



## 人权理事会

## 第四十届会议

2019年2月25日至3月22日

## 议程项目3

促进和保护所有人权——公民权利、政治权利、  
经济、社会及文化权利，包括发展权2019年2月14日亚美尼亚常驻联合国日内瓦办事处代表团  
致联合国人权事务高级专员办事处的普通照会

亚美尼亚常驻联合国日内瓦办事处和日内瓦其他国际组织代表团向联合国人权事务高级专员办事处致意，并谨此附上阿尔扎赫共和国(纳戈尔诺-卡拉巴赫共和国)根据《公民权利和政治权利国际公约》第四十条提交的关于《公约》执行情况的初次自愿报告和共同核心文件(见附件)。

代表团谨告知高级专员办事处，该报告严格按照阿尔扎赫共和国 1992 年 11 月 26 日单方面加入的《公约》条款起草。报告由阿尔扎赫共和国外交部编写，阿尔扎赫共和国其他部委和(或)机构提出了宝贵意见。报告涵盖时间为 1991 年 9 月 2 日共和国宣告成立至今，特别侧重过去十年。

代表团强调人权的普遍性以及民族自决原则作为决定自身地位的基本权利的重要性。因此，阿尔扎赫共和国人民与世界上任何其他民族一样，有权享有所有人权，包括公民权利和政治权利。

亚美尼亚共和国常驻代表团谨请高级专员办事处将本普通照会及附件\*\* 作为人权理事会第四十届会议议程项目 3 下的文件分发。

\* 由于技术原因于 5 月 9 日重新印发。

\*\* 附件不译，原文照发。



**Annex to the note verbale dated 14 February 2019 from the  
Permanent Mission of Armenia to the United Nations Office  
at Geneva addressed to the Office of the United Nations High  
Commissioner for Human Rights**

**Initial voluntary report – The Republic of Artsakh  
(Nagorno Karabakh Republic)**

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## Introduction

1. This is the Initial Voluntary Report of the Republic of Artsakh on the Implementation of the International Covenant on Civil and Political Rights (“Report”), presented pursuant to Article 40 of the United Nations International Covenant on Civil and Political Rights (hereinafter “the Covenant” or “ICCPR”). The Republic of Artsakh unilaterally acceded to the ICCPR on 26 November 1992.<sup>1</sup>

This Report has been prepared principally by the Ministry of Foreign Affairs of the Republic of Artsakh, but with the valued contribution of the following other ministries and/or institutions:

- The Ministry of Healthcare of the Republic of Artsakh;
- The Ministry of Labour, Social Affairs and Resettlement of the Republic of Artsakh;
- The Ministry of Justice of the Republic of Artsakh;
- The Ministry of Agriculture of the Republic of Artsakh;
- The State Registrar of Judicial Persons of the Republic Artsakh;
- The State Service of Emergency Situations the Republic of Artsakh;
- The Ministry of Nature Conservancy and Nature Resources of the Republic of Artsakh;
- The Ministry of Culture and Youth Affairs and Tourism of the Republic of Artsakh;
- The Police of the Republic of Artsakh;
- National Statistical Service of the Republic of Artsakh; and
- The Judicial Department of the Republic of Artsakh.

2. It covers the period from the declaration of Republic on 2 September, 1991 through the current period, with special focus on the last decade.

3. The first constitution of Artsakh was adopted by a nationwide referendum on December 10, 2006 (“First Constitution”). In this referendum, 90,077 voters participated with 77,279 citizens (85.79%) voting for, and 554 citizens (0.61%) voting against, the acceptance of the First Constitution. This First Constitution established Nagorno-Karabakh as a sovereign, democratic state based on social justice and the rule of law. In addition, the First Constitution devoted an entire chapter to the guaranty and protection of human rights and fundamental freedoms.

On 20 February 2017, a national referendum on a new draft Constitution was held. This second referendum evidenced a turnout of 76.44% of registered voters, of which 87.60% supported the adoption of the new constitution (“New Constitution”). For the first time, rights and freedoms arising from the principles of democracy and enshrined in relevant international documents were expressly stipulated in a chapter of the New Constitution entitled “Fundamental Human and Civil Rights and Freedoms.” These rights and freedoms include inter alia the right to protection of personal data, the rights of the child, the right to a person’s physical and mental inviolability, the right to honour and good reputation, the right of political asylum, the right to good administration and the right to compensation for damage caused by State.

In addition, the Republic has seen that regulations already existing in the sphere of human rights have been further developed and clarified as have the sources and bases underpinning these rights and freedoms. Provisions of the Constitution and the corresponding laws on fundamental human rights, civic rights and related freedoms were modified to bring them into more faithful conformity with the ICCPR.

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<sup>1</sup> Article 1 of the Constitution of the Republic of Artsakh states that “the names ‘Republic of Artsakh’ and ‘Republic of Nagorno-Karabakh’ are identical”.

4. It is significant to note that, in addition to the ICCPR, the Republic of Artsakh unilaterally acceded to numerous international treaties including certain fundamental international instruments in the sphere of human rights such as the Universal Declaration of Human Rights.

5. The isolation policy imposed by Azerbaijan on the Republic, since 1991, has been, and continues to be, the main impediment to the development of the Republic and is an affront to basic human rights including specifically and inter alia, the right to development. The Republic's economic, educational and cultural developments permanently suffer due to the blockade imposed by Azerbaijan.

6. That said, and importantly, the legislation of the Republic of Artsakh remains in full compliance with international standards and norms of international law. A number of key laws and codifications in this regard are worthy of note:

(a) The Criminal Procedure Code, adopted on 17 December 2008, reassures principles such as the equality of persons before the law and the courts as a fundamental principle of criminal justice and procedure. The Criminal Procedure Code is regularly amended to properly reflect and incorporate the international commitments undertaken by the Republic of Artsakh.

(b) The Criminal Code of the Republic of Artsakh, adopted on 25 April 2013, also proclaims equality before the law, as well as the prohibition of the discrimination (article 6), as the guiding principles of criminal justice and legislation.

(c) The new Electoral Code of the Republic was adopted on 19 October 2014 and marked certain changes in the Republic's electoral system.

(d) The Law of the Republic of Artsakh On Human Rights Defender was adopted on 9 February 2005. The Law serves as the basis of the functions of the Ombudsman in the territory of the Republic.

(e) The Judicial Code of the Republic of Artsakh was adopted on 17 December 2008 and entered into force on 1 January 2009. The adoption of the Judicial Code ensured independent, self-sufficient judiciary accountable before the law.

(f) The Penitentiary Code of the Republic of Artsakh was adopted on 26 December 2007 and ensures the basic rights of prisoners.

7. The Republic recognizes that State Parties to the ICCPR shall promote the realization of the right to self-determination and, importantly, shall respect that right in conformity with the provisions of the Charter of the United Nations.

8. As such, the Republic of Artsakh is committed to the peaceful resolution of the conflict with Azerbaijan in a manner that (a) respects the right of self-determination of the people of the Republic of Artsakh and (b) does not violate its people's basic human rights and fundamental freedoms, c) guarantees the security of Artsakh and its people.

## **Implementation specific provisions of the covenant**

### **Article 1**

#### **Right to self-determination**

9. Voluntarily undertaking the duty to be bound by the Declaration on Human Rights as well as by unilaterally acceding to the International Covenant on Civil and Political Rights (hereinafter ICCPR or the Covenant), the Republic of Artsakh (the Nagorno Karabakh Republic) is committed to protecting the human rights enshrined in such international documents. The right of self-determination is an integral part of the universal rights binding the member states of such international conventions.

10. The principle of territorial integrity has no priority over the right to self-determination. According to the universally adopted international documents constituting the part of customary international law, specifically, the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations "Nothing in the foregoing paragraphs

shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory (emphasis added) without distinction as to race, creed or colour” The Armenians of Artsakh, having been subjected to discrimination, repression and deprivation of social, cultural and economic rights under the Azerbaijani rule for 70 years, decided to exercise the right to self-determination of peoples.

11. The people of the Nagorno Karabakh Republic (the Republic of Artsakh) – in full compliance with Union of Soviet Socialist Republics (“USSR”) laws regarding secession and consistent with principles of international law – declared their independence on 2 September 1991 and attained full independence as a result of the referendum of 10 December 1991.

12. The Republic of Nagorno Karabakh held a referendum on 10 December 1991 based on Article 3 of the USSR’s Law Concerning the Procedure of the Secession of a Soviet Republic from the USSR adopted in April 1990 and the Law on the Autonomous Region of Nagorno-Karabakh of 1986.

13. As a result of the Azerbaijani policy, Nagorno Karabakh was deprived of basic human rights and subjected to blockade, as evidenced by a number of international human rights organisations. By the winter of 1991–92, the three-year economic and transport blockade caused Nagorno Karabakh to remain without fuel, electricity, running water, functioning sanitation facilities, communication facilities and most consumer goods. Given this deprivation of the right to development, the people of Nagorno Karabakh were obliged to exercise the right of self-determination.

14. Apart from the violations of their cultural, social, economic rights, the Armenians of Nagorno Karabakh faced an actual threat to their very existence as a national group because of the ethnic cleansings, aggression and systematic aggression of Azerbaijan.

15. On 10 December 2006 the people of Nagorno Karabakh adopted the first Constitution of Nagorno Karabakh by virtue of a constitutional referendum in which they reaffirmed the fundamentals of statehood.

16. On 20 February 2017, a national referendum on a new draft Constitution was held in the Republic of Artsakh. The turnout of registered voters was 76.44 percent and, of them, 87.6 percent supported the adoption of the new Constitution. Notably, around 100 international observers from 30 countries monitored the voting process and positively assessed the organisation and conduct of the referendum noting their transparency and compliance with international standards.

17. The new Constitution will continue the traditions of state building enshrined in the first constitution, further strengthen the sovereignty of the country, promote human rights and the rule of law, improve public administration, enroot the independent judiciary and reform the local self-government. A key innovation in the new Constitution was the increase the direct participation of citizens in public affairs by providing them with the right to legislative initiative as well as the right to propose amendments to the Constitution.

18. The referendum on 20 February has become another act of expression of the will of the people of Artsakh (Nagorno Karabakh Republic), in exercising their right to determine their own future, as enshrined in fundamental international documents.

19. The attempts of Baku to suppress – by all means, including military – this inherent right of the people of Artsakh, lead to the outbreak of the armed conflict. It remains a major source of persistent tension in the region and the reason for the lack of progress in the settlement of the Azerbaijani-Karabakh conflict.

20. The democratic development of Artsakh’s statehood is an irreversible process. Reluctance of Azerbaijan to recognise this fact by denial of the right to self-determination realised by the people of Artsakh is an attempt to return to the past, which is doomed to failure.

21. The newly adopted Constitution states in its preamble the will of the people of Artsakh to adopt the Constitution of the Republic of Artsakh specifically “demonstrating a strong will to develop and defend the Republic of Nagorno Karabakh established on

September 2, 1991 on the basis of the right to self-determination, and proclaimed independent through a referendum conducted on December 10, 1991” and “exercising their sovereign and inalienable right”.

22. Article 2 states that the power in the country belongs to the people of Artsakh. The people exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution and laws.

23. Article 12 of the Constitution establishes the state promotion of the preservation, improvement and restoration of the environment, the rational utilisation of natural resources guided by the principle of sustainable development, taking into account responsibility towards future generations.

24. The Land Code of the Republic of Artsakh was adopted on 30 April 2002. It sets the fundamentals of the legal regulation of issues related to the land cultivation, fertility growth and improvements in the land utilisation and efficiency. The Land Code is the basis of the protection of citizens’ land rights as necessary for the livelihood of the people, taking into account the social, economic and environmental importance of the land.

25. In addition, the Land Code notes that the utilisation, ownership and control of the land shall not harm the environment and the security of the country as such.

26. Moreover, the Law of the Republic of Artsakh on the Control Over the Utilisation and Preservation of Land was adopted on 16 September 2009. This law regulates the matters related to the management of preservation and use of land, creates bodies responsible for the monitoring related tasks and establishes the types of supervision over the land.

27. According to the above-mentioned law, there are three types of monitoring of the land: inspectional, procedural and by necessity. Importantly, these monitoring functions are together aimed at providing an intensive control regime in order to ensure the use of land in accordance with the rules necessary for the preservation of flora and fauna.

28. The legislative framework related to land was improved by the Government decision of 21 December 2004 which formulated the procedure for alienating, privatising and furnishing use of land-plots belonging to the state. This step was another legislative initiative aimed at bestowing upon the citizens of the Republic of Artsakh favourable living conditions necessary for the exercise of their social and economic rights.

29. The land of the Republic of Artsakh is largely agricultural. Since the establishment of statehood, the Government adopted a number of acts to promote a legislative framework for the development of agriculture sector that would not cause any environmental damage.

30. One of the vital acts in the agricultural sphere was the Government decision on the Regulation of Cadastre Data of the Agricultural Lands adopted on 21 December 2004. The decision sets the procedure for expansion and approval of land zoning and use schemes.

31. Importantly, on 10 December 2012, a Central State Commission on the Land Reforms and Privatisation was established by Government decision to be responsible for the creation of the framework on the use of land and further privatisation.

32. On 16 November 2004, the Government adopted a decision on the Creation of the Bureau of the Environment and Natural Resources (“Bureau”) and promulgated a statute relating thereto which states the main responsibilities of the Bureau and its field of action.

33. By the decree of the Republic of Artsakh from 25 September, 2017, a new Ministry of Nature Conservancy and Nature Resources was established (“Ministry”). The Ministry undertook the responsibilities of the Bureau.

34. The Ministry is divided into two separate units: (a) the agency on management of natural wastes, atmospheric emissions and natural reserves. The Agency controls the use of water and mineral resources, emissions and wastes. The department was created by the Government decision of 25 December 2007. b) the Inspection on environment and subsoil use manages the water resources and biodiversity and is responsible for the climate control.

35. “Artsakh forest” state non-commercial organisation (“SNCO”) was established by the Government decision of 25 December 2007. The SNCO’s main functions relate to the preservation, protection, use and registration of forests and management of their

productivity. The SNCO is responsible for the rehabilitation and planting of forests as well. It operated throughout the period of work of the Bureau of the Environment and Natural Resources, which was the predecessor of the Ministry.

36. There are number of laws related to the environment and natural resources as well. A law devoted to flora and fauna was adopted on 1 October 2001.

37. The Law on Wastes was adopted on 27 April 2005. Such law regulates matters relating to waste collection, transportation, storage, processing, use, emissions and reduction.

38. The Law on Preservation of Atmospheric Air was adopted on 1 October 2001. Reflecting state policy against air pollution and pollutants, it was specifically adopted for the sake and well-being of current and future generations.

39. There were, moreover, a number of Government decisions in 2015 on the use of forests, setting the limits for atmospheric air pollutant emission as well as governing the preservation and usage of water systems adopted.

40. In 2016, Government decisions set the norms and standards on the monitoring of fauna and on keeping a special cadastre on flora and fauna.

41. For the better protection of flora and fauna, the legislative branch adopted a number of codes and laws such as the Forest Code adopted on 27 September 2006 (“Forest Code”). The Forest Code was aimed to promote the stable management, protection, preservation and rehabilitation of forests as well as to conduct programmes on forestation, effective use, registration of forests, monitoring, control and other relations connected with forest lands.

42. The Law on Hunting and Operation of the Hunt Economy was adopted on 12 December 2007. The law protects the species enlisted in the Red Data Book, (is a state document established for documenting rare and endangered species of animals, plants and fungi, etc.). The law is the legislative basis for the creation of hunting zones with special protection of animals and cultivation and promotion of their reproduction. Thus, the Government controls hunting activity in the whole territory of the Republic of Artsakh and undertakes responsibilities to protect endangered species.

43. The Law of the Republic of Artsakh on Specially Protected Natural Areas was adopted on 12 December 2007. Reflecting state policy, the law regulates relations in connection with ecosystems and natural habitats possessing special social, scientific, educational, historical, cultural, health and recreational values.

44. Significant work has been carried out in the country for eliminating existing gaps, and fulfilling the objectives set forth, in the legislative acts related to the protection of environment. However, there are still numerous issues to be settled in this sphere.

45. The territory of Artsakh is noted for its development of a water resources network, which is peculiar to mountainous countries. There are 5 major rivers flowing in the territory of the Republic of Artsakh: the Araks, Vorotan, Hagari, Tartar and Khachen.

46. The Water Code of the Republic of Artsakh, adopted on 26 November 2003, controls matters relating to the protection of waters from harmful influences as well as the usage of water for the public benefits and for the sake of the security of people.

47. The problems related to the water protection are under the oversight of the National Water Council, an advisory body established for the purposes of defining the national water policy, elaborating the national plan and setting legislative initiatives.

## **Article 2**

### **Equal protection of rights**

48. The adoption of the first Constitution in 2006 was built on the basis of the principle of equality, which principle was further elaborated by the relevant legislative acts and then comprehensively enshrined in the new constitution adopted during the referendum of 20 February 2017.

49. According to Article 3 of the Constitution, the human being is an ultimate value in the Republic of Artsakh (emphasis added). Paragraph 1 states that the inalienable dignity of a human being shall be the integral basis of his/her rights and freedoms. Paragraph 2 states that the respect for and protection of the fundamental human and civil rights and freedoms shall be the duty of the public power. Paragraph 3 provides that the public power shall be limited by fundamental human and civil rights and freedoms as directly applicable rights. Paragraph 4 states that the state shall ensure the protection of fundamental human and civil rights in conformity with common principles and norms of the international law.

50. The Chapter 2 of the Constitution is devoted to the fundamental human rights and the rights of citizens. Article 23 states that human dignity is inviolable in the Republic of Artsakh. Article 28 establishes general equality before the law. Moreover, Article 29 strictly prohibits discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, worldview, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances. Article 30 affirms that men and women shall enjoy equal rights.

51. Article 53 of the Constitution furnished the right to submit a petition and provides that everyone shall have the right to submit, either individually or jointly with others, a petition to state and local self-government bodies and officials and to receive an appropriate reply within a reasonable time period.

52. Article 54 provides the right to political asylum, and states that everyone subjected to political persecution shall have the right to seek political asylum in the Republic of Artsakh. The procedure and conditions for granting political asylum shall be prescribed by law.

53. The expulsion or extradition are strictly prohibited according to Article 55. No one may be expelled or extradited to a foreign state if there is a real danger that the given person may be subjected to death penalty, torture, inhuman or degrading treatment or punishment in that country.

54. Importantly, the campaign for the protection of human rights and civil rights awareness in legislation led to a significant change in the curriculum of educational institutions in the Republic of Artsakh. There are number of subjects in secondary and high schools related to the human rights, constitutionalism, statehood and law. Beginning with elementary educations, children are taught the fundamentals of human rights and their place in the society.

55. Large-scale initiatives for studying human rights have been carried out not only for improving textbooks but also for training of teachers and professors. Moreover, non-governmental organisations provide special workshops on expanding human rights awareness in civil society.

56. Moreover, the mandatory entry exam for the civil service personnel obliges the applicants to pass multiple-choice exam on the knowledge of the Constitution.

57. Additionally, the fundamentals of human rights, the Constitution and the legal theory, are taught as part of the social sciences curriculum in 8th through 12th grade.

58. The Criminal Procedure Code, adopted on 17 December 2008, ensures equality before the law and the courts as a fundamental principle of criminal justice and procedure. Article 8 establishes the prohibition against discrimination. Article 9 states the principle of the respect of the human dignity: respect of human rights, freedoms and dignity is binding for all bodies and individuals engaged in the criminal procedures. In fact, it provides that human rights and freedoms may be limited only temporarily, taking into account the legally-founded reasons any restrictions. During criminal proceedings, nobody shall be subject to human indignity and nobody shall be kept in humiliating conditions. Everyone has a right to protect his/her human rights by legal remedy. Article 10 establishes the right to legal protection, and it provides that everyone has a right to legal assistance.

59. The Criminal Code of the Republic of Artsakh, adopted on 25 April 2013, declares that the equality before the law and prohibition of the discrimination (Article 6) as the main principle of justice and criminal legislation. In addition to the principle of equality, the Code references principles of humanism and, in particular, that the criminal code is the guarantor of psychological, physical, material and ecological security.



60. The Electoral Code of the Republic of Artsakh, adopted on 29 October 2014, marked a significant change in the electoral system of the Republic of Artsakh, changing the first electoral code of the Republic of Artsakh. The new code established stable legislative grounds for holding democratic elections in the country. Article 3 provides the right to an equal electoral right. The state provides equal conditions for the voters to exercise their electoral rights. Every voter has a right to elect or to be elected regardless of ethnicity, race, sex, language, religion, political or any other views and/or social origin etc.

61. The Law of the Republic of Artsakh on the Human Rights Defender was adopted on 9 February 2005, and serves as the basis of the functions of the Ombudsman in the territory of the Republic.

62. The Human Rights Defender “shall consider the complaints of individuals as to violations of human rights and fundamental freedoms envisaged by the Constitution, laws and international treaties of the Republic of Artsakh as well as by the principles and norms of international law” (Article 7) that are caused by the state, local self-governing bodies and/or their officials.

63. According to Article 8 of such law, anyone can apply to the Human Rights Defender without discrimination. The Article ensures the right of legal persons to apply to the Human Rights Defender as well. Additionally, the law incorporates real guarantees for the immunity of the Defender and the elimination of any influence on his/her decisions.

64. Significantly, the Human Rights Defender of the Republic of Artsakh published an Interim Public Report on the atrocities committed by the Azerbaijani Military Forces against the civilian population and the servicemen of Nagorno Karabakh between 2–5 April 2016. The report proves the grave violations of international human rights law and humanitarian law by Azerbaijan including but not limited to the killing and wounding of children as a result of shelling on civilian settlements, including schools and homes. The Interim Public Report also evidences instances of torture, dismemberment and mutilation of the bodies of NKR Defence Army Servicemen.

65. The Family Code of the Republic of Artsakh, adopted on 29 March 2012, states that the family, maternity, paternity and childhood are provided the protection of the state. In family relations, as well as during the act of marriage, the limitation of civil rights on the basis of social, racial, national, language or religious affiliation is prohibited unless necessary to preserve dignity, health, freedoms, rights and legal interests.

66. The Chapter 6 of the Constitution regulates the establishment of the court system in the Republic of Artsakh. According to Article 136, the Supreme Court, the Court of Appeal and the Court of First Instance, of general jurisdiction, shall operate in the Republic of Artsakh. Other specialised courts may be established by law. However, the establishment of extraordinary courts shall be prohibited.

67. The Judicial Code of the Republic of Artsakh was adopted on 17 December 2008 and entered into force on 1 January 2009. It regulates judicial authority and furnishes a number of fundamental judicial principles and standards in accordance with international law.

68. The right to judicial protection is stated in Article 7 of the Judicial Code and provides that everyone is entitled to a fair and public hearing within a reasonable time and by an independent and impartial tribunal established by law.

69. As a part of the system of justice, the Law On the Profession of the Advocate was adopted on 19 October 2005 and entered into force on 13 March 2006. The law establishes the institution of the public defender, and provides that the state guarantees legal aid in criminal matters in the manner prescribed for the interests of criminal justice and also in certain cases enumerated by the Criminal Procedure Code of the Republic of Artsakh. Moreover, article 42 of the law prescribes the following cases of free legal aid:

- (a) For legal consulting and/or formulating legal documents,
- (b) Representation in criminal, civil, administrative and/or constitutional cases.

Furthermore, free legal assistance is provided by the Office of the Public Defender for the following categories of people:

- (a) People with complete and partial disabilities (first and second groups according to the Law)
- (b) Convicts;
- (c) Participants of the World War II and Artsakh liberation war;
- (d) Unemployed people;
- (e) Lonely pensioners;
- (f) Children without parental care;
- (g) Refugees;
- (h) People with temporary granted asylum in the territory of the Republic of Artsakh; and/or
- (i) People who are not able to pay for the advocate and can prove the same.

70. The Republic of Artsakh unilaterally acceded to the European Convention on Human Rights and Fundamental Freedoms (“Convention”). By acceding to the Convention, the Republic of Artsakh undertakes all the duties prescribed therein. Therefore, the Republic of Nagorno-Karabakh is determined to protect the rights of the people and to provide all people access to the means of protection of their dignity without discrimination.

Article 142 of the Constitution of the Republic of Artsakh prescribes the right of individuals to apply to the Supreme Court on constitutional issues. Pursuant to the article, “any person can apply to the Supreme Court under a specific case where the final act of court is available; all judicial remedies have been exhausted, and he/she challenges the constitutionality of the relevant provision of a normative legal act applied against him/her upon this act, which has led to the violation of his/her basic rights and freedoms enshrined in Chapter 2 of the Constitution, taking into account also the interpretation of the respective provision in law enforcement practice.

71. The Law on Constitutional Procedure was adopted on 27 May 2009 and entered into force on 25 June 2009. It establishes the procedures necessary for lodging applications in the Supreme Court alleging violations of the Constitution.

