendments to the *Law on Refugees and Asylum* that entered into force in January 2016, which provide for access to the asylum procedures in penitentiary

establishments, such access remains difficult in practice and often depends on the intervention of UNHCR.

Recommendations:

UNHCR recommends that the Government of Armenia:

- a) Amend Article 329(3) of the Criminal Code of the Republic of Armenia in accordance with Article 31 of the *1951 Refugee Convention* and ensure its effective implementation to exempt refugees and asylum-seekers from incurring criminal liability for irregular entry;
- b) Establish a clear mechanism of identification and referral of asylum-seekers from penitentiary institutions to the Migration Service (MS);
- c) Prohibit the detention of children for immigration-related reasons in law and in practice, including for unaccompanied and separated children and accompanied children;
- d) Ensure the detention of asylum-seekers is only used as a measure of last resort and for as short a period as possible, and only after an individual determination that detention is necessary, reasonable and proportionate to a legitimate purpose;
- e) Ensure that all possible alternatives to detention are considered prior to resorting to detention; and
- f) Guarantee that conditions of detention are humane and dignified and that asylum-seekers are separated from the general prison population.

Issue 3: Access to socio-economic rights

Armenian legal frameworks stipulate asylum-seekers and refugees' rights to health care, education and employment on equal footing with citizens. Nevertheless, discrimination, lack of awareness of service providers of the identification documentation of refugees and asylum-seekers as well as language barriers constitute some of the obstacles faced by persons under UNHCR's mandate in the enjoyment of their rights, including asylum-seekers and refugees with disabilities, LGBTI persons and persons of different religious background (not of Armenian origin).

With regard to education, national legislation provides asylum-seeking and refugee-children with full access to secondary education. However, findings from recent participatory assessments with refugee-children and youth indicate that they experience difficulties accessing secondary education. In particular, refugee and asylum-seeking children have fewer opportunities to be admitted to secondary education in the absence of NGO partners' individual intervention and assistance. There is no support with special catch-up and language classes to ensure refugee-children successful enrolment into classes of their age group. More attention to tolerance education with direct focus on the specific situation of displaced children would help to prevent negative attitudes towards them. In this regard, it is also crucial to adjust the mandatory religious course to the culture, needs, and sensitivities of refugee-children. Furthermore, the limited number of state scholarships to access tertiary education limits refugees' access to higher education.

Refugees and asylum-seekers also experience obstacles (such as language barriers, limited job opportunities and high unemployment rate in the country, work permits necessary for asylum-seekers, etc.) in accessing the labour market, and as a result have difficulties covering their basic needs and finding decent housing. Moreover, the lack of awareness by service providers, including health, financial and social services, on the plight of refugees and asylum-seekers and particularly their documentation adds further obstacles to their access to these services.

Recommendations:

UNHCR recommends that the Government of Armenia:

- (a) Initiate legislative changes (through by-laws) to ensure that the asylum-seeker identification card is respected and accepted as an official identity document, providing

- asylum-seekers with access to rights and services in accordance with the national legislation;
- (b) Take steps to raise awareness on the rights and services available for all persons under UNHCR's mandate among duty bearers, service providers and host community;
 - (c) Develop and implement a comprehensive state integration strategy providing a holistic approach to the integration of displaced persons in Armenia;
 - (d) Improve access of asylum-seeking and refugee children and provide a catch-up and language classes to ensure successful enrolment, develop curricular for regular tolerance education and adjust religious course at school, and introduce support for University education of refugees; and
 - (e) Include persons under UNHCR's mandate in state schemes on livelihood, employment, social services and education to improve access to health and social services, as well as to sustainable economic opportunities, in particular vulnerable individuals.