72. Since 2009, there were 7 applications submitted by the individuals to the Constitutional Chamber of the Supreme Court of the Republic of Artsakh. Six were rejected due to the lack of compliance with procedural requirements and one was processed. The decision of the Constitutional Chamber is available on the official web site of the judiciary of Artsakh (<https://courtnkr.am/>).

### **Article 3**

#### **Equal rights of men and women**

73. Every person is equal before the law regardless of gender. The Constitution as well as legislation of the Republic of Artsakh must promote equal opportunities for both men and women.

74. Gender equality is enshrined in Article 29 of the Constitution, in general, and in Article 30, in particular. The former establishes the prohibition of discrimination based on gender, and the latter bans the discrimination between men and women.

75. All articles of the Constitution relating to human rights employ the general wording of “every person” or “every citizen”, rather than referring to men or women. The State promotes protection of human rights regardless of gender. This principle is enshrined in other legislative acts as well.

76. The family is protected by the state at the constitutional level. According to the Article 16, the family is a natural and basic unit of society, the basis for the preservation and reproduction of the population. In addition, motherhood and childhood shall be under special protection and care of the State.

77. Based on the constitutional provision, the Family Code of the Republic of Artsakh adopted in 2012, ensures equal rights for both spouses. The very first article of the Family Code states that men and women enjoy equal rights in relation to marriage and divorce.

78. Article 24 prescribes equal opportunities of spouses in the family, mentioning that each of the spouses is free in choosing his/her work, occupation, profession and place of residence. It also provides that spouses shall jointly settle issues of maternity, paternity, upbringing and education of their children, as well as other issues of family life based on the principle of equality between spouses.

79. The Labour Code of the Republic of Artsakh, adopted in 2013 and entered into force in 2014, also guarantees equal opportunities for everyone without any discrimination based on gender. Article 178 of the Code prescribes that men and women receive equal remuneration for the same or adequate work and Article 180 states that in consider qualification of a person for a particular position or employment, the same criteria should be applied to both men and women and consideration implemented in a way to exclude any discrimination based on gender.

80. Article 141(1)(3) provides that a part-time working day or a part-time working week shall be prescribed upon the request of a pregnant woman or an employee raising a child under the age of one year. Article 172 regulates the issues relating to pregnancy and maternity leaves.

81. Chapter 23 of the Code discusses the safety and health of employees, and Article 258 is particularly dedicated to the protection of maternity and states, in its initial provisions, that that pregnant women and women raising a child under one year of age may not be involved in the performance of work that exposes her to harmful conditions and dangerous factors having a negative impact upon the health of the mother and the infant.

82. Part 3 of the same Article also establishes that, in case there is no chance for eliminating dangerous factors, the employer should take steps for improving the working conditions or, upon the consent of a woman, shift her to other work within the same enterprise. Part 5 claims that, in addition to the general break hours provided for resting and eating, a breastfeeding mother may take additional breaks for feeding the new-born that may last no less than half an hour and not less than once every three hours. The breaks for feeding a newborn may be combined and added to the common break or placed at the end of the working day with a corresponding reduction in the duration of a working day. During the break periods provided for feeding the newborn, the employee is paid with the amount of the average salary that is calculated based on the sum of the average hourly wage.

83. Article 114 of the Labour Code bans dismissal from work based on reasons pertaining to maternity. Moreover, the last provision of the same article states that a work contract cannot be terminated on the basis of gender.

84. By adopting the core principles of gender equality at the state level, the new Electoral Code of the Republic of Artsakh, adopted on 29 October 2014 and entered into force on 1 January 2015, reinstated once more that nationals with electoral rights irrespective of national origin, race, gender, language, religion, political or other views, social origin, property or other status, have the right to passive and active voting.

85. Article 106 of the Code states that the electoral list of all the political parties and coalitions participating in elections by the proportional system should not include more than 80 percent of candidates of the same gender. By this provision, the Electoral Code seeks to provide equal opportunities and excludes gender discrimination of any kind at the Parliament of the Republic of Artsakh.

86. Article 6 of the Criminal Code of the Republic of Artsakh guarantees the principle of equality before the law without any discrimination based on gender.

87. Article 141 of the Criminal Code defines, as a crime, the violation of equality of a person and a citizen based inter alia on gender. Moreover, the punishment of the public labour shall not be imposed on pregnant women. In addition, detention shall not be imposed on pregnant women or persons taking care of a child under the age of eight. Article 58 defines life imprisonment and states that women, pregnant at the moment of committing an offence or at the time of the passing of the judgment, may not be sentenced to life imprisonment.

88. Article 60 discusses the deferment of the punishment of the pregnant woman if she was pregnant at the moment of committing an offence or at the time of the passing of the judgment. Moreover, Article 61 provides that the commission of the offence against an obviously pregnant woman is a circumstance aggravating the liability and the punishment of the offender.

89. Chapter 18 of the Criminal Code covers crimes against sexual integrity and sexual freedom as a part of a policy of prohibition of gender discrimination at a state level.

90. The Criminal Procedure Code contains provisions allowing for favourable conditions for pregnant women who have committed, or are suspected of committing, crimes. Article 164 states that pregnant women may not be forcibly brought before a court, except in cases where the pregnant woman is suspected of committing a grave or particularly grave crime.

91. The Judicial Code of the Republic of Artsakh also contains provision on prohibition of gender discrimination. According to the Judicial Code, judges should be independent and discrimination based inter alia on gender is strictly prohibited. Moreover, judges shall not be members of organisations disseminating hatred and discrimination inter alia on the basis gender basis.

92. According to Article 87 of the Judicial Code, when composing a list of judicial candidates, gender balance should be preserved. Any such list shall contain no less than 25 percent of persons of the same gender. If the number of candidates of the underrepresented gender is less than 25 percent, then a person of such underrepresented gender shall be added to the list.

93. The current gender balance of judges in the Republic is particularly noteworthy. The Supreme Court of the Republic of Artsakh contains 4 female judges and 3 male judges.

94. The involvement of women in the civil society movements is also encouraged at the state level. There are number of non-governmental organisations with women in leadership positions and/or the participation of women.

95. For example, the Women's Resource Centre of Shushi is a non-governmental women's organisation that works with, and for, the women of the Republic. It was founded in 2008 and is the part of a global movement. The main objectives of the Centre are to give women the necessary skills and support so they can become active citizens of their society. Above all, the centre provides psychological and material support to single women. The Centre staff consists of women of different ages. As a global goal, the network of the centres throughout the world aims to raise the role of women and their active participation in a peaceful resolution of conflicts. The Centre promotes the protection of women's rights and urges the women to be active and talk about issued affecting their lives, as "the silence is not a solution". The Centre regularly organizes seminars on the resolution of conflicts and the elimination of racial and gender discrimination among the women of the Republic.

## **Article 4**

### **States of emergency**

96. The Constitution provides for the legal regulation of states of emergency, the declaration of states of emergency as well as the impact and exercise of human rights in states of emergency.

97. According to article 132 of the Constitution, in the event of an imminent threat to the constitutional order, the President of the Republic shall declare a state of emergency and take measures demanded by the situation and advise the people accordingly. In the case of declaration of a state of emergency, the law requires that a special session of the National Assembly shall be immediately convened. The National Assembly may lift the state of emergency or cancel the implementation of measures provided for under the state of emergency, and it may do so by a majority of votes of the deputies. The legal regime of state of emergency shall be prescribed by a law and adopted by majority of votes of the total number of deputies.

98. Article 76 discusses restrictions on basic rights and freedoms during state of emergency or martial law, "During the state of emergency or martial law, basic human

rights and civil freedoms – with the exception of those referred to in Constitutional Articles 23–26 (human dignity, right to life, right to physical and mental integrity, prohibition of torture, inhuman or degrading treatment or punishment); Articles 28–30 (general equality before the law, prohibition of discrimination, equality of rights between women and men); Paragraph 1 of Article 31 (inviolability of honour and good reputation); Articles 35–37 (freedom of marriage, rights and obligations of parents, rights of a child) Paragraph 1 of article 38 (right to education); Paragraph 1 of article 41 (right to freedom of thought, conscience and religion), Paragraph 1, Sentence 1 of Paragraph 5 and Paragraph 8 of Article 47 (the right to citizenship); Article 52 (right to apply to the human rights defender); Paragraph 2 of article 55 (prohibition of expulsion or extradition ); Article 56 (right to preserve national and ethnic identity); Article 61 (right to judicial protection and right to apply to international bodies of human rights protection); and Article 63–72 (right to fair trial, right to receive legal aid, right to be exempted from the obligation to testify, presumption of innocence, right to be defended against a charge, prohibition of double jeopardy, right of a sentenced person to appeal, right to seek pardon, principle of guilt and principle of proportionality of punishment, principle of lawfulness in defining crimes and imposing punishments) – may be temporarily suspended or subjected to additional restrictions under the procedure prescribed by law, only to the extent required by the existing situation within the framework of international commitments undertaken with respect to derogations from obligations during state of emergency or martial law.” (emphasis added).

99. The Law of the Republic of Artsakh on the State of Emergency, adopted on 8 January 1992, sets the process and grounds for the declaration of the state of emergency. In circumstances where the emergency is created due natural or man-made casualties, Article 1 of the Law on the Protection of Population in Cases of Emergency, adopted on 10 March 2004, defines such emergency as one created as a result of a major accident; a dangerous natural phenomenon; a man-made, natural or ecological (environmental) calamity; epidemics; epidemics in animals (epizootics); widespread infectious diseases of plants and agricultural crops (epiphytotic disease); or the use of certain types of weapons in a certain territory or facility which causes or may cause loss of human life, serious damage to human health and environment, significant material loss and/or disruption of normal conditions of people’s vital activity.

100. According to Article 13 of the Law on Protection of Population, the competent authority responsible for the mobilisation of sources during the emergency situations:

- (a) Prepares the projects related to the prevention, reduction and elimination of the consequences of the emergency situations, makes arrangements for the protection of the population during the emergency situations and undertakes responsibility for their execution;
- (b) Creates and collects the financial, medical and material sources as aid for the victims of possible emergency situations;
- (c) Arranges state expertise of the objects, processes and subjects that could be potential causes of those situations;
- (d) Arranges the qualification process for rescuers and the teaching of the rules of conduct during the emergencies among the population of the state;
- (e) Coordinates efforts to be taken by the executive, public administration and local self-governing bodies to protect the population during emergency situations done; and
- (f) Organises warning processes and information dissemination to apprise the population of state about the emergency and related matters.

101. In 1995, the Government created the NKR Emergency Situations Division as the competent authority in such cases.

## Article 5

### Non-derogable nature of fundamental rights

102. According to Article 2 of the Constitution of the Republic of Artsakh, the power belongs to the people of the Republic. The people shall exercise their power through free

elections and referenda as well as through state and local self-governing bodies and officials provided for by the Constitution and laws. Importantly, the usurpation of power constitutes a crime.

103. A fundamental principle enshrined in the Constitution is the separation of powers between the executive, legislative and judicial bodies. This principle is incorporated into the Constitution for the purpose of preventing the abuse of power.

104. The Constitution provides a hierarchy of legal normative structure. Article 5 establishes the supreme legal force of the Constitution. All laws must comply with the Constitution, and secondary normative legal acts must comply with laws. Moreover, the Constitution gives supremacy to the norms enshrined in international treaties ratified by the Republic of Artsakh (including the Covenant) over the domestic laws. According to the paragraph 3 of Article 5, where there are inconsistencies between the norms of international treaties ratified by the Republic of Artsakh and domestic laws, international treaty norms shall apply. This provision ensures the successful implementation of Covenant rights throughout the territory of the state.

105. As for the protection of fundamental human rights, it is envisioned not only in domestic law, but also in international treaties. Article 76 of the Constitution states, in particular, that the “the temporary suspension and additional restriction of basic rights and freedoms of the human being and the citizen may only be undertaken (a) under the procedure prescribed by law and (b) only to the extent required by the existing situation within the framework of international commitments undertaken with respect to derogations from obligations during state of emergency or martial law.” (emphasis added)

## Article 6

### Right to life

106. Article 24 of the Constitution of the Republic of Artsakh protects the right to life for everyone. No one may be arbitrarily deprived of his/her life.

107. The death penalty is prohibited by the same article of the Constitution. Since the very first days of the declaration of statehood, the Republic of Artsakh excluded the death penalty as a punishment and the unilateral accession to the fundamental human rights conventions reinstates the punishment policy of the Republic of Nagorno Karabakh.

108. The Criminal Code of the Republic of Artsakh prescribes life imprisonment instead of the death penalty as the most severe punishment for the gravest crimes.

109. The right to life is protected by a number of articles of the Criminal Code. Article 103 contains the definition of murder as the unlawful, intentional killing of another human being. Articles 418 and 419 define the crimes against humanity and genocide as the gravest crimes against peace and human security.

110. According to the Criminal Code, genocide is the “the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, by killing the members of the group, inflicting serious bodily harm, preventing births within the group, forcibly transferring children of one group to another, forcibly resettling or inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”, which is punishable by fourteen to twenty years of imprisonment or by life imprisonment.

111. The people of Artsakh were consistently subjected to violence by Azerbaijani government. The aggression of Azerbaijan led to the persecution of the Armenians living in Artsakh.

(a) On February 26, 1988, the Municipal Committee of Azerbaijan’s Communist Party organized a rally in Sumgait led by the Second Secretary of the Municipal Committee, Melek Bayramova. Under anti-Armenian slogans, the rally continued through to the next day. A large number of speakers, among them persons well-known in the city, called for punishment of Armenians and demanded strict measures: “Kill and expel them [the Armenians] from Sumgait and from Azerbaijan in general”. The speeches incited the masses to chant, “Death to Armenians”.

(b) In the evening of 27 February, the public speeches grew into violence. According to the facts ascertained by investigations after the events, hundreds of Azerbaijanis from Sumgait, provoked and encouraged by the calls for violence and the freely disseminated illegal drugs and alcohol, started a series of arsons, looting, mass beatings, killings and rapes of Armenians living in Sumgait. Government, party and law enforcement authorities of the city and the republic took no measures against the unprecedented disorder and public violence in an effort to safeguard the Armenians.

(c) In addition, evidence shows that law enforcement authorities aided the slaughterers. Many Armenians from Sumgait also testified that the telephones in their apartments were disconnected at that time. Documented in investigations and court records was evidence that the proponents of the pogroms had lists of apartments of Armenians compiled by the housing agencies, and that the municipal and law enforcement authorities and medical establishments refused to provide assistance to the Armenians. The local paper "Communist of Sumgait" later wrote that weapons for the proponents of the pogroms were made in advance in the factories of Sumgait.

(d) On 28 February, a greater number of pogrom participants, motivated by the silence of the authorities to the violence towards Armenians, took to the streets. Most of them were already armed with special iron rods with sharpened tips, hammers, axes and other self-made tools. Breaking into groups of several dozen persons each, the pogrom participants invaded Armenian apartments marked in advance. People were murdered in their own houses, although more often they were taken out to the street or the courtyard to be publicly tortured.

(e) In the evening of 28 February alone, two full days after the start of the anti-Armenian hysteria and massacres, army subdivisions were deployed in Sumgait. However, the army took no control of the city immediately, since they had no orders to use force and weapons against the pogrom participants. The pogroms and murders of Armenians continued. The inactivity of the troops and their leniency towards the pogrom participants led to the attacks of the mob against the servicemen, resulting in 270 casualties among the latter. Only in the evening of 29 February, the army subdivisions took decisive actions and the Armenian massacres were stopped.

(f) According to the data officially released by the Soviet authorities, 26 citizens of Armenian descent were murdered, hundreds were wounded and became handicapped, and many went missing during the 3-day pogroms. Hundreds of apartments belonging to Armenians were destroyed. The complete magnitude of the tragedy remains unknown. There is ample evidence, which demonstrates that the number of victims was considerably higher. Thus, many Armenians from Sumgait who were looking for the bodies of their relatives in the morgues of Azerbaijan, insisted on having seen two different lists of dead persons – one official and one non-official, and the latter one was considerably longer. A precise verification of the number of victims was also hindered by the fact that their corpses were taken to different mortuaries outside of Sumgait, including Baku and other places.

(g) Out of the huge number of pogrom participants from Sumgait only 90 were brought to justice – mostly teenagers and young adults. They were accused of murder, rape, violence and other crimes, and in all cases their actions were qualified as "motivated by hooliganism".

(h) The Prosecutor's office of the USSR, in coordination with the authorities of the country, decided not to hold one general trial. The "motivated by hooliganism" case was broken into 80 separate sessions. The division of the case into separate matters and the manner in which the entire process of the investigation was administered intentionally excluded the search for the true organizers and perpetrators of the crimes and prevented the court from finding and holding them responsible. All the judicial proceedings with the exception of one, (in the Supreme Court of the USSR, Moscow) were held in Baku and Sumgait, although the proceedings were under the jurisdiction of the Russian Soviet Federal Socialist Republic's regional courts.

(i) Only one of all the accused persons was sentenced to the maximum penalty afforded under the code; however, it is unknown whether the sentence was in fact served. Most of the pogrom participants were sentenced to short-term imprisonment and were released soon after.

(j) Later, one of those accused of provoking the massacres in Sumgait, Khidir Alov, (with the poetic nickname ‘Alovlu’, meaning “fiery”) was elected to Azerbaijan’s Milli Mejlis (parliament) from the ruling “Yeni Azerbaijan” party.

(k) Concealing the truth about the Sumgait massacres of Armenians, its scale and motive, and the impunity of their genuine masterminds paved the way to a campaign of ethnic cleansings throughout Azerbaijan, culminating in the gory massacres and displacement of Armenians of Baku in January 1990.

112. Armenian pogroms in Baku: Persecutions of Armenians started in Baku in the spring of 1988, immediately after the events in Sumgait, and continued until 1990. Armenians were illegally dismissed from work, and forcefully evicted from their apartments and houses. They were beaten, subjected to public mockery and murder. By January 1990, only 35–40 thousand out of the 250 thousand Armenian inhabitants remained in Baku. Most of them were old, isolated, sick or socially vulnerable individuals who did not want or were not able to leave their homes or their relatives, who in turn did not want to leave them alone.

(a) By 13 January, Armenian massacres in Baku became systematized and comprehensive. In the evening of the same day, a crowd of 50 thousand people, chanting slogans “Glory to the heroes of Sumgait” and “Long live Baku without Armenians” gathered to rally at the Lenin Square. Then, divided into groups led by PFA activists, pogrom-makers embarked upon methodically “cleansing” the city of Armenians house by house. Evidence abounds on atrocities and murders committed with extreme cruelty.

(b) Those who managed to escape death were subjected to forced deportation. Thousands of Armenians were brought to the port of Krasnovodsk city in Turkmen SSR by a ferry across the Caspian Sea, and were later sent to Armenia and Russia by airplanes.

(c) According to the testimony of the Armenian refugees from Baku, the pogrom-makers had a standard plan of action. In the beginning, a group of 10–20 people would break into an apartment and start the beatings. The Armenian pogroms of Baku surpassed the massacres of Armenians of Sumgait in the number of victims, duration and the scale. The exact number of the murdered is still unknown. According to different sources, 150 to 300 people were killed. The massacres continued for an entire week in the conditions of complete inactivity of Azerbaijani authorities, internal troops and Baku’s large garrison of the Soviet Army.

(d) It is obvious that the preparations for massacres of Armenians in Baku had started well before 13th of January 1990. That is demonstrated by the availability to the pogrom-makers of detailed maps where the city was divided into districts and regions and the locations of the remaining compact Armenian settlements were marked.

(e) The massacres of Armenians continued during the Azerbaijani aggression that turned into the war of 1991–1994.

113. The military aggression of Azerbaijan against the Republic of Artsakh was accompanied by many crimes against peaceful civilians. One of the most tragic episodes of Azerbaijani aggression against the Republic of Artsakh was the massacre of the inhabitants of the Armenian village of Maragha, in the Martakert region of the NKR which was unprecedented by its cruelty.

(a) On April 10, 1992, Azerbaijani troops invaded the village after a long period of shelling. The small squad of local self-defense forces managed to evacuate most of the population. However, over 118 people, mainly elderly and disabled persons, women and children remained in the village. Most of them were murdered by the soldiers of the Azerbaijani army. Over 50 people (of which 30 were women) became the victims of this war crime.

(b) The bodies of brutally murdered people of Maragha were dismembered, mutilated and burned, as witnessed by a member of the British House of Lords, the former Deputy Speaker of the House, human rights activist, Baroness Caroline Cox, who visited the village with a group of representatives of the ‘Christian Solidarity Worldwide’ organisation immediately after the tragedy. Lady Cox called Maragha a ‘contemporary Golgotha many times over’.



(c) Over 50 people including 9 children and 29 women were taken hostage. Subsequently, a number of the hostages, including all the children, were rescued. The fate of 19 hostages remains unknown.

(d) The attack on the village was not a military necessity, it was primarily aimed at exterminating the civilian population. The crime in Maragha became the continuation of a series of massacres (pogroms) and deportations of Armenians in Sumgait, Baku, Kirovabad and other settlements in Azerbaijan, as well as in villages of Northern Artsakh from 1988 to 1991. These were intended to paralyze the national liberation movement of Armenians of Artsakh and to deprive them of their homeland through ethnic cleansing and terror.

The above mentioned crimes are the obvious suppressions of the right to life which is a universal right enshrined in the ICCPR.

114. The Republic of Artsakh stands for the protection of right to life and has a duty to exercise the right in the whole territory of the state. According to article 16(4) of the Criminal Code of the Republic of Artsakh, if laws of the country requesting the extradition of offenders prescribe death penalty for the given crime, the extradition may be refused.

115. The Law on Police of the Republic of Artsakh adopted on 30 November 2001 states that prior to using physical force, special means, and firearms, the police officers shall be obligated to give a warning of their intent to use physical force, special means, and firearms, with sufficient time for the legitimate command to be followed and the violation to be terminated, unless doing so would pose an immediate threat to the life and health of citizens or the officer or may entail other grave consequences, or where the situation renders such warning impossible.

116. The same law regulates the application of firearms by the police officers listing the circumstances when the officer may use force. According to article 32, the officers may use firearms:

- (a) To protect the citizens from the attacks that threaten their health and life;
- (b) To prevent and abandon the attacks against the police officers;
- (c) To liberate the hostages and the buildings of state importance;
- (d) To stop and arrest people that have escaped from arrest by the application of force;
- (e) To prevent attacks against government buildings, flats and organisations' administrative offices and other buildings of state importance;
- (f) To prevent the flight of the people who were arrested because of the suspicion in committing crimes against health, life and property.

Moreover, the police officers have a right to use firearms.

- (a) For stopping the cars when drivers may cause threat to health and life of the citizens and do not obey the command to stop the engine;
- (b) For neutralizing animals that cause danger to health and life of the citizens;
- (c) With the intention to warn about the application of firearms or to declare an alert or to call for help.

In all the other cases, the use of firearms that may cause danger to the lives of people is prohibited.

## **Article 7**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

117. The prohibition of torture is an absolute postulate of international human rights law. The ban of torture as well as of the cruel, inhumane or degrading treatment and punishment is incorporated not only in international human rights conventions, but also in domestic law. The Constitution of the Republic of Artsakh sets the fundamentals of the prohibition. According to Article 26, no one may be subjected to torture, inhumane or degrading

treatment or punishment. Corporal punishments shall be prohibited. Persons deprived of liberty shall have the right to humane treatment.

118. The provision was further enshrined in the Criminal Code. Article 11 envisages the prohibition in the scope of the principle of humanism. Moreover, article 118 prescribes torture as a criminal offence.

119. The Criminal Procedure Code of 17 December, 2012 enshrines in Article 11 that in the course of criminal proceedings no one shall be subjected to torture, unlawful physical or mental violence, including through the use of medicinal products, hunger, exhaustion, hypnosis, deprivation of medical aid, as well as other cruel treatment. It shall be prohibited to extort evidence from a suspect, an accused, a defendant, a victim, a witness and other persons participating in criminal proceedings through violence, threat, fraud, violation of their rights, as well as other illegal actions.

120. The law of the Republic of Artsakh on Custody of Arrestees and Remand Prisoners adopted on 16 April, 2008 describes in the very first articles the ban of cruel treatment and punishment – an arrestee or a remand prisoner shall be respectively kept under arrest or remand detention based on the principles of legality, equality of arrestees and remand prisoners before the law, humanity, respect for individual rights, freedoms and dignity, in accordance with the Constitution of the Republic of Artsakh, the Criminal Code, and the Criminal Procedure Code, as well as the universally recognized principles and norms of international law. Exercise of physical violence and inhumane or degrading actions against an arrestee or a remand prisoner is prohibited.

121. As a major guarantor of the human treatment of prisoners as well as arrestees and other stakeholders is the Human Rights Defender of the Republic of Artsakh. The relations related to his work are regulated by the Law of the Human Rights Defender and the major reports and activities of the latter are published on the official web site of the Human Rights Defender of the Republic of Artsakh. (<http://www.ombudsnkr.am/en/>). It is notable that in May 2016, The Ombudsman's Office of the Republic of Artsakh published its second interim report on the Azerbaijani atrocities during the 2016 April War which addressed a wide range of human rights issues stemming from the Azerbaijani aggression, including beheadings, torture, and mutilation of dead bodies of combatants and civilians, as well as indiscriminate shelling of civilian subjects, etc. The report was prepared based on open-source information (the full report may be found here [http://www.ombudsnkr.am/en/docs/Report\\_PUBLIC.pdf](http://www.ombudsnkr.am/en/docs/Report_PUBLIC.pdf)).

122. Pursuant to article 6 of the Penitentiary Code of the Republic of Artsakh adopted on 26 December 2007, the execution of a sentence, as well as imposition of compulsory medical measures combined with execution of the sentence, must not be accompanied by physical violence against a person, as well as such actions, which may lead to socio-psychological degradation of the person. No person deprived of liberty upon a judgment may be subjected to torture or other cruel, inhumane or degrading treatment or punishment. No circumstance may serve as grounds for justifying torture or other cruel, inhumane or degrading treatment or punishment.

123. According to the Law on the Prosecutor's Office adopted on 17 December 2008, "punishment" means sanctions provided for by criminal law (fine, confiscation of property, remand detention, imprisonment, etc.). The fourth provision of article 27 of the Law provides that while exercising control over the lawfulness of the application of punishments and other measures of coercion, a prosecutor shall be entitled to:

- (a) Unimpeded access, at any time, to all the places where people deprived of liberty are held;
- (b) Familiarize with the documents, on the basis of which the person has been subjected to a punishment or other coercive measures;
- (c) Examine the compliance with the legislation in force of the orders, instructions, and decisions of the administration of bodies enforcing punishments and other coercive measures, which concern the fundamental rights of the person subjected to a punishment or other coercive measures. When revealing an act, which is not compliant with the legislation, the prosecutor shall file a motion for revising the act, and in cases where the prosecutor finds that any delay may have serious consequences, the prosecutor shall have the right to suspend the effect of the act and file a motion on the revision thereof;

(d) Interrogate persons subjected to a punishment or other coercive measures;

(e) Immediately release persons detained illegally in places of deprivation of liberty and in penal and disciplinary isolators of such places, and, where a person has been deprived of liberty on the basis of a legal act of the administration of the place of deprivation of liberty, the person having adopted the act is obliged to, upon the prosecutor's instruction, immediately abolish the act;

(f) Demand explanations from officials on actions taken by them or on their inaction in case of any doubt that the rights and freedoms of persons subjected to a punishment or other coercive measures have been violated.

The preceding article demonstrates the mechanism aimed to protect the prisoners from any violence, including torture and inhumane and degrading treatment.

## Article 8

### Prohibition of slavery

124. Pursuant to the application of article 8 of the ICCPR as well as other human rights conventions, the Constitution of the Republic of Artsakh states that a human being is an ultimate value in the Republic of Artsakh. The inalienable dignity of a human being shall be the integral basis of his/her rights and freedoms. Moreover, the fourth provision prescribes that the state shall ensure the protection of fundamental human and civil rights in conformity with the common principles and norms of international law. Moreover, human dignity is recognised as inviolable in the Republic of Artsakh (article 23). Everyone shall have the right to personal liberty. No one may be deprived of personal liberty with the exception of the cases prescribed by law (article 27).

125. The Freedom to Choose Employment and Labour Rights is enshrined in article 57. Moreover, the Constitution further develops the statement by clarifying that compulsory or forced labour shall be prohibited. The following shall not be considered as compulsory or forced labour work performed, in accordance with law, by a sentenced person; military service; any work required in emergency situations posing danger to the life or well-being of the population.

126. The above mentioned provision of the Constitution is further developed in the Labour Code of the Republic of Artsakh. The fundamental principles of labour legislation declared in the Code (Article 3) include freedom of labour: the right to work, right to manage their work abilities, right to choose a type of profession and activities; prohibition of all forms (of any nature) of compulsory labour and violence against employees; equality of parties to labour relations irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital and family status, age, beliefs or viewpoints, affiliation to political parties, trade unions or non-governmental organisations, and other circumstances not associated with the professional skills of an employee.

127. The Criminal Code lists community service as a type of punishment prescribes by law. Article 53 further states that the community service may be imposed on persons convicted for committing crimes of minor or medium gravity and being sentenced to imprisonment for a maximum term of two years. Community service is imposed for a duration of 270–2200 hours as an alternative sanction to a fixed-term imprisonment, upon receiving the administrative order to execute the court judgment entered into effect within a twenty-day period, in case of a written request of the prisoner, while a person sanctioned by a fine as defined by the Code and incapable to pay is subjected to community service for five hours at a minimum salary. Moreover, community service may not be imposed on persons with disability of the first or second group, persons below the age of sixteen at the moment of entering the judgment, and persons at a retirement age, as well as on pregnant women and servicemen in regular military service.

128. The Republic of Artsakh takes steps to prevent trafficking of human beings as one of the forms of modern slavery, characterized as such internationally. The legislation of the Republic of Artsakh (the Nagorno Karabakh Republic) refers to and provides appropriate a legal framework for the regulation of the sphere of trafficking of human beings and other related crimes. It provides for the implementation of preventative activities through capacity building of the players active in the area. According to the data received from the

relevant bodies, including the Police and the Human Rights Defender of the Republic of Artsakh, no cases of human trafficking or exploitation – origin, transit, or destination – have ever been recorded in the territory of the Republic of Artsakh.

129. The Republic of Artsakh prohibits human trafficking and exploitation; trafficking or exploitation of a child or a person deprived of the opportunity to realize or control the nature and meaning of his/her deeds because of a mental disorder through articles 130 and 131 of its Criminal Code. Article 130 defines human trafficking as recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation, as well as exploitation of a person or putting or keeping him or her in a condition of exploitation, by means of threat or use of force not dangerous for life or health or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. Article 131 prescribes punishment for the same deed committed against a child or a person deprived of the opportunity to realize or control the nature and meaning of his/her deeds because of mental disorder.

130. According to article 22 of the Law on Unemployment adopted on 26 December 2013, the fact of being a victim of human trafficking is one of the defining criteria of the non-competitiveness in the labour market.

131. A number of Government decisions also refer to the trafficking related issues:

(a) The procedure on the Needs Assessment of the Job Seekers adopted by the Government decision (14.10.2014) as an annex, during the assessment of the needs of the job seekers also considers the fact that the job seeker is a victim of the trafficking.

(b) According to the Government Decision on the Establishment of “The Nursing home of Stepanakert” non-commercial organisation (26.08.2003), the nursing home may temporarily accommodate the victims of the trafficking or the children of the victims subjected to violence as a vulnerable group of the society. This issue is also regulated by the Government Decision of the Republic of Artsakh On the Approval of the Procedure and Conditions of the Arrangement of Temporary Accommodation (22.03.2011).

132. With a view to further improve the legislation of the Republic of Artsakh and bring it in conformity with international standards, being concerned with the devastating consequences of human trafficking globally, the Republic of Artsakh is working towards the unilateral accession to the relevant international legal instruments on the fight against human trafficking.

## Article 9

### Liberty and security of person

133. Article 27 of the Constitution envisages the right to liberty. No one may be deprived of personal liberty except in the following cases and as prescribed by law:

(a) The person has been sentenced by a competent court for committing a criminal offence;

(b) The person has failed to obey a legitimate court order;

(c) For the purpose of ensuring the fulfilment of a certain obligation prescribed by law;

(d) For the purpose of bringing a person before a competent authority when there exists a reasonable suspicion that the person has committed a criminal offence, or a justified necessity of preventing the committal of a criminal offence by the person or his/her fleeing after having done so;

(e) For the purpose of placing a minor under educational supervision or bringing him/her before appropriate authority;

(f) For the purpose of preventing the spread of contagious diseases dangerous to the public, as well as the danger posed by persons with a mental disorder, drug addiction and alcoholism;

(g) For the purpose of preventing the unauthorized entry of a person into the Republic of Artsakh, or for deporting or extraditing a person to another state.

Everyone deprived of personal liberty shall be promptly informed, in a language he/she understands, of the reasons for deprivation of liberty, and in cases where a criminal charge is brought, basis for the charge.

Everyone deprived of personal liberty shall be entitled to have the person of his/her choice be immediately informed thereon. The exercise of this right may be delayed only in the cases, under the procedure and within the time limits prescribed by law, for the purpose of preventing or solving crimes.

If within a reasonable time period upon depriving of liberty but no later than within 72 hours the court fails to render a decision on authorizing further confinement of a person deprived of liberty on the ground of 'reasonable suspicion that the person has committed a criminal offence, or a justified necessity of preventing the committal of a criminal offence by the person or his/her fleeing after having done so', he/she shall be immediately released.

Everyone deprived of personal liberty shall have the right to challenge the legitimacy of depriving him/her of liberty, whereon the court shall render a decision within a short time period and shall order his/her release if the deprivation of liberty is not rightful. No one may be deprived of personal liberty merely on the ground of inability to fulfil civil-law obligations.

134 Article 133 of the Criminal Code criminalises the unlawful deprivation of liberty unrelated to kidnapping. Moreover, article 374 prescribes punishment for unlawful arrest or remand detention.

135. The freedom of liberty and security is enshrined in the Criminal Procedure Code as well. According to article 11, no one may be taken into and kept in custody on the grounds and in the manner other than provided for by this Code. Imposing and keeping in remand detention, forcible placing of a person in medical or correctional institution shall be authorised only by a court order. The person cannot be kept in custody more than 72 hours until the corresponding decision of the Court. Every arrestee and remand prisoner shall be promptly informed of the grounds for the arrest or remand detention, as well as of the facts and legal qualification of the criminal offence they are suspected in or charged with.

136. A court, as well as an inquest body, an investigator and a prosecutor shall be obliged to promptly release any person unlawfully confined.

137. Article 138 lays down the definition of arrest and further clarifies the whole procedure of the arrest and the conditions. Arrest shall be applied only upon an immediately evoked suspicion of a commission of a criminal offence or upon the decision of a criminal prosecution authority. Above all, an arrest can be used as a procedural coercive measure only towards those persons who are suspected of a crime which may incur a punishment in the form of custody in a disciplinary battalion, detention, imprisonment for a certain period, or life imprisonment, as well as accused persons who have breached the conditions of the imposed measure of restraint.

138. Additionally, article 147 specifies the measures of restraint and the foundations of their exercise. Subsequently, article 148 states that the remand detention may be imposed only pursuant to a court order. With regard to the detention period, article 149 states that pre-trial detention in criminal proceedings may not exceed two months. Article 149 states that pre-trial detention of an accused person in criminal proceedings may not exceed one year or the maximum term of imprisonment as provided for by the Criminal Code for the criminal offence incriminated to the accused, where the said term is less than one year. The stated mechanism ensures the lawfulness of the restriction of the right to liberty.

139. As an additional mechanism for the protection of the right of liberty is the Office of Human Rights Defender. (<http://www.ombudsnkr.am/en/>) The judiciary of the Republic of Artsakh frequently base their decisions on the right of liberty and security of person on the jurisprudence of the European Court of Human Rights.

## Article 10

### Treatment of persons deprived of their liberty

140. The penitentiary system of the Republic of Artsakh is founded on the principles of humanism and the respect of dignity.

141. As a competent body responsible for the penitentiary facilities in the territory of the Republic is the Police of the Republic of Artsakh.

142. There is regular monitoring of the penitentiary facilities conducted not only at the state level, but also through local NGOs, as well as by the Human Rights Defender. It is noteworthy to mention that prisoners have an alternative mechanism of filing of complaints, which include recently installed boxes for the letters for prisoners to the Ombudsman of the NKR as an additional assurance of humanism in the penitentiary facilities of the Republic of Artsakh.

143. The legislation of Artsakh provides full guarantees for the humane treatment of all persons deprived of their liberty.

144. Article 13 of The Law of the Republic of Artsakh on Custody of arrestees and remand prisoners adopted on 16 April, 2008 prescribes the rights of the arrestees and remand prisoners, in particular the right:

(a) To be informed in his native language or the language understood by him about his rights and obligations.

(b) To be subject to polite treatment.

(c) To file – both in person and through counsel or legal representative – requests and complaints concerning the violation of their rights and freedoms, before the administration of police holding facilities or remand facilities, their superior authorities, the court, the prosecutor's office, the Human Rights Defender, state and local self-government bodies, non-governmental associations and parties, mass media, as well as international human rights bodies or organizations.

(d) To preserve his/her health and the right to get sufficient food and proper medical treatment and to be examined by the doctor of his choice and by his/her own funds.

(e) To social security.

(f) To receive legal protection.

(g) To personal security.

(h) To freedom of thought, conscience, believe, as well as political views.

(i) To connection with the outside world.

(j) To have rest, etc.

(k) To be called by his name and surname.

(l) To request a meeting with the head of the remand facility or the person/body responsible for the supervision of the facility.

(m) To have in hand the documents of the criminal case.

(n) To participate in conclusion of a civil contract.

(o) To receive education and to do creative work.

(p) To work.

(q) To buy food or the things of first necessity from the shops of the penitentiary facility by himself or through the administration.

(r) To receive and send transactions of money etc.

145. Article 27 of the Law regulates the conditions of holding women, juveniles and disabled persons in custody or under detention; namely, improved material and living conditions shall be established for arrested or detained women and juveniles in police holding facilities and remand facilities.

146. Article 47 of the Criminal Code prescribes the main purposes of the punishment such as restoration of social justice, correction of the person subjected to punishment, and determent of crimes.

147. The Penitentiary Code of the NKR fully regulates the penitentiary system and enshrines the guarantees of humane treatment of persons deprived of liberty. Subsequently, the Code envisages the grounds for the execution of punishment, the principles of penitentiary legislation, the legal status of prisoners, the guarantees for ensuring their rights and freedoms, the procedure for imposition of coercive measures of a medical nature combined with punishment, execution of certain types of punishment, and, in case of conditional non-application of punishment, for setting of a probation period and exercising oversight during such a period, as well as the procedure for releasing from punishment.

148. Article 68 (2) of the Penitentiary Code enshrines that juveniles shall be kept separate from adults in correctional establishments. Article 109 refers to the conditions of serving the punishment by juvenile convicts and sets that a juvenile sentenced to imprisonment shall serve his punishment in the same correctional facility until the end of the term of the sentence, but not more than his/her attainment of the age of twenty-one.

149. Cases of causing harm to the health or causing death of a prisoner as a result of using physical force or special means are reported in a written form to the Head of the Penitentiary Department and the prosecutor. Prosecutors carry out oversight examination, on regular basis, in the cases of using force or special means towards prisoners, for determining the proportionality of the use thereof to the nature and level of dangerousness of the offence or resistance. The use of physical force or special means as a punishment is strictly prohibited.

150. There is only one penitentiary facility functioning in the territory of the Republic of Artsakh in the town of Shushi. The prison is under the supervision of the Police of the Republic. The penitentiary institution contains semi-open, semi-closed and closed regime correctional blocks. The penitentiary facilities are not overcrowded and the prison cameras have sufficient space in accordance with the Penitentiary Code of the Republic of Artsakh. The average size of the camera is 4 square meters, there are several yards for the daily walk of the prisoners as well. The rooms for the short and long stay visits of the relatives have been reconstructed and refurbished recently. There are phone booths in all the regimes of the correctional facility. In 2013, the new building of the semi-closed regime block of the facility was built. The living conditions in cameras correspond to the international standards. Extermination of rats and insects has been done in the whole territory of the prison in general and in the places of mass gathering in particular. The representatives of the Armenian Apostolic Church pay regular visits to the facility and at the request of the prisoners. Three libraries operate in the territory of the prison with different types of literature. Moreover, 300 books in Azerbaijani have been donated recently as well. The Karabakh mission of the International Committee of the Red Cross contributes to the reconstruction of the correctional facility. The ICRC supported the creation of a special room for playing ping pong.

151. So, for ensuring active communications with the outside world of the convicts, in addition to their access to telephone calls, visits, library, a number of newspapers and entertainment magazines, monthly papers and other periodicals are also often distributed to prisoners.

## **Article 11**

### **Freedom from imprisonment for breach of contractual obligation**

152. According to article 27 of the Constitution, no one may be deprived of personal liberty merely on the ground of inability to fulfil civil-law obligations. Therefore, the institute of holding a person liable through imprisonment does not form a part of the norms regulating civil law relationships.

## Article 12

### Freedom of movement

153. According to article 40, everyone, legally within the territory of the Republic of Artsakh, shall have the right to freedom of movement and choice of place of residence. Everyone shall have the right to leave the Republic of Artsakh. Every citizen and everyone has the right to legally reside in the Republic and shall have the right to enter the Republic of Artsakh.

154. The right to freedom of movement may be restricted only by law for the purpose of state security, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others. The right of a citizen to enter the Republic of Artsakh shall not be subject to restriction.

155. The procedure for obtaining entry visa for the NKR is regulated by the Law on Legal Status of Foreign Citizens in the Republic of Artsakh adopted on 31 August 2001.

156. According to the Law, the entry of foreign citizens to the Republic of Artsakh is allowed on the availability of valid foreign passports or other documents replacing them, and a NKR entry visa.

157. Artsakh Republic entry visas for foreign nationals are issued at the Permanent Mission of NKR to the Republic of Armenia (17a Nairi Zaryan st, Yerevan 0051). Entry visas can also be issued in the Department of Consular Services of the Ministry of Foreign Affairs of the NKR, in the city of Stepanakert. A visa-free regime is in effect for citizens of Argentina, Georgia and CIS countries (except Turkmenistan).

158. The Law of the NKR on the Main Principles of Citizenship adopted on 18 November, 1995 regulates the relationships related to the citizenship. According to the Law, the citizen of NKR can hold a dual citizenship with another country/countries if it is prescribed by the international bilateral agreements.

159. The citizens of NKR hold their status of the citizen of the NKR regardless of the duration of stay abroad. The citizen, when abroad, enjoys the protection of the Republic of Artsakh. Nevertheless, Azerbaijan's policy of blacklisting people that visit Artsakh and considering them *persona non grata* contradicts the right of people to freedom of movement by restricting them in an arbitrary manner. Azerbaijani Foreign Ministry's blacklisting of foreign citizens visiting Artsakh is a gross violation of the freedom of movement and is an attempt to impose its one-sided and distorted viewpoint on the international community. The authorities of Artsakh consider such actions of Azerbaijan unacceptable and believe that if they remain without due assessment by the international community, it will be increasingly difficult to return to Baku to a constructive track.

160. The Republic of Artsakh does not extradite its own citizens unless they are the citizens of the country requesting the extradition.

161. The right of refugees to free movement and freedom to choose their residence is enshrined in article 18 of the Law on Refugees adopted on 26 November 2003. Moreover, article 28 states that the competent state bodies shall assist the refugees, when necessary, in attaining the NKR citizenship.

162. Freedom of movement is directly related to the launching of the Stepanakert airport. Meantime, the freedom of movement of the civilian population of the Republic of Artsakh, have been continuously and vehemently undermined by the ongoing Azerbaijani blockade. The bellicose rhetoric and threats to shoot down civil aircraft in particular, voiced by the high-ranking Azeri officials, are in material breach of its international obligations and contradict the provisions of the Convention on International Civil Aviation. In this context, the Government of the Republic of Artsakh considers the steps taken by the Government of the Republic of Azerbaijan as irresponsible and politically charged actions that contradict the well-known international norms by violating human rights, in particular, the freedom of movement. Moreover, Azerbaijan uses its membership to International Civil Aviation Organization for limiting the freedom of movement of the people of Artsakh and imposing air blockade and that way continues its destructive policy in international platform as well.



## Article 13

### Expulsion of aliens

163. According to article 27 of the Constitution, a person may be deprived of liberty for the purpose of preventing the unauthorized entry of a person into the Republic of Artsakh, or for deporting or extraditing a person to another state.

164. However, article 55 prohibits extradition, if there is a real danger that the given person may be subjected to death penalty, torture, inhumane or degrading treatment or punishment in that country.

## Article 14

### Right to fair trial

165. The fundamentals of the criminal procedure are enshrined primarily in the Constitution of the Republic of Artsakh. Articles 63–69 provide the main requirements of criminal proceedings including the right to a fair trial (article 63), right to receive legal aid (article 64), right to be exempted from the obligation to testify (article 65), presumption of innocence (article 66), right to defend against a charge, including the right to be promptly and thoroughly informed, in a language which he/she understands, of the nature of and grounds for the charge brought, the right to have adequate time and opportunities to prepare his/her defence and to communicate with the advocate chosen thereby, the right to question persons testifying against him/her, or have these persons questioned, as well as have the persons testifying in his/her favour to be summoned and interrogated under the same conditions as those for the persons having testified against him/her, the right to avail of the services of a translator, free of charge, in case he/she does not have command of the Armenian language (article 67), the prohibition of double jeopardy (article 68), and the right to an appeal (article 69), etc.

166. Furthermore, these norms have been directly incorporated into the Criminal Procedure Code of the Republic of Artsakh. Chapter 2 of the Code envisages the provisions expressed in article 14 of the Covenant as the principles of criminal procedure.

167. Article 15 establishes the language of the proceedings. Pursuant to the aforementioned article, legal proceedings shall be conducted in Armenian in the Republic of Artsakh. Persons participating in the proceedings shall have the right to use in the court the language of their own convenience, as long as they provide interpretation into Armenian. The court shall provide persons participating in criminal proceedings and having no command of the Armenian language with interpreter's services at the expense of the Republic of Artsakh.

168. Article 60 of the same code prescribes the rights of the accused person based on the principles of criminal procedure enshrined in chapter 2 and discussed further in details. According to the mentioned article, the accused shall have the right to:

- (a) Know what he or she is charged with. Therefore, he or she is allowed to receive free of charge from the criminal prosecution authority a copy of the decision on involving him or her as a defendant right after the charge is brought, after he or she is taken into custody, or the decision on imposing a measure of restraint is announced;
- (b) Receive, immediately after being taken into custody, from an inquest body, an investigator or a prosecutor a written notification on and clarification of his or her rights;
- (c) Have counsel after the charge is brought, or waive counsel and defend himself or herself in person;
- (d) Have private, confidential and unhindered meetings with his or her counsel, without any restriction on the number and length of such meetings;
- (e) Be interrogated in the presence of the counsel;
- (f) Give testimonies or refuse to give testimonies, be interrogated through confronting witnesses against him or her;
- (g) Give explanations or refuse to give explanations;

(h) Upon his or her motion and upon the permission of an inquest body, an investigator or a court, participate in person or through counsel in investigative operations or other procedural actions, or refuse to participate therein, unless otherwise provided for by this Code;

(i) Inform, through the body conducting criminal proceedings, his or her close relatives, and in case of a serviceman, also the command of the military unit, about the place of and the grounds for keeping him or her in custody, immediately after being taken into custody, but not later than within twelve hours.

169. According to article 16 of the Criminal Procedure Code of the Republic of Artsakh, examination of cases in the courts shall be public. Any adult may be present in public court hearings. Additionally, the principle of fair trial is designated by article 17 of the Code.

170. The presumption of innocence is specified not only by the Constitution, but also in the Criminal Procedure Code. Pursuant to article 18, anyone charged with a crime shall be presumed innocent until proven guilty as prescribed by law, upon entry of the criminal judgment of the court. The accused or the suspected person is not obligated to prove his/her innocence. The accusing party holds the burden of proof of guilt of the accused. The decision to prosecute shall not be based on presumptions, but shall be based on reliable evidence of the case.

171. The right to be exempted from the obligation to testify is enshrined in article 65 of the Code, according to the latter, no one shall be obligated to testify about himself/herself, his/her spouse, close relatives if it is reasonably deemed that it may be used against him/her or them in the future. The law may prescribe other circumstances in which one may be exempt from the requirement to testify.

172. The prohibition of double jeopardy is envisaged in article 21, where no one may be tried twice for the same act. However, the following provision shall not prevent the review of a case in accordance with the law in case of the availability of new or newly emerged circumstances, or where there have been fundamental shortcomings in the examination of the case, which could affect the outcome of the case.

173. Article 24 of the Code provides the principle of administration of justice only by the courts of different chambers of the Republic of Artsakh. No one shall be accused, proven guilty and be subject to punishment other than by the order of the court entered into legal force and prescribed by law. Justice shall be administered only by courts. Establishment of extraordinary courts shall be prohibited. The foregoing provision is provided in article 136 of the Constitution.

174. Chapter 52 addresses the specific procedures of juvenile proceedings. According to article 467 of the Code, the court may release a juvenile from a punishment and impose on him or her mandatory rehabilitative educational measures, if it is determined at the time of entry of judgment that corrective measures will be effective, without subjecting the minor to criminal sanctions.

175. The Constitution, as well as the Judicial Code of the Republic of Artsakh establish the foundations of the judicial system. The Supreme Court, the Court of Appeal and the Court of First Instance of General Jurisdiction shall operate in the Republic of Artsakh. Other specialised courts may be established in the cases provided for by law.