Issue 4: Preventing and addressing statelessness in Armenia

Armenia's international obligations in the field of identification and protection of stateless persons have largely remained unimplemented. In particular, there is no procedure set out in law for the determination of statelessness status. In addition, no comprehensive and up-to-date statistics are available on statelessness in the country. As a result of UNHCR's advocacy, in 2011, during the Ministerial Meeting in Geneva, the country committed to revise its domestic laws bringing them closer in line with its international obligations. The Government committed to adopt a law on stateless persons which would establish a statelessness status determination procedure, designate a competent authority to conduct such a procedure, ensure access to documentation and biometric travel documents, and set out the rights and obligations of stateless persons. However, the draft law has been pending for several years leaving stateless persons without adequate protection.

Recommendations:

UNHCR recommends that the Government of Armenia:

- (a) Develop and adopt comprehensive legislation to set out the rights and obligations of stateless persons;
- (b) Establish a formal statelessness status determination procedure to identify stateless persons within its territory; and
- (c) Ensure issuance of identity documents to all stateless persons in the country, including to applicants for statelessness status, as well as biometric travel documents in accordance with the requirements of the 1954 Convention relating to the Status of Stateless Persons and in compliance with ICAO standards.

Issue 5: Lack of legal stay for individuals protected against *refoulement*

Despite improvement of the legal framework, a major gap still remains with regards to persons who are protected from *refoulement* under international human rights law, but who cannot obtain a legal status in Armenia. UNHCR's recommendation to establish legal resident status is reflected in a draft of *the Law on Foreigners and Stateless Persons*, circulated by the Police. However, the draft makes the issuance of a residence permit to such persons conditional upon the absence of national security considerations, notwithstanding the absolute nature of the prohibition against *refoulement*. The draft is still pending adoption.

Recommendations:

UNHCR recommends that the Government of Armenia:

- (a) Consider establishing a legal right to stay for individuals protected against *refoulement* under international human rights law but who do not fall under the refugee definition contained in the *Law on Refugees and Asylum*.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

ARMENIA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to ARMENIA.

I. Universal Periodic Review (Second Cycle – 2015)

Recommendation ²	Recommending State/s	Position ³
Refugees, asylum-seekers, internally displaced and stateless persons		
120.124. Continue to enhance its positive policies and programmes for trafficked victims and refugees;	Philippines	Supported
120.166. Take measures to ensure access to education, including higher education, for children from national minorities and other vulnerable groups such as refugees and asylum seekers;	Austria	Supported
121.5. Establish mechanisms to identify children among asylum seekers and refugees involved in armed conflicts;	Azerbaijan	Noted
SGBV		
120.25. Accede rapidly to the Istanbul Convention and adopt and implement as soon as possible a national strategy to prevent and punish all forms of violence against children, including child trafficking;	Belgium	Supported
120.53. Improve the efficiency of the implementation of the Gender Equality Act, to pay special attention to domestic violence against women and adopt the necessary legislation in order to prevent violence and protect victims;	Lithuania	Supported
120.105. Adopt stand-alone legislation on domestic violence and set up a specialized referral system for victims of domestic abuse, wherein violence will be qualified as a criminal and civil offence subject to prosecution and punishment;	UK	Supported
120.113. Enhance the fight against domestic and gender-based violence, strengthen protection mechanisms for victims of domestic violence and adopt a comprehensive domestic violence law putting in place effective prevention and protection mechanisms;	Czech Republic	Supported
Prevention of torture and ill-treatment		
120.89. Continue to improve its comprehensive framework by introducing the definition of "torture" in compliance with article 1 of the Convention against Torture;	Serbia	Supported
120.92. Encourage the National Assembly to pass legislation that would enable Armenia to more fully comply with its international human rights obligations, including expanding the definition of torture in its domestic law to include crimes committed by public officials in their official capacities,	USA	Supported

² All recommendations made to Armenia during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Armenia" (13 April 2015), A/HRC/29/11, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/076/18/PDF/G1507618.pdf?OpenElement>.