176. Article 137 of the Constitution defines the role of the judge and states that the further judicial regulation is prescribed in the Judicial Code. According to article 137, in the administration of justice, a judge shall be independent, impartial and shall act only in accordance with the Constitution and the law.

177. A judge may not be reprimanded for the opinions expressed or for official judicial acts rendered during execution of justice, unless the judge is acting outside the scope of his/her authority. Criminal prosecution of a judge with respect to the exercise of his/her powers may be initiated only upon the authorisation of the Supreme Judicial Council.

178. A judge may not be deprived of liberty, with respect to the exercise of his/her powers, without the consent of the Supreme Judicial Council, unless he/she has been apprehended for committing a criminal offence, in which case, deprivation of liberty may not last more than 72 hours. The Chairperson of the Supreme Judicial Council shall be immediately notified of the deprivation of liberty of a judge.

179. A judge may not hold any position not related to his/her status in other state or local self-government bodies, any position in commercial organisations, or engage in entrepreneurial activities or perform other paid work, except for scientific, educational and creative work. The Judicial Code may prescribe additional requirements on the doctrine of incompatible offices.

180. A judge may not engage in political activities. The powers of a judge shall suspend upon the expiration of the term, in the event of loss of citizenship of the Republic of Artsakh, entry of judgment of criminal conviction rendered against him/her, termination of criminal prosecution on the grounds of non-acquittal, entry judgment declaring him/her as incapable of working, as missing or dead, and resignation or death.

181. In the event of a violation of the doctrine of incompatible offices, engaging in political activities, impossibility of holding office for health reasons, or engaging in judicial misconduct, the powers of a judge shall be revoked upon the decision of the Supreme Judicial Council.

182. The Supreme Court shall be the highest judicial body in the Republic of Artsakh. The Supreme Court shall administer constitutional justice by ensuring the primacy of the Constitution.

183. Pursuant to Article 141 of the Constitution, when administering constitutional justice, the Supreme Court, in accordance with the procedure prescribed by law, shall:

(a) Determine the compliance of laws, decisions of the National Assembly, decrees and executive orders of the President of the Republic, decisions of the Government and secondary normative legal acts with the Constitution;

(b) Prior to the adoption of draft amendments to the Constitution, as well as draft legal acts put to referendum, determine the compliance thereof with the Constitution;

(c) Prior to the ratification of an international treaty, determine the compliance of the commitments enshrined therein with the Constitution;

(d) Settle disputes related to decisions adopted upon the results of a referendum, those of the elections of the National Assembly and President of the Republic;

(e) Render a decision on termination of the powers of a Deputy;

(f) Render an opinion on the existence of grounds for removing the President of the Republic from office;

(g) Render an opinion on the existence of grounds for termination of the powers of the President of the Republic;

(h) Render a decision, in the cases prescribed by law, on suspending or prohibiting the activities of a political party;

As a highest judicial instance the Supreme Court, within the powers prescribed by law and by reviewing the legal acts shall (a) guarantee the uniform application of laws and other normative legal acts and (b) eliminate the violations of fundamental human rights and freedoms.

There are a number of cases, where judges of the Supreme Court deliver dissenting opinions (e.g. Dissenting opinion of judge A. Hayrapetyan on the civil case no. ՂԻՂ/2389/02/16, 27 February 2017; Joint dissenting opinion of judges I. Karapetyan and A. Abrahamyan on the administrative case no. ՂԻՂ/0237/05/17, 13 October 2017; Joint dissenting opinion of judges V. Hovsepian and G. Grigoryan on the criminal case no. ՂԻՂ/0090/01/17, 16 April 2018).

184. The independence of courts and judges is overseen by the Supreme Judicial Council. The SJC compiles and approves the lists of candidates for judges, including candidates subject to promotion; proposes to the National Assembly the candidates for chairpersons of courts and the candidates for judges; decides on giving permission for initiating criminal prosecution against a judge or depriving him/her of liberty; decides on the issue of subjecting a judge to disciplinary proceedings; decides on the issue of terminating the powers of a judge; approves the estimates of expenditures of the courts, and submits them to the Government, in order to include them in the Draft State Budget as prescribed by law.

185. According to article 5 of the Law of the Republic of Artsakh on the Profession of Advocate adopted on 19 October 2005, the practice of the profession of an advocate shall be a form of advocacy aimed at enforcing, through measures not prohibited by law, the legitimate interests of persons receiving legal assistance.

186. The main function of an advocate shall include:

(a) Advice, including advising clients on their rights and obligations, on activities of the judicial system with respect to the rights of the client, as well as examination of documents and drawing up of other documents of a legal nature;

(b) Representation, including court representation;

(c) Defense in criminal cases.

187. The state provides legal aid in the cases prescribed by law not only for the criminal proceedings, but also in the instances enshrined in the Civil Procedure Code.

## Article 15

### Prohibition of ex post facto laws

188. The Constitution of the Republic of Artsakh has articles with the same content. According to article 72, no one shall be sentenced for an action or inaction not deemed to be a crime at the time of committal. A punishment more severe than that applicable at the time of committing the criminal offence may not be imposed. A law decriminalising an act or mitigating the punishment shall have retroactive effect.

189. Article 73 prohibits the retroactive effect of laws deteriorating the legal condition of a person. On the other hand, laws and other legal acts improving the legal condition of a person shall have retroactive effect where those acts so provide.

190. The Criminal Code of the Republic of Artsakh enshrines the same norms as the principles of criminal justice. Article 13 prescribes the norms on the retroactivity of laws. Legal acts decriminalizing an offence, providing for a lighter punishment or in any other way improving the condition of an offender, shall have retroactive effect, that is, it shall apply to persons who committed the offence before the entry into force of the said Law, including those persons who serve the punishment or have served it but their conviction has not been cancelled and has not expired. A law criminalising an offence, providing for a heavier punishment or in any other way worsening the status of an offender, shall have no retroactive effect. A law partially mitigating and at the same time partially aggravating the liability shall have retroactive effect only in cases of mitigating the liability.

191. Meantime, article 7 of the Code envisages the principle of inevitability of the punishment, meaning any person committing an offence shall be subjected to punishment or other measures of criminal law prescribed by the Criminal Code.

192. Article 10 provides the individuality of the criminal liability and the prohibition of the double jeopardy. The punishment and other criminal law measures imposed on a person shall be adequate in terms of gravity of the offence, the circumstances of its commission, the character of the offender, as well as its necessity and sufficiency for correcting the offensive act and deterring new crimes.

193. The Criminal Code enshrines such principles of criminal law as the liability in accordance with the guilt and the individualisation of the liability, the principle of legitimacy and punishment only pursuant to the Criminal Code etc.

## Article 16

### Recognition as a person under the law

194. The recognition of the personality is regulated by the Civil Code of the Republic of Artsakh adopted on 24 February 2016.

195. According to Civil Code, the legal personality is divided into passive and active legal capacities. Article 20 of the Civil Code states that the capacity of holding civic rights

and bearing responsibilities (passive civil legal capacity) is recognised equally for all persons. The passive legal capacity includes the right of ownership of property, the right to inherit and bequeath a property, the right to choose a place of residence, and the right to have intellectual property rights, etc.

196. Article 24 of the Code provides the definition of the active legal capacity of a person. Pursuant to the aforementioned article, the capacity of a person to obtain and exercise civic rights, to have civil responsibilities and to fulfil them, by his or her actions (active civil legal capacity), shall arise in full scale upon reaching age of maturity, i.e., upon reaching the age of eighteen. Actions directed at full or partial renunciation by a person of his or her passive or active legal capacity or at restriction of passive or active legal capacity shall be recognised void.

## **Article 17**

### **Freedom from arbitrary interference with privacy, family, home**

197. According to Article 31 of the Constitution of the Republic of Artsakh, everyone shall have the right to inviolability of honour and good reputation as well as the right to inviolability of his/her private and family life.

198. The right to inviolability of private and family life may be restricted only by law for the purpose of state security, economic welfare of the country, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others.

199. That said, the above mentioned constitutional provision, the Criminal Code of the Republic of Artsakh prescribes punishment for the violations of privacy. Article 142 enshrines the crime of unlawful collection, use and dissemination of information about private and family life for the publication or dissemination of confidential information about a person without his/her permission. Articles 144 and 145 prescribe punishment for unlawful intervention of private or family life, home, correspondence, telephone conversations, postal, telegraph and other communications.

200. Articles 11–14 of the Criminal Procedure Code provide the provisions on the security of person, inviolability of home and of property, secrecy of correspondence, telephone conversations, postal, telegraph and other communications, as principles of criminal procedure.

201. Additionally, chapter 33 of the aforementioned Code envisages detailed conditions of the grounds and the procedure for conducting investigative operations that authorise the restriction of privacy of correspondence, telephone conversations, postal, telegraph and other communications.

202. An additional legal instrument for the regulation of use of personal data is the Law of the Republic of Artsakh on Personal Data adopted on 17 October 2003 that determines the processing personal data by state and local self-government bodies, state or municipal institutions, legal entities, as well as individuals.

203. Pursuant to Article 6 of the Law, the processing of data is considered legitimate if it is processed with the permission of the person; if the data is processed for the purposes of protection of the interests of the person about whom the data is collected to the extent that there are no grounds to assume that the person would have refused to give the permission; if the processing is required by law or is necessary for meeting the requirements of laws. The personal data may be processed when threatened the social and state security as well.

204. Pursuant to the last chapter of the aforementioned law that prescribes liability for the infringement of the law, a person may be entitled to appeal through the judicial or other legal procedures, if he/she believes that he/she has been subjected to a violation of personal data.

## Article 18

### Freedoms of thought, conscience and religion

205. The freedoms of thought, conscience and religion are codified in the legislation of the Republic of Artsakh. Article 41 of the Artsakh Constitution establishes the legal framework for the enjoyment and protection of these universal fundamental rights. Under applicable law, the expressions of the freedoms of thought, conscience and religion may be restricted only for the limited and narrow purposes of ensuring state security protecting public order, health and morals, and safeguarding the basic rights and freedoms of others. The procedure for the establishment and operation of religious organisations is also prescribed by law.

206. In compliance with the provisions of the Constitution, the National Assembly of the Republic of Artsakh ratified the Law on Freedom of Conscience and Religious Organisations (the Law) on 26 November 2008. Article 1 of that law fortifies the freedoms of conscience and religion as follows: every citizen may freely choose his or her inclination towards and association with religion, may or may not profess any religion beliefs, and may participate in religious ceremonies alone or in a group setting.

207. Pursuant to Article 5 of the Law mentioned in the previous paragraph, a group of individuals may be recognized officially as a religious organisation, vested with Constitutional entitlements, with the express provisos that no resulting coercion or violence towards any individual is countenanced, that the religious tenets are based on historically-canonized holy books or teachings, that it belong to the community of contemporary, world religious and church institutions, that it is devoid of mercenary motives, that it is directed to the enrichment of spiritual life, and that it includes at least 100 adherents. Children under the age of 18 are not to be accounted for in the aggregate number of an organisation's religious adherents irrespective of the fact that they may participate in religious rituals, and other faith-based gatherings.

208. The Law on Freedom of conscience and religious organisations mandates that the state recognize the confidentiality and privilege of confessional acts and communications; thus, one's religious confession may not, under law, be used for investigative or judicial purposes.

209. Pursuant to the government decree of 2 November 2012, the Department for Ethnic Minorities and Religious Affairs, under the supervision of the Ministry of Culture and Youth Affairs, operates as the competent body responsible for the oversight and regulation of relations between the state and religious organisations.

210. Currently, there are 6 religious organisations registered in the Republic of Artsakh. Besides the registered religious organisations, there are 8 registered religious communities in the territory of the Republic of Artsakh, including the Jehovah's Witnesses, Seventh Day Adventists, and other groups. The competent state body (i.e. the aforementioned Department for Ethnic Minorities and Religious Affairs) is charged to address the needs and demands of the members of those religious communities. Additionally, the same state oversight body proffers expert conclusions on the literature produced by the religious organisations and communities.

211. Above all, the relations between the state and religious organisations are fixed in the Constitution, under whose Article 17 the freedom of activities of religious organisations are formally assured in the Republic of Artsakh. Religious organisations are not appurtenant to and are expressly separate and distinct from the State and its governmental machinery. In this vein, the Constitution promotes the independence of religious organisations insofar as it exalts the freedom of their activities at the constitutional level.

212. Notwithstanding the wide reach and latitude offered to religious organisations, Article 18 of the Constitution states that the Republic of Artsakh shall recognise the exclusive mission of the Armenian Apostolic Church, in its singular capacity as a national church, in the spiritual life of the Armenian people, in the development of their national culture, and in the preservation of their national identity. The connection between the national identity and the Armenian Apostolic Church emanates from the century-long struggle for the liberation from foreign, and often non-Christian rule. The Armenian Church

continues to serve as a focal point of unifying the Armenians of Artsakh and also continues to contribute to the preservation of the national culture, heritage, history, and identity.

## Article 19

### Freedom of opinion and expression

213. The freedom of opinion and expression is rooted in Article 42 of the Constitution pursuant to which all people have the right to express freely and openly his or her opinions. The right includes the freedom both to hold one's own opinion and also the freedom to seek, receive and disseminate information and ideas through any media, without the interference of state or local governmental bodies and regardless of state frontiers.

214. The freedom of the media, press, radio, television and other means of information distribution are also constitutionally guaranteed. The Artsakh state guarantees the activities of independent public television and radio, securing way for a diversity of informational, educational, cultural and entertainment programmes.

215. The freedom of expression of opinion may be restricted only by discrete law, for the limited purposes of preserving state security, protecting public order, health and morals, safeguarding the honour and good reputation of others, and related basic and fundamental rights.

216. Furthermore, Article 51 of the Constitution envisages that all people shall have the right to receive information and become familiar with documents relating to the activities of state and local governmental bodies and officials. The procedure for receiving information, as well as the grounds for liability of officials for concealing information or for the unjustified refusal of providing information, are prescribed by corresponding law.

217. However, there are a few, narrowly-tailored security-based restrictions which may reasonably curtail the otherwise unfettered freedom of receiving and disseminating information, primarily the type of sensitive information which relates to advancing the peace and protection priorities of the State. Adopted on 20 May 1999, the Law On State and Official Secrets defines a state and official secret as information pertaining to military, foreign relations, economic, scientific and technical intelligence, counter-intelligence, and operational intelligence fields of influence in Artsakh. These types of security-laden information are to be guarded dutifully by the State, with procedures in place to thwart their public disclosures which would otherwise seriously prejudice the security of the Republic of Artsakh. The mentioned provision fully corresponds to the requirements of the ICCPR.

218. Apart from the Constitution, there are a number of laws governing the freedom to receive, disseminate and provide information as well as the freedoms of expression and the media. The National Assembly adopted the Law on Freedom of Information on 2 November 2004. This law prioritizes and regulates the competencies of the owners of information, as well as the lawful ways and conditions of receiving information.

219. Article 4 of the Law on Freedom of Information embodies the main principles of the freedom of information, including the establishment of a unified and coordinated procedure for recording, classifying and storing information, protecting the freedom to seek and receive information, providing accessibility to the information, and allowing for it publicity.

220. Pursuant to Article 8 of the mentioned law, the owner of information may refuse to provide information if, by doing so, it would violate the confidentiality and sanctity of private and family life, if such information contains preliminary investigation data not subject to publicity, or if it contains notary, military, corporate or attorneys' confidential communications or work product. Finally, the owner of information may refuse its revelation if, by doing so, it would violate another's intellectual property rights.

221. The freedom of mass media is codified in the Law on Mass Media, adopted by the National Assembly on 20 October 2004. Article 4 empowers representatives of mass media, including journalists, to act freely based on the principles of legitimacy, equality, plurality of opinions, and the freedom of speech. All journalists, acting within the course and scope of their professional duties, come under the protection of the legislation of the Republic of Artsakh, as a person discharging his/her social and civic obligations.

222. The field of media is further regulated and protected by the Law on Radio and Television, adopted by the National Assembly on 6 December 2006. That law stipulates that the right to free selection, production and broadcasting of television and radio programmes is ensured in the territory of the Republic of Artsakh. The production and broadcasting of programmes of Public Television and Radio Company is overseen by the Public Television Council.

223. Under the Law on Radio and Television, the State is obligated to create the necessary conditions for and to undertake measures that facilitate the receipt of programming broadcasts of the Public Television and Radio Company.

224. As for statistics and indices of freedom of expression in the Republic of Artsakh, there are more than 40 newspapers, including “Azat Artsakh”, “Stepanakert”, “Analyticon” published by “Press club of Stepanakert” NGO, “Lusarar” published by the Ministry of Education and Science, “Martik” published by the Ministry of Defense, “Eghitsi Luys” published by the Union of Writers of Artsakh, satirical and human interest newspapers “Plpughirs”, “Berd”, “Dizak”, “Jraberd”, “Nor Shahumyan”, and “Meran” regional papers. The political parties of the Republic of Artsakh also publish their own papers: “Akunq” paper which is published by the “Free Homeland” political party; “Homeland” produced by the Artsakh Democratic Party, “Aparaj” published by the Armenian Revolutionary Party, and “Renaissance” produced by the “National Renaissance” political party.

225. Public Television of Artsakh initially emerged in 1988. By the Law of 2006 on Television and Radio, the television platform of Artsakh acquired public status. It broadcasts on a daily basis – 4 hours per day with regular news releases and studio and field programmes. The number of potential viewers is more than 130,000.

226. “Pace” cable television operates on the territory of the Republic. There also is a wide range of radios broadcasting in Artsakh, including the Public Radio, which carries 3 hours of live programmes daily, Mix FM, Pace FM, as well as the broadcasts of foreign radio programming such as A+, Aurora, Radio Van, and the Voice of America.

227. Competition in this sphere is promoted and protected by the Constitution’s Republic of Artsakh. Article 51 which proscribes engagement in monopolist activities, abuse of dominant market positioning, participation in bad-faith competition and anti-competitive agreements. The field of public discourse, which here relates to mass media, is supervised by the Public Services and Competition Regulatory Body, established by the Law on the Public Services and Competition Regulatory Body which the National Assembly adopted on 20 January 2007. Additionally, the Law of the Republic of Artsakh on Electronic Communication (the Law) was adopted on the same day, 20 January 2007, and it regulates the procedure for licensing and operation in that field. Under the Law, licensing is carried out by the Public Services Regulatory Commission – the Regulator. Article 10 of the Law sets forth the procedure for licensing and authorisation to use a radio frequency (through tender applications or auction). Applications for licenses and authorisations to use radio frequencies are to be submitted to the Regulator in the form established by that body and contain pertinent data required by the Law on Licensing adopted on 30 April, 2002.

228. Among the burgeoning information outlets available to the public, there are a number of leading web-based pages of news agencies, such as Artsakhpress (<http://artsakhpress.am/eng/>); Artsakh Times (<http://artsakhtimes.am/en/>); Karabakh Open (<http://karabakh-open.info>). They publish news on a daily basis. Moreover, there is a rising number of internet bloggers based in Artsakh.

229. The Press Club of Stepanakert was established in 1998 and it used to publish the “Demo” newspaper semi-monthly from 2004–2008. The “Demo” was the most widely-read paper in the Republic and contained within its pages a multi-dimensional array of viewpoints on many issues related to state building. The founders of “Demo” have since released a new periodical called “Analyticon” in multiple languages, Armenian, Russian and English. The periodical publishes analytical articles from and about the Caucasus and other areas facing challenges in local peace and security realities. The project is financed by the United Kingdom’s Conflict, Stability and Security Fund in collaboration with the British Embassy in Yerevan (<http://theanalyticon.com>). By partnering with the NGO “Conciliation Resources” the Press Club has joined in the production of the “Dialog through Films” project. The Press Club of Stepanakert has also arranged film screenings across Artsakh with follow-up discussions.



## Article 20

### Prohibition of propaganda relating to war or racial, national or religious hatred

230. Article 77 of the Constitution prohibits the use of basic rights and freedoms for the purpose of attempting to cause or causing the violent overthrow of the constitutional order, and the incitement of national, racial or religious hatred or propaganda of violence or war. Additionally, Article 29 states that discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be strictly prohibited.

231. The invidious propaganda of war, as well as national, racial or religious hatred, are criminalized by the Criminal Code of the Republic of Artsakh. Article 61 of the Criminal Code lists as an aggravating circumstance of the motivation of a crime by national, racial, or religious hatred. The preceding provision is enshrined in the second parts of the corpus delicti of most serious crimes envisaged by the Code. Moreover, Article 276 of the Criminal Code mandates the strict punishment of the mutilation of corpses and the desecration of burial places on the grounds of national, racial and religious hatred.

232. Unlike the salutary legal framework of inclusiveness in Artsakh, the growing number of cases of Armenophobia and the corresponding, xenophobic propaganda of war originating and issuing from a neighbouring country, Azerbaijan, has been noted in a number of international reports as well as by the Azerbaijani mass media and official web pages of state bodies, including the website of the President of Azerbaijan. The state-sanctioned Azerbaijani policy of manufacturing and feeding Armenophobia and hate crimes to its people, under the motto “our main enemies are Armenians of the world,” has become the official public policy, insofar as it was championed by the president of Azerbaijan himself in his national address in 2012.<sup>2</sup> The promotion of xenophobia in Azerbaijan is the main impetus and trigger for crimes perpetrated by Azerbaijani civilians against Armenians.

233. The manifestations of racism and xenophobia towards Armenians in Azerbaijan have been confirmed in the concluding observations of the UN Committee on the Elimination of Racial Discrimination of 14 April 2005 and of 7 September 2009. The Committee has memorialized its deep concern and consternation about “the allegations of persistent hostile attitudes on the part of the general public towards ethnic Armenians living in Azerbaijan.”<sup>3</sup>

234. Moreover, the topic of the anti-Armenian xenophobia in Azerbaijan was widely discussed in the Council of Europe’s European Commission against Racism and Intolerance (ECRI) report on Azerbaijan’s human rights violations adopted on 17 March 2016.

(a) According to the report, there is a resilient culture of anti-Armenian propaganda which is promulgated at the state level. “An entire generation of Azerbaijanis has now grown up listening to constant rhetoric of Armenian aggression. According to a 2012 survey, 91% perceived Armenia as Azerbaijan’s greatest enemy.” In sum, the Commission has recommended that Azerbaijani officials to avoid hate speech towards Armenians and build fair conditions for the development of a diverse and independent civil society in the country. Nevertheless, as noted in the reports of the above-mentioned body, the Armenophobic propaganda carries on at educational and media levels as well.

(b) In addition to the general statements, the Commission specifically mentioned the case of axe murderer Ramil Safarov as an outrageous example of encouragement of xenophobia. “The pardon, release and promotion in 2012 of Ramil Safarov, who had been sentenced in Budapest to life imprisonment for the murder of an Armenian army officer, contributes to a sense of impunity for the perpetrators of racist crime.”<sup>4</sup>

(c) Furthermore, political opponents of Azerbaijan’s Aliyev regime are routinely accused of having “treacherous” Armenian roots or of receiving funds from Armenian

2 <http://en.president.az/articles/4423>.

3 <http://www.refworld.org/publisher,CERD,AZE,4abc820e0,0.html>.

4 <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-V-2016-017-ENG.pdf>.

sources. Human rights activists, Leyla and Arif Yunus, who have long been committed to reconciliation programmes between Artsakh and Azerbaijan, have been arrested and were sentenced, under controversial accusations, to long prison terms. Both were conditionally released only at the end of 2015.<sup>5</sup>

235. It has been documented that anyone in Azerbaijan who speaks publicly in favour of establishing amicable relations with Armenians is subjected to intimidation and prosecution by the authorities, as was the case with Azerbaijani writer Akram Aylisli.

236. The statement from the Advisory Committee of the Framework Convention for the Protection of National Minorities (ACFC) mentioned the Azerbaijani-Artsakh conflict as one of the reasons for the perpetuation of hate crimes and Armenophobia, since the tenacious and false “public narrative around the conflict over Nagorno-Karabakh” indicates Armenia or Armenians as ‘the enemy’ and flagrantly promulgates ‘hate messages’ in Azerbaijan.”<sup>6</sup>

237. In addition to the findings of the aforementioned international bodies, the Human Rights Committee, in its concluding observations of Azerbaijan’s periodic report on the International Covenant on Civil and Political Rights, noted that there is widespread discrimination against the Armenian minority in Azerbaijan, so much so that civilians of Armenian origin avoid to self-identify as Armenian. Moreover, the Committee referred to various cases in which foreigners with Armenian surnames were prevented from entering Azerbaijan regardless of their nationality. The above-mentioned actions of Azerbaijan are grave breaches of Articles 2, 26 and 27 of the ICCPR relating to non-discrimination and protection of minorities in the territory of the parties.<sup>7</sup>

238. Despite its accession to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Azerbaijan does not have within its legislative framework an appropriate legal article in its criminal code relating to the punishment of “the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.”<sup>8</sup> Thus, the promotion of hatred against Armenians in Azerbaijan does not hold any form of legal censure.

239. By design or fiat, Armenians in Azerbaijan are treated as potential hostages by the Azerbaijani authorities. A vivid example of this was the proposal of the Azerbaijani authorities to exchange ethnic Armenian Yeghishe Petrosyan’s family, who in 2010 had fled to Azerbaijan with his wife and children to avoid criminal prosecution in Armenia, with Azerbaijani citizens Dilham Askerov and Shahbaz Guliyev who were incarcerated, after due process of law, in Artsakh.

240. In 2010 and 2014, two residents of border villages of Armenia, Manvel Saribekyan and Karen Petrosyan, were murdered while in Azerbaijani captivity.

241. The above-mentioned acts of Azerbaijan and the corresponding, critical observations of the international bodies expose the motives of the anti-Armenian campaign and the false equivalencies between the cases of the Armenian and Azerbaijani civilians. All the while promoting bias, bigotry and hatred against Armenians. The very fact that the Azerbaijani president promised to acquit the Azeri citizens upon their arrival in Baku is but one example of the further escalation of Armenophobia in Azerbaijan.

242. The endemic and state-sponsored animosity towards Armenians of Artsakh formed one of the underpinnings of Azerbaijan’s recommencement of the war in April 2016. Under international humanitarian law, Azerbaijan bears state responsibility for the war crimes perpetrated by its armed forces, and has an obligation to investigate and properly prosecute the culprits of those violent crimes.

243. During the course of the April 2016 War, Azerbaijani soldiers, under the command of the Minister of Defence Zakir Hasanov, enacted such odious crimes as torture, mutilation

5 Ibid.

6 Ibid.

7 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAZE%2fCO%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAZE%2fCO%2f4&Lang=en).

8 [https://treaties.un.org/doc/source/docs/A\\_RES\\_2106-Eng.pdf](https://treaties.un.org/doc/source/docs/A_RES_2106-Eng.pdf).

of live and dead bodies, and the crime of execution. Moreover, the principal target of the Azeri armed forces was not only the military personnel of the Republic of Artsakh, but also unarmed and defenceless civilians and civilian objects.

244. The style and substance of the Azeri crimes violated all manner of rules and regulations of engagement. A number of international NGOs evaluated the insidious Azeri aggression and gave their negative assessments by pointing out the Azeri side's acts of ruthless torture and mutilation.

245. In its report, the FIDH (Fédération Internationale des Ligues des Droits de l'Homme) states that: "Whereas some of the human losses reported might have occurred as a result of failure to take precautionary measures and assess the effects of the attack towards the civilian population, at least three elderly civilians, residents of Talish village in Nagorno-Karabakh [Artsakh] were reportedly killed deliberately and their bodies mutilated when the Azerbaijani troops entered and took control over the village. Ears of the above-mentioned three civilians were cut off."<sup>9</sup>

246. Moreover, the Azerbaijani forces decapitated a soldier of the Republic of Artsakh, Kyaram Sloyan for all the world to see, publishing videos and pictures of his severed head on social networks. Azeri soldiers and civilians were shown off holding up Mr. Sloyan's head, much like a military trophy or a sign of a glorious, victorious act. Furthermore, the headless bodies two other Armenian soldiers were photographically documented. These two Artsakh servicemen were beheaded, one during and the other after their deaths, with one being brutally executed by ISIS-style decapitation. With the presence of the International Committee of the Red Cross, the Artsakh State Commission on Prisoners of War, Hostages and Missing Persons registered that all bodies of the deceased bore tell-tale signs of torture and mutilation.

(a) The Azeri attacks against Armenian civilians are serious breaches of the Geneva Conventions as the killing of civilians is strictly prohibited both under international humanitarian and international human rights laws. Furthermore, the degrading, inhumane treatment and the depraved torture of Armenians is in violation of the 1984 UN Convention against Torture (UNCAT), to which Azerbaijan has been a non-compliant party since 1996.

(b) The Four Geneva Conventions of 1949 strictly prohibit torture and execution. Azerbaijan seems not to care. The relevant provisions of the Conventions may be found in the First General Convention, Article 12, the Fourth General Convention, in Article 32, prohibiting the torture and degrading treatment and execution of sick and wounded combatants and protected persons under the control of another side, and in Article – common to all four Geneva Conventions, which is recognized as a part of customary international law and prohibits the inhumane treatment and torture of the persons under the protection of the conventions, and urges the states to provide minimum protection and non-discriminated treatment to persons taking no active part in hostilities.

(c) Such inhumane treatment of Armenians has catapulted inter-ethnic hatred, leads inexorably to conflict escalation and is consistent with Azerbaijan's systematic attempts to resume the war.

247. The internal and external policies of Azerbaijan betray the institutional, xenophobic preferences of the country. According to credible, world-renown reports, Azerbaijan is ranked as one of the top 5 abusers of the freedom of expression and contributes disastrously to the expansion of hate crimes and hate speeches.

248. Reflective of the informed observations about Azerbaijan's dereliction of its duties under international law, the European Court of Human Rights stated that state's failure to investigate possible racist motives behind acts of violence by state authorities constitutes a violation of Article 14 of the ECHR on non-discrimination.<sup>10</sup> In sum, the connivance of Azerbaijan's authorities toward justification and acquittal of persons having committed hate crimes against Armenians is a violation of the European Convention of Human Rights.

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[https://www.fidh.org/IMG/pdf/20160713\\_nagorno\\_karabakh\\_situation\\_note\\_en\\_final.pdf](https://www.fidh.org/IMG/pdf/20160713_nagorno_karabakh_situation_note_en_final.pdf).

10 *Angelova and Iliev v. Bulgaria* (application no. 55523/00).

## Article 21

### Freedom of Assembly

249. The freedom of assembly is encapsulated by Article 44 of the Artsakh Constitution, wherein it states that all people shall have the right to freely participate and organise peaceful, unarmed assemblies. Outdoor assemblies shall be held, in the cases prescribed by law, on the basis of notification given within a reasonable time period. Notification shall not be required for holding spontaneous assemblies. (emphasis added)

250. There may be circumscribed limitations on the exercise of the right to assembly freely in the context of assemblies pertaining to judges, prosecutors, investigators, as well as armed forces servicemen, national security personnel, the police and other militarised bodies. Devolving from the Constitution's precepts on this issue, the conditions and procedure for the exercise and protection of the freedom of assembly are spelled out in other applicable and relevant law. The right to freedom of assembly may be restricted only for clearly-defined purposes, for example, for the purposes of shoring up state security, preventing crimes, protecting public order, health and morals, and safeguarding the basic rights and freedoms of others.

251. The Law of on Self-Government allocates to the community's head representative oversight responsibilities to monitor and maintain order at meetings, assemblies, rallies and demonstrations and other public events.

252. An example of a successful exposition of the freedom of assembly in Artsakh are the recent demonstrations and assemblies of 1 June, 2018. A group of citizens of the Republic of Artsakh exercised their freedom of assembly by gathering in front of the Central Bus Station on Azatamartikneri Avenue and demanded the resignation of some state officials because of alleged abuse of power on their part. The citizens continued peaceful demonstrations on the following days as well. The Police of the Republic of Artsakh insured the freedom of citizens contained in Article 44 of the Constitution of Artsakh and diligently regulated the transportation in and around the city in such way as not to hinder the holding of the assemblies. However, there were complaints by some citizens that the peaceful demonstrations had become an obstacle for the execution of their right to freedom of movement as the main road of the city was closed because of the assemblies limiting the movement of cars as well as pedestrians.

(a) On their part, in their statement, the Police of the Republic of Artsakh noted that the constitutional right to freedom of assembly shall be balanced with the right to freedom of movement. According to the Police, "The freedom of assembly shall be proportional to the freedom of movement. In case of evaluation of the proportional execution of those two freedoms, the place and duration of the assemblies shall be taken into consideration"

(b) As a result of the peaceful demonstrations, the state officials, whose resignations were demanded by the protestors, have resigned. Moreover, a Public Council was established from civil society activists for hearing and recording the demands of the population of Artsakh and solving the everyday issues of the citizens. Those actions showed that the voice of peaceful demonstrators was heard and the issue was solved.

(c) The constitutionally-compliant events of 1 June 2018 evidences the adherence of Artsakh state authorities to a peaceful resolution of any conflicts both locally and internationally and strong support for human rights and fundamental freedoms of their citizens.

## Article 22

### Freedom of association

253. The freedom of association with others is prescribed by Article 45 of the Constitution, pursuant to which all people have the right to associate with others, including the right to form and join trade unions for the protection of labour interests. Under this constitutional provision, no one may be compelled to join any private association. Furthermore, the procedure for the establishment and operation of associations are to be

regulated by law. In view of the fundamental nature of this right, the freedom of association may be restricted only for focused purposes, including maintaining state security, protecting public order, health and morals, and safeguarding the basic rights and freedoms of others. The activities of associations may be suspended or prohibited only upon court decision, in cases and under the procedure prescribed by law.

254. The freedom of association enjoys broad guarantees within the framework of the Constitution. For example, Article 46 extends the freedom of association to the right of all people to establish and participate in political parties, without any compulsion militating in favour any such participation. The activities of a political party may, in the cases prescribed by law, be suspended upon the decision of the Supreme Court. Political parties advocating for or using violence to effect the overthrow of the constitutional order are subject to prohibition upon the decision of the Supreme Court.

255. There are a number of legislative acts regulating this sphere, prominent among them the Law on Non-Governmental Organisations, adopted by the National Assembly on 27 November 2002. Pursuant to that law, a non-governmental organisation is, first and foremost as its name implies, not tied to or connected with the government; it is a type of non-commercial organisation, which does not pursue a profit-driven purpose, objective, or result and which unites, in the manner prescribed by law, all natural persons, i.e., citizens of the Republic of Artsakh, foreign citizens, and stateless persons. The unity of peoples is based on shared interests, including those designed to satisfy their spiritual but not religious or other non-material needs, to protect their rights and interests and that of others, to ensure material and non-material support to the public or its separate groups, and to implement other activities for public benefit.

256. Currently, there are 239 non-governmental organisations in Artsakh, including professional, youth and sport associations.

257. According to the Law on Political Parties, adopted by the National Assembly on 17 September 2003, a political party is a non-governmental association, based on individual membership, the objective of which is to allow citizens to participate in the political life of the society and the State. Pursuant to Article 5 of the law, a political party must have not less than 100 members at the time of its state registration. A political party must have regional subdivisions in at least 1/3 of the districts of the Republic of Artsakh, including in Stepanakert.

258. According to the state registrar, there are 13 political parties registered in the Republic of Artsakh: Armenian Revolutionary Federation Party (“Dashnaktsutyun”), Communist Party of Artsakh, Armenak Party of Artsakh, Our Home is Armenia Party, Democratic Party of Artsakh, Free Motherland Party, Movement-88 Party, Moral Renaissance Party, Christian-Democratic Union of the Artsakh Party, National Renaissance Party, Peace and Development Party, Republic Party of Artsakh, Liberal-Democratic Party. The electorate most recently voted in six of these political parties into Artsakh’s legislative body, the National Assembly.

259. The freedom of association is also regulated by the Labour Code adopted by the National Assembly on 27 April 2005. Pursuant to Article 21 of the Code, employers and employees may, at their will, form associations in the manner prescribed by law with the purpose of protecting and promoting their rights and interests by establishing trade unions and employers’ associations. Furthermore, Article 24 states that when protecting employment, professional, economic and social rights and interests of employees, trade unions shall act in accordance with the Labour Code of the Republic of Artsakh, as well as laws governing the functioning of trade unions, and their charters.

260. The Law on Employees Unions was adopted by the National Assembly on 23 April 2003, and regulates the foundations and the main principles of functioning unions as well as prescribes the mechanism of protection of the rights and interests of the members of those associations.

261. Article 2 of the Law states that employers may, at their will, establish employers’ unions for the protection of their members’ rights in relationships with state and local self-government bodies, trade unions, staff and employees, as well as for representation of their legitimate interests in the process of drafting and discussing labour legislation and other

regulatory legal acts containing norms of labour law, as well as in labour and related social and economic relations.

262. Above all, the Law on Freedom of Conscience and Religious Organisations adopted on 26 November 2008 regulates specifically the establishment of the religious organisation and the framework of their rights and obligations.

263. All the organisations are registered in accordance with the Law on State Registration of Legal Persons adopted on 20 April 2015.

## Article 23

### Protection of the family

264. The family is under the state's protection. According to Article 16 of the Constitution, family, as a natural and basic unit of society, the basis for the preservation and reproduction of the population; as well as motherhood and childhood, shall be under special protection and care of the state.

265. The Constitution further enshrines the fundamental rights for the protection of the family at the state level. Pursuant to article 82, everyone shall, in accordance with the law, have the right to social security in cases of maternity, having many children, sickness, disability, work-related injury, need for care, loss of primary income support, old-age, unemployment, loss of employment, and in other cases. Moreover, article 83 sets forth the provisions on basic standard of living: every person in need and the elderly shall, in accordance with the law, have the right to a basic standard of living. In addition, the core of the family is entitled to appropriate health care at the state level. Article 84 ensures that everyone shall, in accordance with the law, have the right to health care. The law shall prescribe a list of basic medical services which will be provided free of charge and the procedure for the provision thereof.

266. The following social groups are entitled to free medical assistance:

- (a) Disabled people of the 1st, 2nd and 3rd groups.
- (b) Those persons who participated in the Second World War.
- (c) Retired military servicemen.
- (d) The family members of soldiers killed during the Karabakh liberation war as well as the servicemen who died or were killed during their official service.
- (e) The parents of 4 or more children.
- (f) Those who participated in the rescue efforts following the explosion of the Chernobyl atomic electrical station.
- (g) Repressed people.
- (h) Children under the age of 18.
- (i) Persons of military age.
- (j) Children under 18 without parental care and those between the ages of 18–23.
- (k) Military servicemen and members of their families.
- (l) Arrested, convicted and detained people.
- (m) Those who are age 63 and older.
- (n) Women of reproductive age during pregnancy, delivery and post-pregnancy periods.

267. The first article of the Family Code states that the family, maternity, paternity and childhood are under the state's protection. In family relations, as well as during the act of marriage, the limitation of civil rights on the basis of social, racial, national, language or religious affiliation is prohibited unless they are necessary for the preservation of dignity, health, freedoms, rights and legal interests. Moreover, the Code ensures equal rights for

both spouses by stating that men and women enjoy equal rights in relation to marriage and divorce.

268. Pursuant to article 10 of the Family Code, to enter into marriage, it is required that there be mutual voluntary consent of the man and the woman who are getting married, as well as attainment of the age of eighteen. A person may get married at the age of seventeen only by the consent of their parents or legal guardians. A person may get married at the age of sixteen, if one of the spouses has reached the age of eighteen and there is the consent of the parents or the legal guardians.

269. Entry into marriage is prohibited where there exist circumstances provided for by Article 11 of this Code. Entering into marriage is prohibited:

- (a) Where at least one of the intending spouses is in another marriage registered in the manner prescribed by law;
- (b) Between close relatives (relatives in the direct ascending and descending line, i.e., parents and children, grandfathers, grandmothers and grandsons, as well as full and half siblings, maternal and paternal cousins);
- (c) Between adoptive parents and adoptee;
- (d) Between the parties, at least one of which has been declared as having no active legal capacity by a court.

270. Article 15 of the Code prescribes the cases for dissolution of marriage. The dissolution is effectuated in bodies of State Registration of Civil Status Acts upon the request of one of the spouses, where the other spouse has been:

- (a) Declared by a court as missing;
- (b) Declared by a court as having no active legal capacity;
- (c) Sentenced to imprisonment for a term of not less than three years.

271. Pursuant to article 17 of the Family Code, in case of disagreement between spouses, the court is obliged to:

- (a) Decide upon which of the parents should have physical custody of the children upon dissolution;
- (b) Decide upon which parent and in what amount maintenance payments should be levied from;
- (c) Divide property deemed to be a common ownership, upon the request of the spouses (of one of the spouses);
- (d) Decide, upon the request of the spouse entitled to maintenance payments from the other spouse, the amount of those payments.

Where the division of property affects the interests of third parties, the court may separate the claim on the division of property to be heard in separate proceedings.

272. Chapter 7 of the Family Code establishes the rights and obligations of the spouses. Each of the spouses is free to choose a job, occupation, profession, and place of residence. Spouses settle issues pertaining to maternity, paternity, upbringing and education of children, as well as other family issues jointly, based on the principle of equality of the spouses.

## Article 24

### Protection of children

273. The newly adopted Constitution of the Republic of Artsakh, which is the basis of this report, creates as a priority policy of the state the “creation of favourable conditions for the full and comprehensive development of individuality in children.” Therefore, children are protected at the state level and in comparison to the former constitution, the new Constitution guarantees the rights of children in a more comprehensive way.

274. Article 37 envisages the rights of the child: a child shall have the right to freely express his/her opinion, which, in accordance with the age and maturity of the child, shall be taken into consideration in matters affecting him/her. In matters concerning the child, primary attention must be given to the interests of the child. Every child shall have the right to maintain regular personal relationships and direct contacts with his/her parents, except for the cases where, pursuant to a court decision, it is against the interests of the child. Children left without parental care shall be under the care and protection of the state.

275. The rights and obligations of the parents are addressed under article 36 of the Constitution. Parents shall have the right and obligation to take care of the upbringing, education, health, and comprehensive and harmonious development of their children. Deprivation or restriction of parental rights may be exercised only by law, upon court order, for the purpose of protecting the vital interests of the child.

276. Chapter 10 of the Family Code is also devoted to the rights of children. Pursuant to that Chapter, children have the right to be raised and to live in a family. The child has a right to be protected from the abuse of parents. Article 44 establishes the right of a child to have his/her own opinion about the issues in their family and be able to express them in the courts. The Family Code further regulates the payment of child support for children as well as the rights and obligations of parents thereto.

277. Additionally, the Labour Code contains preventive mechanisms against the forced labour of children. Article 17 of the Code states that minor citizens of the age of fourteen to sixteen working with an employment contract at the written consent of one of the parents, adopter or the guardian are deemed to be employees. Signing employment contracts with citizens under the age of fourteen or involving them in works is prohibited. Article 257 of the Code envisages that persons under the age of eighteen may not be involved in the performance of hard labour, work in workshops affected by hazardous, cancerous or other factors dangerous for health, work which may be affected by ionized radiation, work which have a high probability of accidents or occupational diseases and the type of work the performance whereof demands high alertness or experience.

278. Furthermore, the Civil Code of the Republic of Artsakh prescribes the legal capability of children. According to Article 24 of the Civil Code, a minor who has attained the age of sixteen, may be recognized fully capable if he or she works with an employment contract or is engaged in entrepreneurial activity, upon the consent of their parents, adopters or a guardian. Recognition of a minor as fully capable (emancipation) is carried out upon the decision of the custody and guardianship authority at the consent of the parents, adopters and the guardian, and in case there is no such consent, upon a court judgment. The parents, adopters and the guardian bear no responsibility for the obligations of a minor recognized as fully capable, particularly, for the obligations arising due to damage caused by him or her. Pursuant to Article 29 of the Code, transactions, except for those referred to in point 2 of the Article, can only be concluded on their behalf by the parents, adopters and guardians of minors (juniors), who have not attained the age of fourteen. A junior between the ages of six to fourteen is entitled to independently conclude small economic transactions, as well as transactions for receiving gratuitous benefits that do not require notary certification or state registration of rights arising from such transactions, and transactions in regard to means provided by a legal representative or, at the latter's consent, by third persons for free use or for a specific purpose. Property liability on transactions of a junior, including transactions concluded by him or her independently, shall be borne by the parents, adopters and the guardian if they fail to prove that the liability was not incurred due to their fault. Those persons are liable also for the damage inflicted by a junior, in accordance with the law.

279. The Criminal Code prescribes punishment for crimes committed against family and child interests (chapter 20) including, the involvement of children in the committal of an offense, involvement in prostitution, as well as the change of children and separation of children from their parents, or those who are engaged in the trade of children and other similar crimes against family and child interests as more fully set forth in the Criminal Code.

280. In addition to the protection of children, the Criminal Code defines the age of criminal liability. Article 23 of the Code provides that minimum age for criminal liability to be charged against a person for those who attained the age of sixteen before the offense was



committed. Persons who attained the age of fourteen before committing the offense are subject to criminal liability for a certain number of crimes enlisted in the Code.

281. The penitentiary system regulates matters related to the punishment of juveniles. Article 68 of the Penitentiary Code stipulates that juvenile convicts are to be kept separately from adults in the correctional facilities. Article 109 provides that a juvenile convicted to imprisonment for a certain time shall serve the punishment in the same correctional establishment until the time when punishment elapses, but no later than the date he or she attains the age of twenty-one. The peculiarity provided for in part 1 of the Article shall not apply if a convict who has attained the age of eighteen displays negative behaviour. Sending a juvenile convicted to imprisonment for a certain period to a closed correctional establishment to serve the punishment is prohibited.

282. Furthermore, the Code of Criminal Procedure defines the conduct of proceedings in juvenile cases, which apply to criminal cases committed by persons who have not attained the age of eighteen at the time when the crime was committed.

283. The primary legislation on the protection of children and their interests is the Law on the Rights of a Child adopted on 14 May, 2008. The latter serves as the basis for state programmes and the general state policy towards providing the basic needs of the children in the Republic of Artsakh.

284. The Law on Social Protection of Children Left Without Parental Care adopted on 15 May, 2003, establishes that social protection of children left without parental care is a matter of priority for the State's social security policy.

285. In accordance with the Law on Social Protection of Children Left Without Parental Care, the Government of the Republic of Artsakh approved the procedure for provision of housing to children left without parental care based on the decision adopted on 30 July, 2004.

286. Children who are under the supervision of a specific district doctor and nurse, when necessary, the Ministry of Health shall provide free medication as well as psychological help, vaccination and medical examination. In addition, a special programme for children with disabilities has its goal to attain health rehabilitation. There are state projects for the support of children suffering from autism. Children between the ages of 6–12 years old may receive free orthodontic examinations and in some cases are entitled to free services of a dentist. The Government of the Republic of Artsakh maintains programmes dedicated to orthostation and the proper nutrition and diet for children as the primary mechanisms for restoring the function of their locomotor system.

287. The State Programme 2017 on Children Rights was approved by the Government decision of 26 December 2016. The latter considers it a matter of importance for the state to provide one-time cash assistance for childbirth, as well as the establishment of targeted term deposits for each third and subsequent child born in the family.

288. There are two boarding schools operating in the territory of the Republic of Artsakh which house 41 orphans and children from socially disadvantaged families. Upon their graduation from the boarding schools, the government provides accommodations and furniture for the orphaned children.

289. The social security policy of the state declares that the protection of the rights of children is a state priority. By a referendum of 20 February 2017 and under the newly-adopted Constitution, the state declared the advanced protection policy of children, apart from the Constitutional provisions mentioned above, whereby the Republic of Artsakh plans to enact stronger legislation based on the interests of children. Moreover, the Republic of Artsakh is determined to unilaterally accede to a number of international conventions related to children within the framework of the legislative reforms as a result of the adoption of the new Constitution.

290. Although the Republic of Artsakh is not bound by the provisions of the United Nations Convention on the Rights of the Child, nevertheless, the judiciary of the Republic of Artsakh often bases its decisions on the legal standards established in that international instrument (e.g. judgment of the Court of First Instance of 11 December 2015, case no. ՋԻԳ/2100/02/2015; decisions of the Court of Appeals of 23 February 2018, case no. ՋԻԳ/3413/02/17, 17 May 2018, case no. ՋԻԳ/3853/02/17, etc.)

## Article 25

### Access to the political system

291. The new Constitution of the Republic of Artsakh is a major step towards the further strengthening of democracy in the Republic through the legislative reforms and firmly demonstrates the adoption of the principles and rights guaranteed in the above mentioned article of the Covenant. On 20 February 2017, a national referendum on a new draft Constitution was held in the Republic of Artsakh. The voter turnout was 76, 44 per cent of the registered voters, of which 87, 6 per cent supported the adoption of the new Constitution. Therefore, the new Constitution continues the traditions of state building enshrined in the first constitution, further strengthens the sovereignty of the country, promotes human rights and the rule of law, improves public administration, maintains the independence of the judiciary and reforms local self-government. A key innovation was the increase of direct participation of citizens in public affairs by providing them with the right to legislative initiative, as well as on proposing amendments to the Constitution. (emphasis added)

292. Pursuant to article 48 of the new Constitution which guarantees the right of suffrage and the right to participate in a referendum, citizens of the Republic of Artsakh who have attained the age of 18 on the day of elections of the President of the Republic, the National Assembly or on the day of a referendum, shall have the right to vote and the right to participate in the referendum. Everyone, having attained the age of 35, having been a citizen of only the Republic of Artsakh for the preceding ten years, having resided permanently in the Republic of Artsakh for the preceding ten years and having the right of suffrage, may be elected as a President of the Republic. Everyone, having attained the age of 25, having been a citizen of only the Republic of Artsakh for the preceding five years, having resided permanently in the Republic of Artsakh for the preceding five years and having the right of suffrage may be elected as a Deputy of the National Assembly. Citizens of the Republic of Artsakh, who have attained the age of 18 on the day of the elections of local self-government bodies, shall have the right to vote. Citizens of the Republic of Artsakh, who have attained the age of 25 on the day of the elections of local self-government bodies, shall have the right to be elected. The law may prescribe the right of persons not holding citizenship of the Republic of Artsakh to participate in the elections of local self-government bodies. Persons declared, upon the entry of judgment by a court, as incapable of working, as well as persons sentenced and those serving a sentence, upon criminal judgment having entered into legal force, for a grave criminal offense committed intentionally shall not be entitled to elect or be elected or participate in a referendum. Persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for other criminal offenses shall not be entitled to be elected as well.