³ Armenia's views and replies, in English, can be found in: *Addendum* (5 June 2015), A/HRC/29/11/Add.1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/115/18/PDF/G1511518.pdf?OpenElement>.

and criminalizing domestic violence;		
120.94. Establish a system for the management of complaints of torture and ill-treatment by police and security forces to ensure that such acts, committed against civilians or prisoners, are effectively investigated and sanctioned;	Belgium	Supported
Trafficking in Persons		
120.58. Continue efforts for the strengthening of equality between men and women, combating trafficking in human beings and the protection of the rights of national minorities;	Russian Federation	Supported
120.121. Increase its efforts to combat human trafficking and protect victims of trafficking, especially women and children;	Iran	Supported
120.122. Proceed in its effective efforts to combat trafficking in persons, especially women and children;	Egypt	Supported
120.123. Intensify efforts aiming at the comprehensive and effective implementation of national plans and strategies to fight trafficking of human beings;	Morocco	Supported
120.125. Ensure the provision of assistance and the accessibility of legal aid to all victims of trafficking, in line with regional and international human rights standards;	Republic of Moldova	Supported
Children`s Rights		
121.4. Investigate cases of violence against children in closed institutions and prosecute perpetrators;	Azerbaijan	Noted
121.6. Criminalize the recruitment of children under the age of 18 years into armed forces;	Azerbaijan	Noted
Freedom of religion and freedom of expression		
120.142. Respect and guarantee the right to freedom of expression, association and peaceful assembly of journalists, civil society activists, human rights defenders and demonstrators, as well as speedily and effectively investigating threats against them and ensuring that perpetrators are tried;	Uruguay	Supported
120.143. Take the necessary measures in order to stop human rights abuses against journalists and human rights defenders; conduct impartial, effective and thorough investigations; publish the results of these investigations and ensure that such violations do not remain unpunished;	Switzerland	Supported
121.8. Eradicate all limitations and restrictions on freedom of religion, including the revision of the school curriculum to reflect the freedom of religion of all children;	Azerbaijan	Noted
121.10. Ensure the full protection of the right to freedom of opinion and expression, to peaceful assembly and to freedom of association;	Azerbaijan	Noted
Discrimination based on sexual orientation and gender identity		
120.52. Adopt and effectively implement legislation to ensure equal treatment of persons with disabilities in accordance with CRPD, as well as prohibit discrimination based on sexual orientation and gender identity and provide effective protection to LGBT persons	Austria	Supported
120.84. Combat hate propaganda and incitement against minority groups, especially LGBTI persons, religious minorities, AIDS patients and persons with disabilities through the adoption of a comprehensive package of laws and effective mechanisms to combat discrimination, including in the public administration;	Spain	Supported

II. Treaty Bodies

Committee on the Elimination of Racial Discrimination

Hate crime and hate speech legislation

11. The Committee is concerned at reports of racist hate speech and discriminatory statements in public discourse, including by public and political figures and in the media, in particular on the Internet, mainly against religious minorities, asylum seekers and refugees. The Committee also takes note of article 63 of the Criminal Code, which lists, inter alia, national, racial or religious hatred and religious fanaticism as grounds aggravating the punishment or liability for a crime (arts. 4-5).

12. Bearing in mind its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party take appropriate measures to strongly condemn and distance itself from racist hate speech and discriminatory statements in public discourse, including by public figures, and that it call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred. It also recommends that the State party register, investigate and bring to justice cases of hate speech and sanction those responsible.

The Committee further recommends that the State party introduce a separate definition and prohibition of hate crime in its criminal law.

Situation of minorities and enjoyment of economic, social and cultural rights

15. While the Committee welcomes the information provided in the State party's report regarding the ethnic composition of the State party (see CERD/C/ARM/7-11, annexes I and III), it regrets the absence of data on the enjoyment of economic, social and cultural rights by minority groups, refugees and asylum seekers. The Committee further regrets the lack of information on small minority ethnic groups such as the Lom (also known as Bosha) and the Molokans (art. 5).