293. Article 49 concerns the right to join public service. Every citizen shall have the right to join public service on general grounds. The Law on Civil Service adopted on 23 November, 2003 regulates the sphere of public service in the Government of the Republic of Artsakh, whereas, the Law on Public Service at the staff of the National Assembly adopted on 19 December, 2012 provides for the principles of work at the National Assembly of the Republic of Artsakh.

294. According to article 11 of the Law On Civil Service, the citizens of the Republic of Artsakh who meet the job requirements for a given civil service position, having command of the Armenian language, and having attained the age of eighteen shall have the right to occupy a position in civil service irrespective of nationality, race, gender, religion, political or other views, social origin, property or any other status.

295. The Civil Service Council plays an important role in the management and organisation of civil service and implements a common state policy on civil service. The members of the Civil Service Council are appointed and dismissed by the President of the Republic at the recommendation of the Prime Minister of the Republic of Artsakh.

296. There are a number of state services such as judicial service, special services in defence, national security, police, tax, customs, rescue service as well as diplomatic services and those provided for by law. Each type of service has its own legislation regulating the scope and maintaining the framework of their competence.

297. In addition, articles 50 and 51 of the new Constitution declare the right to proper administration and right to submit petition respectively.

298. Above all, as was mentioned in the articles set forth above, in the Republic of Artsakh the power belongs to the people. The people shall exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution and laws and article 7 guarantees the principles of the right to suffrage: Elections of the President of the Republic, the National Assembly and community councils, as well as referenda shall be held on the basis of the right to universal, equal, free and direct suffrage, by secret ballot (emphasis added).

299. As a result of legislative reforms, the new Electoral Code was adopted on 1 January, 2015.

300. According to article 25 of the Law of the Republic of Artsakh On Local Self-governance adopted on 17 December 2008, every national who has attained the age of twenty-three, is a resident of a given community for at least one year and has the right of suffrage of the Republic of Artsakh, may be elected as the head of the community. The same provision can be found in article 130 of the Electoral Code. As for the community of elders, every national who attained the age of twenty-one, is a resident of a given community for at least one year and has the right of suffrage of the state may be elected as a member of the Council.

301. Furthermore, article 152 of the Constitution states that residents of a community may directly participate in the administration of community affairs, by resolving public issues of community importance through a local referendum. The procedure for holding a local referendum, as well as other ways of direct participation of residents of a community in the administration of community affairs shall be prescribed by law.

302. The aforementioned constitutional reforms and the basics of the state building guaranteed in the new Constitution, change the models of the government from the semi-presidential to presidential which has made its consequences in the whole structure of the state. In this system, the president of the Republic is the head of the executive power and bears political responsibility for the activities of the executive branch of the government. The president is elected by popular vote for a five-year term with no possibility of being elected more than twice. The president himself appoints the ministers and presents the Government's Programme of Action. The President of the Republic and the National Assembly are elected by simultaneous voting. The President has the right to dissolve the National Assembly, however, new presidential and parliamentary simultaneous elections must be held in this case.

303. By a resolution adopted by the majority of votes of the total number of deputies the National Assembly as a representative organ of the people of the Republic of Artsakh may pass a motion of no confidence to the president and impeach the latter by a 2/3 of vote of the total number of its members. In this event, the powers of the National Assembly are suspended as well.

304. Beginning in 2020, the National Assembly will be formed through proportional representation which will contribute to the development of the political field in Artsakh. The National Assembly shall have the power to form the Judiciary and the Auditing Chamber, to elect the Human Rights Defender and to appoint the Prosecutor General.

305. Most importantly, new elements of direct democracy are added in the Draft Constitution. They are reflected in the following provisions:

(a) At least 2.5% of citizens with the right to vote have the right to propose a draft law to the National Assembly in compliance with the procedure of civil initiative.

(b) At least 10% of citizens with the right to vote have the right to initiate the adoption of a constitution or make amendments to it.

(c) In some articles, amendments may be made by the National Assembly on the initiative of at least 5% of citizens with the right to vote (emphasis added).

## Article 26

### Equality before the law

306. The legislative provisions of the Republic of Artsakh concerning anti-discrimination measures are covered by Article 3 (gender equality) and Article 14 of the present Covenant. When discussing Article 2, it has been stated that Chapter 2 of the Constitution is devoted to fundamental human and citizen's rights. Article 23 states that human dignity is inviolable in the Republic of Artsakh. Article 28 establishes general equality before the law. Moreover, Article 29 strictly prohibits discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, worldview, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances. Additionally, Article 30 affirms that men and women shall enjoy equal rights.

307. In addition to the Constitutional provisions establishing the anti-discrimination provisions in a number of laws, the Human Rights Defender is a guarantor of the dignity and the rights of the people, and executes the anti-discrimination provisions of the laws, as well as the major Codes regulating the life of the citizens. The articles on the prohibition of discrimination are the very cornerstones for all of the other provisions as the respect of all the humans serves as a foundation of the operation of the democratic state.

## Article 27

### Rights of minorities to culture, religion and language

308. Minority populations settled in the Republic of Artsakh have always been under the state protection and support. The respect towards ethnic, religious and linguistic minorities is regulated at the constitutional level.

309. The new Constitution of the Republic of Artsakh dedicates a separate article to the right to preserve national and ethnic identity. Pursuant to article 56 of the Constitution, everyone shall have the right to preserve his/her national and ethnic identity. Persons belonging to national minorities shall have a right to preserve and develop their traditions, religion, language and culture. Article 20 guarantees the freedom to use the languages of national minorities in the Republic of Artsakh, while article 29 envisages the prohibition of discrimination based on belonging to a national minority.

310. The protection of the linguistic rights of the minorities is prescribed by the Law of the Republic of Artsakh on the Language adopted on 25 April 2013 as well. According to article 3 of the law, in the communities of the ethnic minorities, the general education may be arranged in the language of the community with the support of the Government and with the compulsory teaching of the Armenian language. Furthermore, pursuant to article 5 of the Law, the ethnic minorities compose their documents in Armenian with a parallel translation into their own language.

311. According to the National Census of 2015 held in the territory of the Republic of Artsakh by the National Statistic Service, there are 6 national and five major religious minorities inhabiting the Republic of Artsakh. Among the national minorities are the Russians, Yezidis, Assyrians, Greeks, Ukrainians and Georgians. The majority forms the Russian Community with 238 members. As for the religious minorities, there are the followers of the Evangelical Church and Witnesses of Jehovah with 539 and 331 members respectively.

312. The ethnic minorities, as a matter of fact, have their own non-governmental organisations officially registered at the state level.

313. There is a "Russian Community" NGO as well as "The Greek Community of the Republic of Artsakh" NGO. The Russian Community receives 2,5 million drams in financial support from the state and organizes cultural events on the traditions, customs, national and church holidays, Russian language and national cuisine. The Public Radio and Television broadcast Russian programmes. There is a Russian school, N3, in the city Stepanakert of the Republic of Artsakh. As for the Greek community, it organizes camps in Greece.

314. The issues of the National and Ethnic Minorities are kept at the state level. Pursuant to the Government decision adopted on 2 November, 2012, the Department for Ethnic Minorities and Religious Affairs under the supervision of the Ministry of Culture and Youth Affairs operates as a competent body responsible for the relations between the state and ethnic minorities as well as religious organisations.

## **Core document – The Republic of Artsakh (Nagorno Karabakh Republic)**

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## I. General information about the Republic of Artsakh

### A. Demographic, economic, social and cultural characteristics

#### General information

1. The Republic of Artsakh or the Nagorno Karabakh Republic (hereinafter “Republic of Artsakh” or “Artsakh”), is a sovereign, democratic, social State governed by the rule of law. The capital of the Republic of Artsakh is Stepanakert. The national currency is the Armenian Dram (international indication, AMD), which was introduced into circulation in 1993.
2. The Republic of Artsakh is situated in the Southern Caucasus and borders the Republic of Armenia (to the West), the Islamic Republic of Iran (to the South) and the Republic of Azerbaijan (to the North and East).
3. The territory of the Republic of Artsakh constitutes an area of 12,493 km<sup>2</sup>, of which 1,041 km<sup>2</sup> are under the occupation of Azerbaijan.
4. Artsakh has a population of 148,100 people, as of January 1, 2016. The majority of the population is Christian, adherents to the Armenian Apostolic Church. According to the Population Census of 2015, held in the territory of the Republic of Artsakh by the National Statistical Service, there are six ethnic and five religious minorities living in the Republic of Artsakh. The ethnic minorities consist of Russians, Yezidis, Assyrians, Greeks, Ukrainians and Georgians. The Russian community is the largest ethnic minority, with 238 members. As for religious minorities there are the adherents to the Evangelical Church and Jehovah’s Witnesses, with 539 and 331 members respectively.
5. The official language of Artsakh is Armenian.

#### Historical background

6. According to established historical documents, Artsakh was one of the provinces of historic Armenia since antiquity, evidenced *inter alia* by the works of Strabo, Pliny the Elder, Claudius Ptolemy, Plutarch, Dio Cassius and others.
7. After the division of the Kingdom of Greater Armenia in 387, Artsakh, along with the whole of Eastern Armenia, fell under the dominion of Persia. Later, during the period of Arab expansion, Artsakh was part of the governorship of Armenia.
8. In the 9th to 11th centuries, Artsakh was part of the Armenian Kingdom of the Bagratids and later, in the 12th and 13th centuries, the Armenian Principality of Zakharids.
9. In the centuries that followed, Artsakh again fell under Persian control. However, during this time, it retained a semi-independent status. Artsakh was governed by Armenian *meliks* (hereditary feudal lords) who retained *de facto* sovereignty, with total independence in internal matters – including, most notably, an independent judicial system, a separate tax collection authority and even the right to maintain an army.
10. It was not until the middle of the 18th century that Turkic tribes began to infiltrate Artsakh. This led to clashes with the indigenous Armenian population. It is also at this time that Artsakh began to be referred to by another moniker, “Karabakh”.
11. It was a leader named Panah, who led a Turkic nomadic tribe, who infiltrated into Artsakh during a period of internal strife among the Armenian *meliks*. This marked the beginning of a lengthy war between Turkic nomadic tribes and the Armenian *meliks* of Artsakh.
12. As a result of the Russo-Persian Wars of 1804–1813 and 1826–1828, Eastern Armenia – including Artsakh/Karabakh – became part of the Russian Empire.

#### The Azerbaijan-Karabakh conflict

13. Amidst the collapse of the Russian Empire in the early 20th century, a newly-created Azerbaijan, an entity which never before had statehood, laid claims not only to areas in the

South Caucasus with concentrated Muslim populations, but also to territories populated overwhelmingly by Armenians, including Artsakh-Karabakh. These claims gave rise to the very conflict which persists to today.

14. Initially, the Azerbaijani leadership expected to achieve its goals with the help of Ottoman troops who invaded the South Caucasus. The short period of Ottoman occupation of parts of South Caucasus was marked by mass atrocities against the Armenian population. Anti-Armenian pogroms were pre-planned and executed by Ottoman-Azerbaijani troops with the assistance of local gangs. In fact, the massacre of the Armenians of Baku alone, in September 1918, led to the death of approximately 30,000 Armenians.

15. On July 22, 1918, the First Assembly of Armenians of Karabakh was convened and declared Karabakh a separate administrative and political entity. An independent government was established.

16. Despite Azerbaijan's concerted military aggression, its attempts to forcefully annex the territory of Karabakh in 1919 and 1920 failed. Such military aggression by Azerbaijan against the Armenians of Karabakh, however, produced mass atrocities – particularly in March 1920, when Azerbaijani forces and armed gangs looted and set fire to the Armenian quarters of city of Shushi, carrying out massacres of the indigenous Armenian population and forcibly driving any survivors from the city.

17. Azerbaijani territorial claims to Karabakh were not internationally recognized. In fact, on December 1, 1920, the Fifth Committee of the League of Nations rejected the request of Azerbaijan for admission to the League of Nations, justifying its decision by citing specifically to the fact that Azerbaijan lacked established state borders.

18. Significantly, upon the Sovietization of the republics of the South Caucasus, and on November 30, 1920, even the government of Soviet Azerbaijan unequivocally announced the recognition of Nagorno Karabakh, Zangezur and Nakhijevan as integral parts of Soviet Armenia. It was only later, with the support of Joseph Stalin, the People's Commissar on Nationality Affairs of Soviet Russia, that Azerbaijan once again renewed its claims to Karabakh.

19. On June 5, 1921, the Caucasus Bureau of the Communist Party of Russia, under pressure by Stalin, contrary to its previous decision and against the will of the people of Karabakh, decided to include Karabakh within Azerbaijan as an autonomous region.

20. The boundaries of this autonomous oblast were drawn in a manner that left a significant part of Artsakh outside the boundaries. Historic portions of Artsakh were included in different administrative units of Azerbaijan and, of these, only the region of Shahumyan remained a separate administrative unit bordering the Nagorno Karabakh Autonomous Oblast ("NKAO"). Thereafter, the authorities of the Azerbaijani SSR undertook a policy aimed at isolating the NKAO from the Armenian SSR and, in 1923, invented a new administrative entity named Red Kurdistan in the territories between the Armenian SSR and the NKAO. The Azerbaijan SSR chose Lachin (Berdzor) as the administrative centre of this newly-concocted Red Kurdistan. Six years later, in 1929, Red Kurdistan was abolished and the constituent territories became separate administrative units of the Azerbaijani SSR. As a result of these administrative manipulations, one-third of the Armenian population of Artsakh was left outside of the NKAO and, significantly, the NKAO was wrested of its common border with Armenia.

During the entire period that Artsakh remained within the Azerbaijani SSR, the Azerbaijani leadership pursued a consistent policy aimed at changing demographic realities within Artsakh – it was an obvious violation of the political, economic, social and cultural rights of the Armenian population. In fact, Heydar Aliyev, leader of Soviet Azerbaijan from 1969 to 1982, admitted that these actions of the Azerbaijani authorities were undertaken with special intent: on July 22, 2002, at a meeting with heads of several Azerbaijani media outlets, and referring specifically to the policy Azerbaijan pursued in the 1970s in Nagorno Karabakh, Heydar Aliyev stated unequivocally that he "tried to have more Azerbaijanis in Nagorno Karabakh and that the number of Armenians decreased."<sup>11</sup> During Heydar Aliyev's leadership of Soviet Azerbaijan, the Armenian population of the Nagorno

11 "Zerkalo", July 23, 2002 [add link to article and proper citation].



Karabakh Autonomous Oblast increased by only 1.6% (from 121,000 to 123,100), while the Azerbaijani population grew by 37%, from (27,200 to 37,300). From 1926 to 1980, the number of Armenian communities in the NKAO decreased by 27%.

Subjected to these conditions, the people of Artsakh maintained a peaceful struggle demanding civil rights, national dignity, economic development, cultural identity and native-language education. The Azerbaijani leadership reacted to these peaceful and lawful demands by undertaking pogroms against Armenians in Sumgait, Baku, Kirovabad and other cities of Azerbaijan – and executing the notorious “Operation Ring”, which resulted in the deportation of the Armenian population of Artsakh, a crippling economic blockade, the death and wounding of thousands of Armenians and the deportation of hundreds of thousands more.<sup>12</sup>

21. The Armenian population of Artsakh was subject to systematic discrimination, mass violations of human rights, ethnic cleansing and armed aggression by Azerbaijan. In the face of Baku’s refusal to engage in dialogue and its unrelenting attempts to resolve the conflict by force, a proclamation of independence was the only way to ensure the actual survival of the Armenian population of Artsakh. The population of Artsakh exercised its right to self-determination in a referendum on December 10, 1991 (the “Referendum”). Of the 132,328 citizens eligible to vote, 108,736 citizens (82.2%) of the total number of the registered voters took part in the Referendum. The results marked 108,615 people (99.89%) voting in favour of independence and 24 people (0.02 %) voting against independence, with 96 ballots considered invalid.

22. The preparation, implementation, and tallying of the Referendum results conducted pursuant to the “Temporary Regulation on the Conduct of a Referendum in the Nagorno Karabakh Republic”, passed on November 27, 1991 during the session of the NKR Council of People’s Deputies. The date of the Referendum day was affirmed during such session and, according to the regulation approved by the Council of People’s Deputies, the question submitted to referendum was deemed adopted if at least the two-third of voters voted in favour of it, with a turnout of at least 50% of eligible voters.

23. The Artsakh authorities created the necessary conditions for holding the Referendum throughout the Republic, including in the Azerbaijani settlements. For example, the Artsakh Central Election Commission sent a telegram to the administration of the Shushi region with a request to organize the participation of the Azerbaijani population of the region in the Referendum. Moreover, ballot papers compiled in three languages – Armenian, Azerbaijani and Russian – were sent to the Azerbaijani-populated settlements of the Republic. However, inhabitants of these settlements refused to participate in the Referendum and, instead, actually supported the aggression unleashed by the Azerbaijani authorities against Artsakh. On the day of the Referendum itself, Stepanakert and other Armenian communities were subjected to heavy shelling by Azerbaijani authorities, leaving 10 civilians dead and eleven wounded.

24. Importantly, the Artsakh Republic gained independence in full compliance with both international law and the laws of the USSR. Pursuant to the April 3, 1990 law entitled, “On the Procedure for Resolving Issues Related to a Union Republic’s Secession from the USSR”, authorized autonomous entities and defined ethnic groups within a Soviet Republic were free to independently decide their own legal status in the event that the Republic

12 “Operation Ring” was the name given to an Azerbaijani military campaign, carried out from April to August 1991, during which more than two dozen Armenian villages in Northern Artsakh, as well as the regions of Shahumyan, Hadrut and Shushi, were completely devastated and destroyed. Almost ten thousand people were deported, more than a hundred were killed and several hundred people were taken hostage. At a meeting with the delegation of the First International Congress of the Memory of Andrei Sakharov, the head of the ideology department of the Central Committee of the Azerbaijani Communist Party, Afrand Dashdamirov, and Azerbaijani President Ayaz Mutalibov justified the deportation of the Armenian population of Nagorno Karabakh and did not rule out its continuation. See Caroline Cox and John Eibner, “Ethnic Cleansing in Progress: War in Nagorno Karabakh”. Institute for Religious Minorities in Islamic World, Zurich, London, Washington 1993).

secedes from the USSR: “In case the Soviet Republic has autonomous republics, autonomous regions or autonomous territories within its borders, referendums are to be conducted separately in each of the autonomies. The people residing in the autonomies are given a right to independently decide whether to remain in the Soviet Union or in the seceding Republic as well as to decide on their state legal status. Referendum results are to be considered separately for the territory of a Soviet Republic with a compactly settled ethnic minority population, which constitutes majority on that particular territory of the Republic.” (Article 3). Accordingly, and following Soviet Azerbaijan’s August 30, 1991 declaration to restore its 1918–1920 independence, Nagorno Karabakh invoked the same Article 3 legal procedure in adopting its own declaration of independence. The Referendum, which was held at a time when Nagorno Karabakh was part of the USSR, was fully consistent with governing Soviet law. As such, the day after the collapse of the Soviet Union, two states were created on the territory of the former Azerbaijani Soviet Socialist Republic: the Nagorno Karabakh Republic and the Republic of Azerbaijan.

25. The European Parliament had adopted numerous resolutions in support of Artsakh’s self-determination, noting its legal compliance. For example, in a resolution dated June 21, 1999, the European Parliament stated that “the autonomous region of Nagorno-Karabakh declared its independence following similar declarations by former Soviet Socialist Republics after the collapse of the USSR in September 1991.”

26. Under international law, Artsakh had the right to create an independent state both as a manifestation of the right to self-determination *and* in accordance with the right to remedial secession in the face of systematic discrimination, mass violations of human rights, ethnic cleansing and armed aggression by Azerbaijan.

27. The political processes in Artsakh were met by yet another escalation of violence by Azerbaijan. Beginning in the autumn of 1991, the Azerbaijani armed forces started firing rockets on Stepanakert and other Armenian settlements. In 1992, Azerbaijan started using multiple rocket launch systems, combat aircraft and heavy weaponry. A full-scale war broke out, during which numerous violations of international humanitarian laws and crimes against the civilian population of Artsakh were committed by the Azerbaijani army.

28. One of the most tragic episodes of the Azerbaijani aggression against Artsakh was the unprecedented, brutal massacre in the Armenian village of Maragha, in the region of Martakert. On 10 April 1992, after heavy artillery shelling, the Azerbaijani armed units invaded the village. A small group of local defence forces had managed to evacuate most of the people from the village. However, 118 people, mostly the elderly, disabled, women and children remained in the village, and many of them were brutally massacred by Azerbaijani soldiers. In fact, more than 50 people, including 30 women, were victims of war crimes committed by Azerbaijani soldiers in Maragha.

Azerbaijan’s actions, in the late 1980s and early 1990s, transformed a political problem into an armed confrontation. In subsequent years, particularly during the war of 1991–94, Azerbaijan not only rejected numerous ceasefire proposals – whether from international mediators and/or the Artsakh leadership – and instead consistently increased the intensity and scale of hostilities by using newer and more destructive weapons, even against the civilian population. As a result of these actions, almost a half of the territory of Artsakh was occupied and its population was subject to mass atrocities including war crimes and ethnic cleansing. On this occasion on 23 September, 1992 the chair of the Minsk Conference of the CSCE Mario Rafaelli sent a message to the Chairman-in-Office of the CSCE Josef Moravcik, by stating that, “How can the Minsk group indifferently continue its negotiations while the object of the negotiations (Nagorno Karabakh) gradually disappears ... If Nagorno Karabakh would fall under the control of one of the sides (Azerbaijan) as a result of military offensive, what would remain from the object of the negotiations?”

29. The Artsakh Defense Army acted in defensive capacity in repelling the attacks of the Azerbaijani army and neutralizing the strongholds from which attacks and shelling of the Artsakh settlements were carried out. Azerbaijan has certainly not been the victim of war, but its initiator, seeking to capture Artsakh by force. The current borderline between Artsakh and Azerbaijan was formed as a result of defensive actions exercised by the Artsakh Defense Army to protect the Republic and its population.

30. In 1993, the UN Security Council adopted four resolutions concerning Azerbaijan-Karabakh conflict: Resolution 822 (April 30, 1993); Resolution 853 (June 29, 1993); Resolution 874 (October 14, 1993); and Resolution 884 (November 12, 1993) (collectively, the “UN Resolutions”). Each of these resolutions was adopted during the period of active hostilities and included, as its central premise, a cease fire. Each resolution demanded an immediate cessation of all hostilities and military actions. Unfortunately, this crucial central premise of the UN Resolutions was repeatedly violated by Azerbaijan and, to this day, has not been fully implemented or adhered to by Azerbaijan.

31. In fact, Azerbaijan has continued its deliberate policy of destabilizing conditions at the Line of Contact between the armed forces of the Republic of Artsakh and the Republic of Azerbaijan, has refused to implement measures to strengthen confidence and reduce tensions, has promoted xenophobia and hatred against Armenians, has rejected direct talks with Artsakh, has threatened to shoot down civilian aircraft and has systematically attempted to isolate Artsakh in every possible way, including even through impeding visits by specialized humanitarian organizations to Artsakh. Such conduct wilfully contradicts the UN SC Resolutions:

- Azerbaijan is required to refrain from any action that will obstruct a peaceful solution to the conflict. Res. 822, 853. Azerbaijan fails to adhere to this requirement.
- Azerbaijan is required to cease immediately all hostilities and hostile acts with a view to establishing a durable cease-fire. Res. 822. Azerbaijan fails to adhere to this requirement.
- Azerbaijan is required to pursue negotiations through direct party (Nagorno Karabakh). Res. 853. Azerbaijan fails to adhere to this requirement.
- Azerbaijan should not impede an early convening of the CSCE Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict. Res. 874. Azerbaijan fails to adhere to this requirement.
- Azerbaijan is required to restore economic, transport and energy links in the region. Res. 853. Azerbaijan does not adhere to this requirement.
- Azerbaijan is required to ensure unimpeded access for international humanitarian relief efforts. Res. 822, 853, 874. Azerbaijan does not adhere to this requirement.

32. Azerbaijan’s failure to comply with the core premise and other requirements of the UN Resolutions, its subversive persistence to resolve the conflict by force and its bellicose threats to resume war, have led to a complete breakdown of the UN Resolutions.

33. Perhaps most fundamentally, Azerbaijan refuses to acknowledge that the parties to the Azerbaijan-Karabakh conflict are two: Azerbaijan and Artsakh. To be clear, all four of the UN Resolutions patently differentiate between (a) the Azerbaijan-Karabakh conflict and (b) the “deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and the tensions between them.” In addition, Azerbaijan and Nagorno Karabakh are clearly indicated as the parties to the conflict. *See e.g.* Res. 822 reference to “local Armenian forces”; Res. 874 and 884 reference to the “ceasefire established as a result of direct contacts” (meaning the bilateral contacts between Nagorno Karabakh and Azerbaijan without the participation of Armenia). In fact, the *only* call to Armenia contained in the UN Resolutions relates to the need for Armenia to exert influence on Nagorno Karabakh.

34. In May 1994, Azerbaijan, Artsakh and Armenia signed a ceasefire, which put an end to large-scale hostilities and thus created conditions for the activities of mediators to find a just and lasting solution to the conflict.

35. On July 26–27, 1994 the defence ministers of Artsakh, Azerbaijan and Armenia reaffirmed their obligations “to observe the ceasefire until a final political agreement is signed.

36. In the beginning of February 1995, following this initiative, and in order to consolidate the ceasefire regime, an agreement was signed between Artsakh, Azerbaijan and Armenia concerning the procedure of regulating armed incidents. The agreement came into force on 6 February 1995. However, due to Azerbaijan’s position in refusing any contact with Artsakh, the agreement has not been implemented since.

37. The negotiation process over the settlement of the Azerbaijan-Karabakh conflicts mediated by of Organization for Security and Co-operation in Europe Minsk Group co-chairs (Russia, the United States of America and France).

38. Despite the calls of the mediators and the international community to prepare the societies of the parties to the conflict for peace, and not war, Azerbaijan continues to incite hatred, intolerance and enmity towards Armenians. The demonization and dehumanization of Armenians has become part of a state policy pursued under the slogan “Azerbaijan’s main enemy are Armenians of the world”, voiced publicly by the President of Azerbaijan on 28 February 2012.<sup>13</sup> Manifestations of racism, hate crimes and xenophobia towards Armenians in Azerbaijan have been also confirmed in numerous documents of international organizations.<sup>14</sup>

39. One of the most obvious of such manifestations was the extradition of Ramil Safarov, an Azerbaijani criminal who killed a sleeping Armenian classmate in Budapest and was sentenced to life imprisonment by a Hungarian court, to Azerbaijan in August 2012. He was subsequently pardoned in Azerbaijani and, perhaps most disturbing, glorified and celebrated nationwide as an example to follow. The European Commission against Racism and Intolerance (ECRI) noted that such action could cultivate a sense of impunity for the perpetrators of racist crimes of the most serious nature and the UN Committee on the Elimination of Racial Discrimination regarded this step by the Azerbaijani authorities as condoning racial hatred and hate crimes and denying redress to victims.

40. Azerbaijan’s policy of promoting xenophobia and hate crimes against Armenians – including the campaign to justify hate crimes committed by Dilham Askerov and Shahbaz Guliyev<sup>15</sup> – has long gone beyond the pale of domestic propaganda and indeed has become a real threat both to people’s lives and to regional security.

13 See Speech by President of Azerbaijan Ilham Aliyev at the conference on the results of the third year into the “State Program on the socioeconomic development of districts for 2009-2013”. Official web-site of the President of Azerbaijan. February 28, 2012 <http://en.president.az/articles/4400>.

14 UN Committee on the Elimination of Racial Discrimination (CERD/C/AZE/CO/4, CERD/C/AZE/CO/6, CERD/C/AZE/CO/7-9); European Commission against Racism and Intolerance (CRI(2003)3, CRI(2007)22, CRI(2011)19, CRI(2016)17); Advisory Committee of the Council of Europe on the Framework Convention for the Protection of National Minorities (ACFC/INF/OP/I(2004)001, ACFC/OP/II(2007)007, ACFC/OP/III(2012)005).

15 On 8 July 2014, an armed group of three Azerbaijani citizens (Shahbaz Jalal oglu Guliyev (born in 1968), Dilham Gardashkhan oglu Askerov (born in 1960) and Hasan Hasanov, each of whom had illegally infiltrated into Artsakh) was discovered in the Shahumyan region of the Republic of Artsakh. Guliyev and Askerov were detained by Artsakh law enforcement bodies while Hasanov, the third member of the armed group, showed armed resistance during detention and was killed. The men had committed a number of grave crimes in the territory of Artsakh, including the abduction and murder of 17-year-old Smbat Tsakanyan, the killing of 43-year-old Sarkis Abrahamyan, and seriously wounding 37-year-old Karine Davtyan. Forensic examination showed that Smbat Tsakanyan was killed from the assault rifle belonging to Askerov, while Sarkis Abrahamyan was killed and Karine Davtyan was wounded from the weapon belonging to Hasanov. From 27 October to 29 December 2014, the trial of Guliyev and Askerov was held in Stepanakert. Guliyev was found guilty of espionage (Art. 316), crossing the state border of the Republic of Artsakh with an organized group without appropriate permission (Art. 350, para. 2), carrying arms by an organized group of people (Art. 245, para. 3) and kidnapping of a minor with the use of weapon committed by a group of people (Art. 129, para. 1). Guliyev was sentenced to 22 years in prison. Askerov, in addition to the above counts, was also found guilty of murder motivated by ethnic hatred, with the use of a weapon, combined with kidnapping by an organized group of people (Art. 103, part 2, paras 3, 7, 14). Askerov was sentenced to life imprisonment.

41. On the night of 1 to 2 April 2016 – and in flagrant violation of the ceasefire agreement of 12 May 1994 and the agreement of 6 February 1995 on strengthening the ceasefire – Azerbaijan launched a full-scale offensive along the entire Line of Contact between the armed forces of Artsakh and Azerbaijan, using heavy equipment, artillery and combat aviation (the “Azerbaijani April Aggressions”). The intensity and the scale of the military actions, the number of forces and combat equipment involved, as well as the statements of Azerbaijani officials clearly indicate that the Azerbaijani April Aggressions were not a spontaneous escalation, but a carefully planned, prepared and executed military offensive.

42. During the Azerbaijani April Aggressions, the Azerbaijani army committed numerous war crimes and violations of international humanitarian law, both against civilians and soldiers of the Republic of Artsakh. According to forensic examinations, the bodies of two dozen Artsakh Defense Army soldiers, killed during the Azerbaijani April Aggressions, evidence that they were subjected to various types of mutilation and desecration, reminiscent of nothing less than medieval cruelty. Such mutilation and desecration not only reflect the depth of Azerbaijani hatred towards Armenians but also, and quite shockingly, are promotion-deserving acts within Azerbaijan: an Azerbaijani soldier, posing with a severed head, was even awarded honors by the President of Azerbaijan. The celebration of such cruelty against Armenians, by the Azerbaijani President himself, demonstrates the depth and impact of the Azerbaijani policy promoting xenophobia and hate crimes against Armenians.

43. Along with the intensification of the conflict, refugees and internally displaced persons (IDPs) began to appear in Artsakh as a result of the attempts of the Azerbaijani authorities to suppress the right to self-determination of the Armenian population of Artsakh with the use of force.

44. In fact, as a result of the mass murder, massacre and ethnic cleansing of the Armenian population of the former Azerbaijan SSR, around 500 thousand Armenians were forced to flee Azerbaijan. According to the “NKR Union of Refugees”, a non-governmental organization, more than 100 thousand Armenians from Azerbaijan fled to Artsakh from 1988 to 1991. A significant number of them continue to live in Artsakh to this day.

45. Another 66,000 Armenians became refugees and IDPs after the large-scale aggression launched by Azerbaijan against the Republic of Artsakh in 1992 and the occupations of the Shahumyan region, a large part of the Martakert region and portions of the Askeran and Martuni regions. From 1993 to 1994, after the liberation of the villages of the Askeran region and a significant part of the Martakert region, nearly half of such refugees and IDPs were able to return to their places of residence.

46. Today, more than 30,000 refugees and IDPs (20% of the population) live in Artsakh. They are either part of the displaced Armenian population of Azerbaijan or originate from the territories of Artsakh that were subjected to ethnic cleansing and are currently occupied by Azerbaijan.

47. The escalation of the Azerbaijani-Karabakh conflict in early April 2016 led to the displacement of more than 14,500 people (9% of the population), of which 2,000 mostly women, children and elderly people fled to Armenia. Most of these people were able to later return; however, as of the end of 2016, a total of 573 persons (172 families), mainly from the conflict affected village of Talish, remained displaced.

48. Regrettably, Azerbaijani authorities continue to hamper the humanitarian access of the UNHCR and other specialized agencies to the territory of the Republic and oppose any international assistance to the displaced population of Artsakh, thus violating their fundamental rights. As a result, those people are subjected to collective punishment for the simple reason of living in an unrecognized country.

49. The Azerbaijani-Karabakh conflict, which began with the mass violations of the rights of the Armenian population of Artsakh, continues to this day precisely because of the unwillingness of Azerbaijan to abandon its policy of denying the individual and collective rights of citizens of the Republic of Artsakh. This Azerbaijani policy aimed to isolate Artsakh, coupled with ongoing military provocations by Azerbaijan, is not only a violation of Azerbaijan’s international obligations, but is also a serious threat to peace and security in the South Caucasus.

## 1. Internal policy

### Demographic indexes

50. There were two censuses held in Artsakh, the first in 2005 and the second in 2015. The demographic data presented below is based on the recent census of 2015, organized by the State Statistics Service of the Republic of Artsakh. It presents the composition of the population of the Republic of Artsakh regarding age, sex and ethnicity as well as the division into economically active, employed and unemployed categories by showing the level of unemployment in different age categories.

The population by ethnicity, sex and age

#### The permanent population of Artsakh according to 2015 Census

<i>(City, village)</i>	<i>Age</i>							
	<i>Total</i>	<i>0–9</i>	<i>10–19</i>	<i>20–29</i>	<i>30–39</i>	<i>40–49</i>	<i>50–59</i>	<i>60+</i>
<b>NKR</b>	<b>145 053</b>	<b>25 606</b>	<b>21 459</b>	<b>23 274</b>	<b>21 482</b>	<b>15 054</b>	<b>16 982</b>	<b>21 196</b>
Armenian	144 683	25 582	21 440	23 217	21 422	15 022	16 928	21 072
Russian	238	16	12	34	39	19	31	87
Ukrainian	26	0	1	5	2	3	4	11
Yezidi	16	7	1	2	4	0	0	2
Assyrian	16	0	1	6	1	1	4	3
Georgian	15	1	0	2	4	0	1	7
Greek	9	0	1	0	3	1	1	3
Other	50	0	3	8	7	8	13	11
<b>Male</b>	<b>70 626</b>	<b>13 256</b>	<b>10 769</b>	<b>11 946</b>	<b>10 849</b>	<b>7 232</b>	<b>7 607</b>	<b>8 967</b>
Armenian	70 510	13 244	10 760	11 920	10 826	7 222	7 594	8 944
Russian	65	11	6	9	14	5	8	12
Ukrainian	7	0	1	4	0	2	0	0
Yezidi	6	1	1	1	3	0	0	0
Assyrian	9	0	0	5	1	0	1	2
Georgian	6	0	0	1	2	0	0	3
Greek	2	0	0	0	0	0	0	2
Other	21	0	1	6	3	3	4	4
<b>Female</b>	<b>74 427</b>	<b>12 350</b>	<b>10 690</b>	<b>11 328</b>	<b>10 633</b>	<b>7 822</b>	<b>9 375</b>	<b>12 229</b>
Armenian	74 173	12 338	10 680	11 297	10 596	7 800	9 334	12 128
Russian	173	5	6	25	25	14	23	75
Ukrainian	19	0	0	1	2	1	4	11
Yezidi	10	6	0	1	1	0	0	2
Assyrian	7	0	1	1	0	1	3	1
Georgian	9	1	0	1	2	0	1	4
Greek	7	0	1	0	3	1	1	1
Other	29	0	2	2	4	5	9	7
<b>City</b>	<b>82 087</b>	<b>14 268</b>	<b>11 783</b>	<b>13 510</b>	<b>12 957</b>	<b>8 608</b>	<b>9 664</b>	<b>11 297</b>
Armenian	81 849	14 249	11 766	13 473	12 918	8 590	9 636	11 217
Russian	163	15	11	24	28	12	17	56
Ukrainian	22	0	1	5	2	2	3	9
Yezidi	9	3	1	2	1	0	0	2
Assyrian	8	0	1	3	1	0	2	1

<i>Ethnicity and gender</i>	<i>Age</i>							
Georgian	8	1	0	1	1	0	1	4
Greek	8	0	1	0	3	1	1	2
Other	20	0	2	2	3	3	4	6
<b>Male</b>	<b>39 052</b>	<b>7 417</b>	<b>5 790</b>	<b>6 630</b>	<b>6 427</b>	<b>3 994</b>	<b>4 132</b>	<b>4 662</b>
Armenian	38 977	7 407	57 82	6 615	6 411	3 989	4 125	4 648
Russian	47	10	6	6	11	2	5	7

**NKR, permanent population**

<i>Ethnicity and Age</i>	<i>Age</i>							
	<i>(City, village)</i>	<i>Total</i>	<i>0–9</i>	<i>10–19</i>	<i>20–29</i>	<i>30–39</i>	<i>40–49</i>	<i>50–59</i>
Ukrainian	7	0	1	4	0	2	0	0
Yezidi	3	0	1	1	1	0	0	0
Assyrian	6	0	0	3	1	0	1	1
Georgian	3	0	0	0	1	0	0	2
Greek	1	0	0	0	0	0	0	1
Other	8	0	0	1	2	1	1	3
<b>Female</b>	<b>43 035</b>	<b>6 851</b>	<b>5 993</b>	<b>6 880</b>	<b>6 530</b>	<b>4 614</b>	<b>5 532</b>	<b>6 635</b>
Armenian	42 872	6 842	5 984	6 858	6 507	4 601	5 511	6 569
Russian	116	5	5	18	17	10	12	49
Ukrainian	15	0	0	1	2	0	3	9
Yezidi	6	3	0	1	0	0	0	2
Assyrian	2	0	1	0	0	0	1	0
Georgian	5	1	0	1	0	0	1	2
Greek	7	0	1	0	3	1	1	1
Other	12	0	2	1	1	2	3	3
<b>Village</b>	<b>62 966</b>	<b>11 338</b>	<b>9 676</b>	<b>9 764</b>	<b>8 525</b>	<b>6 446</b>	<b>7 318</b>	<b>9 899</b>
Armenian	62 834	11 333	9 674	9 744	8 504	6 432	7 292	9 855
Russian	75	1	1	10	11	7	14	31
Ukrainian	4	0	0	0	0	1	1	2
Yezidi	7	4	0	0	3	0	0	0
Assyrian	8	0	0	3	0	1	2	2
Georgian	7	0	0	1	3	0	0	3
Greek	1	0	0	0	0	0	0	1
Other	30	0	1	6	4	5	9	5
<b>Male</b>	<b>31 574</b>	<b>5 839</b>	<b>4 979</b>	<b>5 316</b>	<b>4 422</b>	<b>3 238</b>	<b>3 475</b>	<b>4 305</b>
Armenian	31 533	5 837	4 978	5 305	4 415	3 233	3 469	4 296
Russian	18	1	0	3	3	3	3	5
Ukrainian	0	0	0	0	0	0	0	0
Yezidi	3	1	0	0	2	0	0	0
Assyrian	3	0	0	2	0	0	0	1
Georgian	3	0	0	1	1	0	0	1
Greek	1	0	0	0	0	0	0	1
Other	13	0	1	5	1	2	3	1
<b>Female</b>	<b>31 392</b>	<b>5 499</b>	<b>4 697</b>	<b>4 448</b>	<b>4 103</b>	<b>3 208</b>	<b>3 843</b>	<b>5 594</b>
Armenian	31 301	5 496	4 696	4 439	4 089	3 199	3 823	5 559

Ethnicity and Age	Age							
Russian	57	0	1	7	8	4	11	26
Ukrainian	4	0	0	0	0	1	1	2
Yezidi	4	3	0	0	1	0	0	0
Assyrian	5	0	0	1	0	1	2	1
Georgian	4	0	0	0	2	0	0	2
Greek	0	0	0	0	0	0	0	0
Other	17	0	0	1	3	3	6	4

### The population by religion

	Population	People having religion	Armenian Apostolic Church	Catholic	Orthodox	Evangelical	Jehovah witnesses	Other	Without religion	Refused to respond	Did not fill the form
NKR	145 053	137 096	135 752	75	193	539	331	206	5 990	603	1 364
0–9	25 606	24 427	24 231	12	12	116	32	24	870	62	247
10–19	21 459	20 480	20 263	5	9	107	54	42	740	85	154
20–29	23 274	22 184	21 974	16	34	90	43	27	788	91	211
30–39	21 482	20 398	20 216	10	26	75	47	24	753	92	239
40–49	15 054	14 200	14 024	12	27	43	59	35	632	65	157
50–59	16 982	15 863	15 683	10	34	72	46	18	869	85	165
60+	21 196	19 544	19 361	10	51	36	50	36	1 338	123	191

### Economically active population (urban, rural) By Economic Activity, Employment, Level of Unemployment Levels (%), Age and Sex

NKR, 15–75 years old permanent population										
The levels of economic activity, employment and unemployment										
City, village	Total	15–19	20–24	25–29	30–34	35–39	40–44	45–54	55–64	65–75
<b>NKR</b>										
	68.8	22.7	64.9	76.3	80.7	82.6	82.1	80.3	71.8	47.9
Level of employment	61.2	12.8	51.2	65.5	70.5	75.1	76.0	75.2	67.9	46.4
Level of unemployment	11.1	43.6	21.1	14.1	12.6	9.0	7.4	6.3	5.4	3.2
<b>Male</b>										
Level of economic activity	76.9	21.5	77.1	91.4	92.9	89.7	85.6	83.8	78.9	60.7
Level of employment	69.4	12.2	63.8	80.9	82.8	83.1	80.1	79.2	75.1	58.8
Level of unemployment	9.7	43.6	17.3	11.5	10.9	7.3	6.4	5.5	4.8	3.1
<b>Female</b>										
Level of economic activity	61.2	23.9	51.7	60.7	68.3	75.2	78.9	77.2	66.2	37.6
Level of employment	53.4	13.4	37.5	49.6	58.1	66.8	72.3	71.7	62.3	36.3
Level of unemployment	12.7	43.6	27.4	18.3	14.9	11.2	8.3	7.1	6.0	3.4
<b>City</b>										
Level of economic activity	67.4	19.3	63.6	76.1	81.5	83.7	82.4	78.8	68.9	38.4
Level of employment	58.8	9.6	48.8	65.2	70.6	75.0	74.7	72.0	63.6	36.1



<i>NKR, 15–75 years old permanent population</i>										
<i>The levels of economic activity, employment and unemployment</i>										
<i>City, village</i>	<i>Total</i>	<i>15–19</i>	<i>20–24</i>	<i>25–29</i>	<i>30–34</i>	<i>35–39</i>	<i>40–44</i>	<i>45–54</i>	<i>55–64</i>	<i>65–75</i>
Level of unemployment	12.8	50.3	23.2	14.4	13.3	10.4	9.4	8.6	7.7	6.0
<b>Male</b>										
Level of economic activity	75.0	17.9	75.5	92.3	94.1	90.8	85.2	80.0	73.3	49.5
Level of employment	66.5	8.7	60.9	82.1	84.1	83.1	77.6	73.2	67.6	46.6
Level of unemployment	11.3	51.4	19.3	11.1	10.6	8.4	8.9	8.5	7.8	5.7
<b>Female</b>										
Level of economic activity	60.8	20.6	51.9	60.6	69.2	76.7	80.0	77.9	65.6	29.8
Level of employment	52.0	10.4	37.0	49.1	57.6	66.8	72.1	71.1	60.7	27.9
Level of unemployment	14.4	49.5	28.7	19.1	16.8	12.8	9.9	8.7	7.5	6.4
<b>Village</b>										
Level of economic activity	70.7	27.1	66.6	76.5	79.4	80.8	81.6	82.1	75.8	60.3
Level of employment	64.4	17.0	54.3	66.0	70.3	75.2	78.0	79.2	73.9	59.7
Level of unemployment	8.9	37.4	18.6	13.8	11.5	6.9	4.4	3.5	2.5	0.9
<b>Male</b>										
Level of economic activity	79.2	25.9	79.0	90.2	91.2	88.1	86.0	88.0	85.9	74.4
Level of employment	73.0	16.3	67.1	79.3	80.9	83.1	83.3	86.0	84.6	73.6
Level of unemployment	7.8	37.1	15.0	12.0	11.3	5.6	3.1	2.3	1.5	1.0
<b>Female</b>										
Level of economic activity	61.9	28.4	51.4	60.8	66.7	73.0	77.2	76.3	67.0	48.1
Level of employment	55.5	17.7	38.3	50.5	58.9	66.8	72.6	72.6	64.6	47.8
Level of unemployment	10.3	37.7	25.4	16.9	11.7	8.5	5.9	4.9	3.6	0.8

### Population and employment

51. As of 1 January 2016, the population of Artsakh was 148,100 people, compared to a population of 137,700 people in 1 January 2007. The number of employed (hired) workers consisted of 43,669 people in 2015, reflecting an increase of 605 new jobs over the previous year. Over the last decade, the financial income of the population has increased by an annual average of 12%, while the expenses have increased by 12.2%. In the same period, the average monthly salary of the employees has increased from \$134 in 2006 to \$316 in 2015 and, when compared to 2014, the nominal growth made up 7.0%.

### Economic policy

52. The economy of the Republic of Artsakh is rooted in three major sectors: mining, energy and agriculture. During the last decade, and owing primarily to the implemented economic policy, Artsakh has seen stable economic growth, reporting over 10% average annual growth in GDP.

53. Within the energy sector, Artsakh has seen the construction of more than ten hydroelectric power stations in the last decade, and more power stations are planned. Small hydroelectric power station (HEPS) projects have been undertaken since 2008. Thirteen small HEPS have been put into operation, allowing Artsakh to increase its energy production by 75% in 2015. Notably, today, Artsakh is nearly self-sufficient with respect to electricity consumption.

54. The mining sector has seen meaningful growth as well. The exploitation of the Kashen mines in the Martakert district has led to increased copper production. The extraction from Kashen mines in double volume will have a significant impact on the economic growth of the Republic in the upcoming two years.

55. Finally, there has been substantial growth in the agricultural sector as well. In 2016, the production of wheat reached an unprecedented output of approximately 140,000 tonnes. Importantly, the aggregate output growth of the agricultural sector is crucial to the country; in fact, it may serve as the focal point of the economy, and its growth would only positively influence the related sectors of the economy and export opportunities.

## **B. Constitutional, political and legal structure**

### **Constitutional reforms**

56. The first Constitution of the Republic of Artsakh was adopted in 2006 (the “Constitution”). It has played an important role in underpinning the sovereignty of the Republic of Artsakh and strengthening democratic institutions and the rule of law in the country. The Constitution is a cornerstone of the Republic, is rooted firmly in best practices and remains consistent with international norms and standards. The Constitution prescribes a semi-presidential system of government functioning as a transitioning, democratic state and provides for a solid governmental structure to facilitate future reforms. Despite being subject to an imposed war, regular violations of the cease-fire agreements as well as large-scale military actions, Artsakh has managed to embark on a path of sustainable development, establishing and strengthening independent state institutions.

57. The new Constitution, adopted in the Constitutional Referendum on 20 February 2017, will further the standards established by the first Constitution and promote the goals of the people of Artsakh to maintaining a sovereign, democratic and social state governed by the rule of law.

58. Registered voter turnout for the Constitutional Referendum was significant: 76.44% of eligible voters participated in the Constitutional Referendum, of whom 87.60% voted for the adoption of the new Constitution. Some 100 international observers from 30 countries monitored the voting process and positively assessed the organisation and conduct of the Constitutional Referendum, noting its transparency and compliance with international standards.

### **Constitutional reforms by sectors**

#### **System of government**

59. Pursuant to the Constitution, the Republic of Artsakh is a sovereign, democratic, social State governed by the rule of law (article 1). In the Republic of Artsakh the power belongs to the people. The people shall exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution and laws. Of course, State power shall be exercised in conformity with the Constitution and laws, based on the separation and balance of the legislative, executive and judicial powers. Usurpation of power constitutes a crime (article 2).

#### **The particulars of the presidential model of government**

60. The Constitution provides for a president system of government. In the presidential governing model, the President of the Republic is the head of the executive branch, carrying out the requisite activities through its executive power. The President is elected by popular vote to serve a five-year term, without the possibility of being elected for more than two terms.

61. The President of the Republic of Artsakh shall be the guarantor of the sovereignty, independence, territorial integrity and security of the Republic. The President shall be the Commander-in-Chief of the armed forces as well (article 94). Everyone aged 35 or older who has been a citizen of only the Republic of Artsakh for the preceding ten years, has resided permanently in the Republic for such time and has the right of suffrage may be elected President of the Republic.