16. The Committee requests that the State party provide the Committee with updated data on economic and social indicators disaggregated by ethnicity, nationality and country of origin, which will enable the Committee to better understand the extent to which minority groups, refugees and asylum seekers enjoy their economic, social and cultural rights. The Committee also requests that the State party conduct studies and surveys on small ethnic groups such as the Lom and the Molokans to enable it to evaluate such groups' enjoyment of the rights protected by the Convention.

Situation of non-citizens

17. While taking note of the State party's efforts to assist and integrate a large number of refugees, in particular from the Syrian Arab Republic, the Committee is concerned at reports of discrimination in the granting of asylum status based on ethnicity, religion or national origin. The Committee also takes note of the signature by the State party of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2013 and of the current domestic procedure for its ratification (arts. 1 and 5).

18. The Committee urges the State party to improve its asylum procedure by ensuring that asylum seekers have access to fair and efficient refugee status determination procedures, without discrimination on the basis of religion or ethnic or national origin, in order to better fulfil its obligations under articles 1 and 5 of the Convention and the Committee's general recommendation No. 30 (2004) on discrimination against non-citizens. The Committee encourages the State party to speedily finalize the procedure for ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Committee on the Rights of Persons with Disabilities

Concluding Observations, 2017, [CRPD/C/ARM/CO/1](#)

General principles and obligations (arts. 1-4)

5. The Committee is concerned about:

- (a) The insufficient and selective consultation of representative organizations of persons with disabilities, including the lack of appropriate support and reasonable accommodation, when drafting disability-related legislation, policies, strategies and action plans;
- (b) The use of the concepts of prevention and treatment of disability in the revised Constitution (art. 48) and in the newly adopted comprehensive plan for 2017-2021 on social inclusion of persons with disabilities;
- (c) The fact that the draft law on the protection of the rights of persons with disabilities and their social inclusion is not in line with the Convention, including the concept of disability, and provides for the prevention and treatment of disability and for legal incapacity;
- (d) The fact that the State party has not yet ratified the Optional Protocol to the Convention;
- (e) The medically based determination of disability, which relies on impairments without considering social barriers and individual requirements for social participation;
- (f) The lack of awareness of public servants working with persons with disabilities regarding the rights of those persons;
- (g) The lack of concrete, effective and transparent measures taken by the National Commission for Persons with Disabilities to implement the Convention.

6. The Committee recommends that the State party:

- (a) Take the measures necessary to ensure the full and equal involvement of persons with disabilities, through their representative organizations, in the process of decision-making for and drafting of all disability-related legislation, policies, strategies and action plans. The State party should also provide appropriate support and reasonable accommodation to ensure the participation of representatives of all persons with disabilities, including women, children, refugees and asylum seekers, lesbian, gay, bisexual and transgender persons, persons with psychosocial and intellectual disabilities, persons with hearing and visual impairments, persons living with HIV/AIDS, persons living in rural areas and persons in need of a high level of support, in consultation processes;**
- (b) Review its legislation and plans referring to the prevention and treatment of disability and align them with the human rights-based model of disability;**
- (c) Review the draft law on the protection of the rights of persons with disabilities and their social inclusion to ensure that it is in line with the Convention and the Committee's general comments;**
- (d) Ratify the Optional Protocol to the Convention;**
- (e) Adopt a human rights-based concept of disability and ensure that disability determination focuses on the barriers to the social participation of persons with disabilities and refers to individual requirements, will and preferences;**
- (f) Provide regular training for public servants working with persons with disabilities, including teachers, law enforcement officers, judges, lawyers and medical staff, on the rights of persons with disabilities;**
- (g) Enhance the capacity of the National Commission for Persons with Disabilities to ensure intersectoral coordination and implementation of disability-related actions in public policies.**

Situations of risk and humanitarian emergencies (art. 11)

17. The Committee is concerned that legislation, protocols and plans relating to situations of risk and humanitarian emergencies do not take the requirements of persons with disabilities into consideration.