62. The powers of the President are enshrined in article 93 of the Constitution. The President administers the domestic and foreign policies of the State, exercises general management of the bodies of the state administration system, defines the structure and rules of operation of the Government and other state bodies, may form advisory bodies, issues

decrees on not holding elections and referendum during martial law, submits the Draft State Budget to the National Assembly and has the right to legislative initiative.

63. Importantly, the President appoints ministers and presents the Government's Programme of Action. The President submits an annual communication to the National Assembly regarding the progress and results of his/her Program of Action from the previous year and on his/her Program of Action for the following year. The President of the Republic and the National Assembly (the Parliament) are elected simultaneously. Article 109 prescribes that the regular election to the National Assembly shall be held concurrently with the elections of the President of the Republic.

64. The President has the power to dissolve the National Assembly; however, in such a case, simultaneous presidential and parliamentary elections must be held. (Articles 89,109).  
67. As such, a system of checks and balances promotes good governance and the rule of law in the country.

65. The legislative power shall be exercised by the National Assembly which shall be composed of no less than 27 and no more than 33 Deputies. The National Assembly shall be elected for a term of five years. Everyone aged 25 or older who has been a citizen of only the Republic of Artsakh for the preceding five years, has resided permanently in the Republic for such time and has the right of suffrage may be elected as a Deputy of the National Assembly (article 48).

66. The National Assembly may check the President's powers by passing a motion of no confidence through a resolution adopted by a majority of deputy votes and impeaching the President by a two-thirds vote. In such case, the powers of the National Assembly are suspended and new elections are set for both the President and the Parliament.

67. The National Assembly shall have the power to form the Judiciary and the Auditing Chamber, to elect the Human Rights Defender and to appoint the Prosecutor General upon recommendation of the President of the Republic.

68. The Republic of Artsakh recognizes ideological pluralism and promotes a multi-party system in the country under the Constitution (article 8). Political parties shall be formed and operated freely. Equal opportunities for the activities of political parties shall be guaranteed by law. Political parties shall promote the formulation and expression of the political will of the people. The structure and activities of the political parties may not contradict the democratic principles.

69. There are 13 political parties currently registered in the Republic of Artsakh. Five of them were elected in the National Assembly of the Republic of Artsakh and formed five political factions respectively. Those factions are "Motherland", "Dashnaksutyun", "Democracy", "Movement-88", "Renaissance". The largest of them is the "Motherland" faction, which has majority in the Parliament.

70. In 2020, the National Assembly will be formed by proportional representation, with a view to facilitate further developments in the Artsakh political field.

### **The judiciary**

71. The Constitution provides for an independent, impartial and accountable judiciary with the aim of ensuring the rule of law, legitimacy and protection of human rights in Artsakh. The structure of the judiciary is marked by constitutional safeguards intended to preserve the independence and sovereignty of the courts and its judges.

72. Chapter 6 of the Constitution establishes the courts system and the Supreme Judicial Council. According to article 135, justice in the Republic shall be administered only by courts in compliance with the Constitution and laws. Any interference with the administration of justice shall be prohibited.

73. The Supreme Court, the Court of Appeal and court of first instance of general jurisdiction shall operate in the Republic of Artsakh. Other specialized courts may be established in the cases provided for by law.

77. When administering justice, a judge shall be independent, impartial and shall act only in accordance with the Constitution and laws. A judge may not be held liable for the

opinion expressed or judicial act rendered during administration of justice, except where he/she has committed a crime and/or a disciplinary violation.

78. Criminal prosecution of a judge with respect to the exercise of his/her powers may be initiated only upon the consent of the Supreme Judicial Council. A judge may not be deprived of liberty, with respect to the exercise of his/her powers, without the consent of the Supreme Judicial Council, except where he/she has been caught committing, or immediately after committing, a criminal offence. In this case, deprivation of liberty may not last more than 72 hours. The Chairperson of the Supreme Judicial Council shall be immediately notified of the deprivation of liberty of a judge.

79. A judge may not hold any position not related to his/her status in any other state or local self-government bodies or any position in commercial organizations. A judge may not engage in entrepreneurial activities or perform other paid work, except scientific, educational and creative work. The Judicial Code may prescribe additional incompatibility requirements. Moreover, a judge may not engage in political activities.

80. The powers of a judge shall be terminated upon the decision of the Supreme Judicial Council in cases where a judge is in violation of incompatibility requirements, is engaging in political activities, is unable to hold office for health reasons or has committed a material disciplinary violation.

81. The remuneration of a judge shall be determined in compliance with his/her status and responsibility. The amount of remuneration of a judge shall be prescribed by law (article 137).

82. Essentially, the Supreme Court administers constitutional justice by ensuring the supremacy of the Constitution. The Supreme Court determines the constitutional compliance of laws, decisions of the National Assembly, decrees and executive orders of the President of the Republic, decisions of the Government and secondary normative legal acts. The Supreme Court determines, prior to the adoption of draft amendments to the Constitution, as well as draft legal acts put to referendum, the compliance thereof with the Constitution; prior to the ratification of an international treaty, determines the compliance of the commitments enshrined therein with the Constitution; settles disputes related to decisions adopted upon the results of a referendum, those of the elections of the National Assembly and President of the Republic; renders a decision on termination of the powers of a Deputy; renders an opinion on the existence of grounds for removing the President of the Republic from office; renders an opinion on the existence of grounds for termination of the powers of the President of the Republic; renders a decision, in the cases prescribed by law, on suspending or prohibiting the activities of a political party.

83. Pursuant to the new Constitution, the Supreme Judicial Council will replace the Justice Council, and will be endowed with broader powers and will ensure membership for judges of courts of all instances into the Council.

#### **Local self-government**

84. Given some of the peculiarities of communities in Artsakh standing on the way of full implementation of self-governing model of local governments, the new Constitution creates the possibility of self-earnings or bodies of local self-governments, thus granting the opportunity to find solutions for community problems.

85. To increase the efficiency of local governments and enable local governments to overcome their problems, the Constitution ensures maximum flexibility for the formation of local self-governing bodies: both direct and indirect elections are regulated by law.

86. According to new constitutional reforms, residents of a community may directly participate in the administration of community affairs, by resolving public issues of importance to the community through local referenda. The procedure for holding a local referendum, as well as other methods of direct participation in the administration of community affairs, will be prescribed by the new electoral code which will be adopted after the constitutional reforms. (Article 152)

### People's legislative initiative

88. The Constitution contains new elements of direct democracy. These are reflected in the following provisions:

- At least 2,5% of citizens with the right to vote have the right to propose a draft law to the National Assembly in compliance with the procedure of civil initiative.
- At least 10% of citizens with the right to vote have the right to initiate the adoption of a constitution or make amendments to the existing Constitution.
- In some articles amendments may be made by the National Assembly upon the initiative of at least 5% of citizens with the right to vote.

89. The new Constitution imposes legislative reforms, which are already underway. In the drafting of the initial report on the compliance with the International Covenant on Civil and Political Rights (“ICCPR”), the new Constitution was employed as the cornerstone and main guarantor of human rights in the territory of Artsakh. Furthermore, the report presents current legislation as an essential tool to ensure the application civil and political rights in the voluntary report on the domestic application of the norms enshrined in the ICCPR.

### Human rights legislation

90. Artsakh's Constitution encompasses the rights and freedoms arising from principles of democracy and those enshrined in relevant international documents in the Chapter entitled “Fundamental Human and Civil Rights and Freedoms.” These principles include *inter alia* the right to protection of personal data, the rights of the child, the right to a person's physical and mental inviolability, the right to honour and good reputation, the right to political asylum, proper administration, and compensation for damages caused by the State and other rights and freedoms.

91. The Constitution also explicitly delineates basic and non-basic social rights. Importantly, the new Constitution devotes a separate article to the Rights of a Child (Article 37). According to the Constitution, “a child shall have the right to freely express his/her opinion, which, in accordance with the age and maturity of the child, shall be taken into consideration in matters affecting him/her. In matters concerning the child, primary attention must be given to the interests of the child. Every child shall have the right to maintain regular personal relationship and direct contacts with his/her parents, except for the cases where, pursuant to a court decision, it is against the interests of the child. Details shall be prescribed by law. Children left without parental care shall be under the care and protection of the State.”

92. The constitutional reforms in 2017 continued the tradition of adoption of human rights conventions in compliance with the obligations prescribed by the new Constitution. The conventions to be adopted by the State include the United Nations Convention on the Rights of the Child and its additional protocols, the Convention on the Rights of Persons with Disabilities (CRPD), the Convention against Corruption as well as the European Convention on Local Self-government.

93. To ratify the conventions, the Advisory Council on Constitutional Reforms, under the President of the Republic of Artsakh, coordinates the adoption of corresponding legislation in accordance with the provisions of the new Constitution. The Council approves the list of laws subject to alteration or adoption and assigns the drafting of the laws and the deadlines for their submission to the Council.

## II. General framework for the protection and promotion of human rights

### A. The acceptance of international human rights norms

94. The voluntary adoption of international norms stems from Artsakh's constitutional provisions. According to Article 3 of the Constitution, “the human being is of utmost value in the Republic of Artsakh. The inalienable dignity of a human being shall be the integral basis of his/her rights and freedoms.

95. The respect for, and protection of, fundamental human rights and freedoms shall be the duty of the State. The State's power shall be limited by fundamental human rights and freedoms as a direct, applicable right. The state shall ensure the protection of fundamental human and civil rights in conformity with the common principles and norms of international law".

96. Additionally, Article 5 instructs that, in the case of contradiction between the norms of international treaties ratified by the Republic of Artsakh and its domestic laws, the norms of the international treaty shall control.

97. Significantly, since the early years of its existence, the Republic of Artsakh has unilaterally acceded to a number of international conventions, listed below chronologically by date of accession:

26 November 1992

- Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960
- The Universal Declaration of Human Rights (UDHR) of 1948
- The International Covenant on Civil and Political Rights and its Additional Protocol (ICCPR) of 1966

26 January 1993

- The Geneva Conventions of 1949 and their Additional Protocols of 1977

29 October 2014

- European Cultural Convention of 1954

20 April 2015

- The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966
- The European Convention on the Protection of the Archaeological Heritage of 1969
- Convention for the Protection of the Architectural Heritage of Europe of 1985

## **B. Legal framework for the protection of human rights at the national level**

98. The new Constitution fully incorporates protection of the human rights prescribed by the Universal Declaration of Human Rights of 1948 and Convention of the Council of Europe for the Protection of Human Rights and Fundamental Freedoms of 1950. Moreover, the 2017–2020 Program of the President of the Republic of Artsakh has included the protection of human rights and freedoms in the priorities of the Republic in the course of its state building. Extensive work will be carried in this direction in upcoming years; specifically, a comprehensive strategy for human rights protection will be devised.

99. The new Constitution also recognizes the power of the people. The Constitution states that the people shall exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution and laws. Moreover, citizens of the Republic of Artsakh, having attained the age of 18 on the day of elections of the President of the Republic, the National Assembly or on the day of a referendum, shall have the right to vote and participate in the referendum.

100. Additionally, article 3 of the new Constitution prescribes that the human being is an ultimate value in the Republic of Artsakh. The inalienable dignity of a human being shall be the integral basis of his/her rights and freedoms. The respect for and protection of fundamental human and civil rights and freedoms shall be the duty of the public power. Public power shall be limited by the fundamental human and civil rights and freedoms as a directly applicable right. The Republic shall ensure the protection of fundamental human and civil rights in conformity with the common principles and norms of international law.

101. According to the new Constitution, certain rights may be restricted but only by law for the purpose of ensuring state security, preventing or solving crimes, protecting public order, health and morals or the basic rights and freedoms of others (Articles 25, 31, 32, 33, 34, 35, 40, 41, 42, 44, 45, 47, 51, 58, 60). Moreover, article 78 prescribes the principle of proportionality by stating that the means chosen for restricting basic rights and freedoms must be suitable and necessary for achievement of the objective prescribed by the Constitution. The nature of the restriction must be commensurate to the significance of the basic right and freedom being restricted. Additionally, article 79 enshrines the principle of certainty: “when restricting basic rights and freedoms, laws must define the grounds and extent of restrictions, be sufficiently certain to enable the holders and addressees of these rights and freedoms to display appropriate conduct.”

102. Article 76 of the Constitution envisions that certain fundamental human and civil rights and freedoms may be temporarily limited in the manner prescribed by law, in case of martial law or state of emergency, but in compliance with international obligations on derogating from commitments in cases of emergency. The mentioned article applies to all the rights and freedoms with the exception of those referred to in Articles 23–26, 28–30, Paragraph 1 of Article 31, Article 35–37, Paragraph 1 of Article 38, Paragraph 1 of Article 41, Paragraph 1, Sentence 1 of Paragraph 5 and Paragraph 8 of Article 47, Article 52, Paragraph 2 of Article 55, Articles 56, 61, and 63–72 of the Constitution.

103. Importantly, article 52 states that everyone shall have the right to receive the assistance from the Human Rights Defender in the event of (a) a violation of his/her rights and freedoms, as enshrined by the Constitution and laws, by state and local self-government bodies and officials and (b) in cases prescribed by the Law on the Human Rights Defender.

104. Chapter 9 of the Constitution embodies the foundations and functions of the Human Rights Defender. The National Assembly elects the Human Rights Defender upon recommendation of the competent standing committee of the National Assembly, by at least three-fifths of votes of the total number of Deputies and for a term of six years.

105. The Human Rights Defender shall be an independent official who observes the protection of human rights and freedoms by state, local self-governing bodies and officials, and in the cases prescribed by the Law on the Human Rights Defender – also by organisations. The Human Rights Defender; contributes to the restoration of violated rights and freedoms and improvement of the normative legal acts related to them.

106. State and local self-government bodies and officials shall be obliged to provide the Human Rights Defender, as prescribed by law, the necessary documents, information and clarifications, as well as assist in the activities thereof. Other powers of the Human Rights Defender shall be prescribed by the Law on the Human Rights Defender. Moreover, article 159 prescribes the guarantees for the activities of the Human Rights Defender.

107. The Law of the Republic of Artsakh On Human Rights Defender (the Law) was adopted on 9 February 9 2005. The Law details the functions of the Defender in the territory of the Republic.

108. Article 8 of the Law discusses the right to appeal to the Defender and states that any person regardless of his/her nationality, citizenship, place of residence, sex, race, age, political and other views, and capabilities can appeal to the Defender. The Defender or his/her representative has the right of free access, by his/her own initiative, to military units, police detention centres, pre-trial or criminal punishment exercising agencies and other places of coercive detention in order to receive complaints from the persons being held there.

109. Persons who are under arrest, in preliminary detention or serving their sentence in penitentiaries, as well as persons in other places of coercive detention, shall also have the right to appeal to the Defender.

110. The Defender or his/her representative shall be guaranteed to have confidential, separate, unrestricted communication with persons in military units, under in preliminary detention or serving their sentence in penitentiaries, as well as persons in other places of coercive detention. Conversations of the Defender or his/her representatives with persons mentioned shall not be subject to any interference or eavesdropping. Having appealed to the Defender shall not result in any administrative, criminal or other liability, or in any discrimination towards the applicant.

111. According to article 9 of the Law, a complaint shall be submitted to the Defender within one year from the day when the complainant became aware of or should have become aware of the violation of his/her rights and freedoms.

112. If the complainant has the documents required for clarification and settlement of the case, as well as acts adopted in judicial or administrative procedure in relation to the complaint, these documents may be attached to the complaint. The complaint may be submitted either in written or in oral form. The content of an oral complaint and the data provided in the second part of this Article shall be recorded by the Defender or his/her staff.

113. The complaints and other documents sent to the Defender by persons under arrest, in preliminary detention or serving their sentence in penitentiaries, as well as persons in other places of coercive detention, shall not be subject to inspection or censorship and shall be directed to the Defender within 24 hours by the administrative staff of those institutions.

114. As an additional but no less essential guarantee for ensuring the protection of human rights not only at the local, but also at the regional level, Artsakh unilaterally acceded to the European Convention on Human Rights and Fundamental Freedoms on 20 April 2015.

### **C. Framework within which human rights are promoted at the national level**

115. A number of State structures have been created to highlight issues concerning the protection of human rights. As mentioned above, the Human Rights Defender ensures the inviolability of the rights and fundamental freedoms in the country. The independence of the Defender is secured by the Constitution and the legislation of the Republic of Artsakh.

116. The Standing Committee on State and Legal Affairs of the National Assembly of the Republic of Artsakh regularly works to focus the National Assembly on human rights issues in the Republic by organising parliamentary hearings and discussions. The core task of the Committee is the discussion and dissemination of opinions on the adoption of legislative initiatives and the allocation of the State budget related to human rights matters.

117. Issues concerning national and ethnic minorities as well as religious communities are addressed at the state level. Pursuant to the Government decision adopted on 2 November 2012, the Department for Ethnic Minorities and Religious Affairs, under the supervision of the Ministry of Culture and Youth Affairs, operates as a competent body responsible for the relations between the state and ethnic minorities as well as religious organisations and as protector of the rights of the mentioned groups.

118. Moreover, in June 2018, a Temporary Public Council was established by the urging of society activists to hear and register the demands of the population of Artsakh and solve the everyday issues of the citizens by providing additional opportunities for State and civil society dialogue.

119. Civil society development is progressing. NGOs have been considerably active in the recent years and have the opportunity to operate freely in Artsakh. NGOs directly promote the dissemination of human rights values and have a major role in the protection of these rights. Particularly, they are actively engaged in issues concerning children, women, national minorities, young people, pensioners, disabled people and refugees. Many NGOs regularly carry out studies in the sphere of human rights protection and develop various preventive and public awareness programmes. State bodies actively cooperate with representatives of the civil society and NGOs by engaging them in the activities of different advisory bodies, as well as organising debates in different formats. There are 239 non-governmental organizations in the country including professional, youth and sport organizations. Finally, most of the political parties registered in the Republic include the respect and protection of human rights as the cornerstone of the state building and as the main standard of all the activities in the country.

120. The Republic of Artsakh is committed to human rights education as an important factor contributing to the development of democracy. The subject of social sciences, including fundamentals of human rights, constitutional and legal theory, is taught in schools from 8th–12th grade. Additionally, by the Initiative of the Human Rights Defender of Artsakh, a Republican Student Essay Contest on Human Rights is held annually, in which students in grades 9th through 12th grade in schools throughout Artsakh can participate.



Human rights, as a separate and compulsory module, is taught at the undergraduate level at Artsakh universities regardless of the student's academic specialisation.

121. The Government of the Republic of Artsakh acknowledges the importance of the human rights training of professional groups, including civil servants of different State agencies, lawyers, employees of power structures (Police, Ministry of Defence, National Security Service), judges, and others. International instruments on human rights, including the Universal Declaration on Human Rights and the two international covenants, are taken as fundamental sources for educational programmes.

### **III. Information on non-discrimination and equality**

122. The first Constitution in 2006 incorporated the principle of equality and non-discrimination, principles further elaborated by legislative acts and wholly enshrined in the new Constitution. According to the article 3 of the Constitution, the human being is an ultimate value in the Republic of Artsakh. The inalienable dignity of a human being shall be the integral basis of his/her rights and freedoms.

123. Additionally, article 28 provides that everyone shall be equal before the law. Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited. (article 29).

124. The Criminal Procedure Code adopted on 17 December, 2008 reassures the equality before the law and court as a fundamental principle of criminal justice and procedure. Article 8 establishes the prohibition of discrimination. Article 9 states the principle of the respect of the human dignity; respect of human rights, freedoms and dignity is binding for all the bodies and individuals engaged in the criminal procedures. The human rights and freedoms may be limited only temporarily taking into account the legally founded reasons necessary for carrying out such actions. During the criminal procedure nobody shall be subject to disrespect of human dignity and shall be kept in humiliating conditions. Everyone has a right to protect his/her human rights by the remedies not prohibited by the law. Article 10 establishes the right to legal protection, everyone has a right to legal assistance.

125. The Criminal Code of the Republic of Artsakh was adopted on April 25, 2013. The Code also declares the equality before the law and prohibition of the discrimination (article 6) as the main principle of justice and criminal legislation. In addition to the principle of equality, the Code reflects the principle of humanism: the criminal code is the guarantor of psychological, physical, material, ecological security.

### **IV. International recognition of Artsakh and development of bilateral relations**

126. Establishment of the main institutions of statehood in Artsakh, the development of a vibrant civil society, the consolidation of democracy, the stable development of the economy as well as a responsible foreign policy aimed at establish a lasting peace in the region has made it possible for the Republic of Artsakh to galvanize the pace of its international recognition.

127. In May 2012, the Rhode Island House of Representatives in the United States passed a resolution in support of the independence of the Republic of Artsakh. Similar resolutions in support of the Artsakh independence were adopted by Massachusetts (August 6, 2012), Australia's New South Wales State (October 25, 2012); Maine (April 10, 2013), Louisiana (May 30, 2013), California (May 8, August 27, 2014); the Basque Country (September 12, 2014); Georgia (March 3, 2016); Hawaii (March 29, 2016); Michigan (September 28, 2017).

128. Similar resolutions were adopted by the US cities of Fresno (April 23, 2013); Los Angeles (September 10, 2013); Highland (November 5, 2013) and Honolulu (April 20, 2016) as well as by the Australian city of Ryde (May 22, 2018).

129. In December 2017, the Green party of Australia included in its political program the recognition of the right to self-determination of Artsakh.

130. These resolutions demonstrate not only the growing support for an independent Artsakh but also are important precursors for formal international recognition and valuable sources of political and public relationships with foreign countries, as demonstrated by some examples of Artsakh's dynamically developing parliamentary diplomacy:

- A Friendship Group between Artsakh and the Sejm of Lithuanian Republic was established on 26 February 2013. On July 5, 2017, the parliamentary friendship group was expanded and transformed into a circle of friendship between Lithuania and Artsakh, which included deputies of the parliament, political and public figures of Lithuania.
- A Friendship circle with Artsakh was established in France, on 19 March 2013, with involvement of French politicians, parliament deputies and senators.
- On 14 October, 2014 the start of the process of establishing a Friendship Group with Artsakh was announced in the European Parliament during the solemn events on the occasion of the Republic of Artsakh's 23rd anniversary of independence, in which Ashot Ghulyan, the Chairman of National Assembly of the Republic took part.
- On October 18, 2017 the establishment of a friendship group of Flemish deputies of Belgium with Artsakh was announced in the Flemish Parliament of Belgium. President of the Republic of Artsakh, Bako Sahakyan, attended the opening ceremony of the friendship group.
- On October 20, 2017 the creation of a circle of friendship of French-speaking deputies, public and scientific figures of Belgium with Artsakh was announced in the Walloon Parliament of Brussels (Belgium). The solemn ceremony of creating a circle of friendship was attended by the President of the Republic of Artsakh, Bako Sahakyan.

131. The Republic of Artsakh attaches great importance to integration in international processes aimed at the consolidation and development of cooperation in economic, political and cultural spheres.

132. Artsakh works towards establishing and developing decentralized cooperation between communities of Artsakh and those in different foreign states. In addition to promoting friendly relations between peoples, such ties also create opportunities for implementation of different projects in the spheres of culture, education, sport, trade, and local self-governance.

133. Friendly relations have been established between certain cities of Artsakh and cities in the USA, France, the Basque Country (Spain), Brazil and Lebanon, as listed below in chronological order:

- 22 May, 1998, Villeurbanne (France) – Stepanakert
- October 26, 2005, Montebello (USA, California) – Stepanakert
- 9 May, 2012, Los Angeles (USA, California) – Shushi
- June 11, 2013, Les Pennes – Mirabeau (France) – Martuni
- December 2, 2013, Highland (California, USA) – Berdzor
- February 21, 2014, Vienne (France) – Hadrut
- April 22, 2014, Pico Rivera (California, USA) – Karvachar
- September 12, 2014, Donostia/San Sebastian (Basque Country) – Stepanakert
- October 5, 2014, Bourg-les-Valence (France) – Shushi
- October 28, 2014, Burbank (California, USA) – Hadrut
- November 19, 2014, Bouc-Bel-Air (France) – Askeran
- May 17, 2015, Valence (France) – Stepanakert
- May 18, 2015, Villeurbanne (France) – Shushi

- May 20, 2015, Sarcelles (France) – Martakert
- February 3, 2016, Franco da Rocha (Brazil) – Stepanakert
- September 25, 2017, Decines-Charpieu (France) – Chartar
- November 20, 2017, Alfortville (France) – Berdzor
- April 3, 2018, Bourg-de-Péage (France) – Martuni
- May 17, 2018, Bourj Hammoud (Lebanon) – Martakert
- May 18, 2018, Anjar (Lebanon) – Kovsakan
  
- October 21, 2018, Saint-Etienne (France) – Shushi
- October 22, 2018, Arnouville (France) – Shekher

On 17 May 2015, a declaration on cooperation between Drome department of France (Region Rhône-Alpes) and Artsakh was signed within the framework of the visit to France of the NKR delegation headed by President Bako Sahakyan.

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