18. The Committee recommends that the State party include a disability perspective in all legislation, protocols and plans relating to situations of risk and humanitarian emergencies and take measures in line with the Sendai Framework for Disaster Risk Reduction 2015-2030.

Liberty of movement and nationality (art. 18)

29. The Committee is concerned about structural barriers preventing persons with disabilities from obtaining passports and identity cards on an equal basis with others.

30. The Committee recommends that the State party take all measures necessary to ensure that persons with disabilities can obtain passports and identity cards on an equal basis with others, including by providing reasonable accommodation to facilitate access to public offices and passport delivery procedures.

Committee against Torture

Concluding Observations, 2017, [CAT/C/ARM/CO/4](#)

Asylum seekers and non-refoulement

41. The Committee, while welcoming the measures aimed at strengthening protection against refoulement (see paras. 3 (b) and (c), above), is concerned at the absence of any legal basis for remaining in the State party for persons who may not be refouled owing to human rights obligations, but who do not at the same time meet the requirements of the definition of refugee under the Law on Refugees and Asylum, which may potentially leave this category of persons in a situation of legal insecurity. While noting the amendments expanding the provision on exemption from liability for illegal border crossing (art. 329 (3) of the Criminal Code) to all persons seeking asylum and not only to those who are considered for “political asylum”, the Committee is concerned at reports that this provision is not always respected in practice and that some asylum seekers are still detained for illegal border crossing. It is also concerned that, despite the amendments to the Law on Refugees and Asylum that entered into force in January 2016, which provide for access to asylum procedures in penitentiary establishments, such access remains problematic in practice, and that the conditions of detention in reception centres are poor, as a result, among other things, of overcrowding and inadequate sanitary conditions (arts. 2, 3 and 16).

42. The State party should:

- (a) Ensure that the exemption from criminal responsibility for irregular border crossing for refugees and asylum seekers is strictly enforced in practice and refrain from detaining refugees and asylum seekers on this ground;**
- (b) Establish a legal basis for regularizing the stay of individuals who are eligible to benefit from protection against refoulement under international human rights law but do not fall under the definition of refugee contained in the Law on Refugees and Asylum;**
- (c) Develop and implement a comprehensive mechanism to ensure the rights of persons in penitentiary institutions who may be in need of international protection to access asylum procedures, and address, as a matter of priority, the substandard conditions of detention.**

Committee on the Elimination of Discrimination against Women

Concluding Observations, 2016, [CEDAW/C/ARM/CO/5-6](#)

Women asylum seekers and returnee Armenian migrant women

38. The Committee acknowledges the existence of a special agency appointed to help with the reintegration of migrants, but is concerned by reports of a lack of support for the reintegration of returnee Armenian migrant women. In addition, the Committee notes reports about inadequate accommodation, non-respect for legal procedures and gender-based violence against asylum-seeking women in the State party.

39. The Committee recommends that the State party:

- (a) Allocate sufficient human, technical and financial resources to allow efficient intervention by the special agency appointed to help with the reintegration of returnee Armenian migrant women;**
- (b) Provide income-generating opportunities for returnee Armenian migrant women;**
- (c) Ensure an appropriate number of reception facilities for migrants and asylum seekers, allowing for safe accommodation of women;**
- (d) Implement the procedures adopted in November 2009 for placing asylum seekers in temporary reception centres and providing them with means of subsistence, as well as the recommendations issued by the European Union advisory group in its study on reception capacity in Armenia.**

Trafficking and exploitation of prostitution

18. The Committee welcomes the introduction of regulations to identify and assist victims of trafficking and exploitation. It notes the establishment of the Council on Human Exploitation (now called the Interministerial Council on the Fight against Trafficking in Persons and Exploitation), along with a corresponding working group, the Commission on Identifying Victims of Trafficking in Persons. The Committee also notes the assistance provided to victims for their return to Armenia, including through legal and financial assistance, accommodation, psychological counselling and access to education and professional training, as well as to social protection. Nevertheless, the Committee remains concerned about:

- (a) The lack of measures to address the root causes of trafficking in persons, in particular women and girls, and exploitation of prostitution, such as poverty and discriminatory gender stereotypes;**
- (b) The lack of preventive measures targeting women who are at risk of trafficking and the stigma faced by women who are victims of trafficking, which hampers their reintegration into society;**
- (c) Insufficient consultation of victims during the prosecution of cases;**
- (d) The very limited data available on trafficking in women to, in and from the State party for purposes of sexual exploitation;**
- (e) The administrative fines imposed on women in prostitution.**

19. The Committee recommends that the State party:

- (a) Adopt a comprehensive State policy to address the issue of trafficking in persons and exploitation of prostitution of women and girls;**
- (b) Strengthen mechanisms for the investigation, prosecution and punishment of trafficking offenders, as well as victim and witness protection programmes, and ensure sufficient consultation of victims during prosecutions;**
- (c) Train judges, prosecutors, police officers and immigration officers on the strict application of criminal law provisions to prosecute traffickers, as well as on gender-sensitive ways to approach victims of trafficking;**
- (d) Integrate disaggregated statistical data on the extent of various types of exploitation of prostitution and trafficking and on the countries of origin, as well as destination, of victims of trafficking, into the next periodic report;**
- (e) Further expand funding of shelters for victims of trafficking, in line with the Committee's previous recommendations (CEDAW/C/ARM/CO/4/Rev.1, para. 25);**
- (f) Allocate sufficient resources for rehabilitation and reintegration programmes for victims of trafficking and exit programmes for women wishing to leave prostitution, including by providing alternative income-generating opportunities;**
- (g) Provide financial and other forms of support to civil society organizations assisting women who are victims of trafficking and exploitation of prostitution in order to facilitate their rehabilitation and reintegration;**
- (h) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to**

prosecute traffickers, with countries of origin, transit and destination, particularly countries in the region;

(i) Suspend the imposition of administrative fines on women in prostitution and reinforce preventive measures to discourage the demand for prostitution.

III. Special Procedures Mandate Holders

Report of the Special Rapporteur on the right to the highest attainable standard of health

Addendum: Mission to Armenia, 2018, [A/HRC/38/36/Add.2](#)

Conclusions and recommendations

111. The Special Rapporteur recommends that the authorities in Armenia:

(f) Introduce explicit provisions in the law to protect the right to non-discrimination on the basis of health status, particularly tuberculosis and HIV status, including in the Law on Medical Care, and establish a system of community-based care and treatment of tuberculosis with the full engagement of people with, and survivors of, the disease and those at heightened risk of contracting it, including prisoners, migrants, refugees and non-citizens;

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

Addendum: Mission to Armenia, 2016, [A/HRC/31/58/Add.2](#)

25. Another group of children vulnerable to sexual abuse and exploitation are asylum-seeking and refugee children. In the past years, Armenia has been receiving a considerable influx of refugees, especially from the conflict in the Syrian Arab Republic. In order to prevent cases of sexual abuse of child refugees, the Special Rapporteur urged State authorities to increase capacities and facilities, including a new reception centre with adequate staff and services, with the support of the international community, and to establish appropriate monitoring, reporting and referral mechanisms with prevention and protection purposes.

37. The Special Rapporteur welcomed the adoption in December 2015 of the law on the amendments and supplements to the national laws on refugees and asylum, which aims to enhance the protection of unaccompanied child asylum seekers. She urged the Government to speed up the adoption of the law to combat violence against women and domestic violence as an essential tool to effectively combat and prevent child sexual abuse and exploitation.

75. In relation to the right to care, recovery and reintegration of child victims, the Special Rapporteur calls on the Government to:

(c) Develop and implement appropriate care systems, including guardianship and child-friendly spaces, taking into account the specific needs and situations of children at heightened risk of abuse and violence, including asylum-seeking and refugee children, and provide training to personnel working with vulnerable children on the heightened risk of abuse and violence;