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Assessing the involvement of Armenian CSOs in the preparation of alternative reports for UN Treaty bodies and the UPR

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I. Introduction

The present study was conducted by Eurasia Partnership Foundation (EPF) from January 2014 to April 2015. It focuses on the alternative reporting practice to UN Treaty Bodies and the UPR in Armenia. It examines the history of alternative reporting in Armenia, studies the reasons for submitting or not submitting alternative reports and analyzes the quality of the reports prepared by local and international civil society organizations (CSOs) on Armenia. The study also suggests several recommendations aimed at strengthening the capacity of the Armenian CSOs.

The research is oriented at assisting Armenian civil society organizations but it can also be useful for the Armenian government and international organizations which may assist local organizations in strengthening their capacities and the preparation of alternative reports.

The report focuses on a relatively new topic which has not been examined in Armenia before. There are some reports and other documents analyzing the work of United Nations (UN) treaty bodies and the Universal Periodic Review (UPR) from the point of view of, for example, particular rights and freedoms. However, there are no studies which contain up-to-date information on the participation of Armenian CSOs in international human rights mechanisms and particularly in preparing alternative reports to UN treaty bodies and the UPR.

The specific objectives of the study are to:

- Examine the awareness of the CSO sector about the UN Treaty body mechanisms and alternative reporting procedures;
- Understand the process of drafting and submitting alternative reports by CSOs;
- Identify the attitudes of CSOs towards the work of UN Human Rights Treaty bodies;
- Identify the capacity needs of CSOs, for further developing their role in preparing alternative reports;
- Identify international organizations interested in supporting the alternative reporting process;
- Improve the quality of the reports produced by CSOs by providing guidelines and recommendations.

This research is based on a desk study and 20 in-depth interviews conducted with the representatives of Armenian civil society organizations. Methodologically, the selection of respondents is based on a) the analysis of a chart (see in *Annex I*) which indicates the participation of Armenian CSOs in

processes of alternative reporting to UN human rights mechanisms, b) assumptions highlighted by a few recent studies on Armenian NGOs/CSOs¹ and c) EPF work experience. 10 interviews were conducted with representatives of local CSOs or umbrella organizations such as OSF-Armenia and Human Rights Houses which had submitted alternative reports to UN human rights mechanisms on at least one occasion. 5 interviews were conducted with organizations which have good capacity to submit reports (such as Yerevan Press Club, World Vision Armenia, ICHD) but due to different reasons had either never done so or did it in a minor capacity. And finally, 5 interviews were conducted with CSOs which could be interested in producing alternative reports but are obviously lacking the necessary knowledge and capacity.

To begin with, we would like to highlight a number of constraints on the research. Armenia has a relatively short history of alternative reporting and the number of alternative reports submitted to UN treaty bodies and the UPR is also rather limited. Hence, it is problematic to make any categorical assertions on the future and present trends in Armenia. One more limitation is that not all alternative reports to UN treaty bodies are available to the public. On the one hand, reports submitted during the earlier reporting cycles (in case of Armenia, in the 1990s) are not always consolidated and available online since they were not submitted electronically and often do not exist in digital format. On the other hand, CSOs may request treaty bodies to make their alternative reports confidential if they contain any sensitive information. Finally, it should be mentioned that the study did not take into account a number of evidently biased and politically motivated alternative reports focused on the alleged violations of the Armenian Government committed on the territory of Azerbaijan or against ethnic Azerbaijanis.

For the purpose of this research, by UN human rights mechanisms we mean UN treaty bodies and the UPR. Moreover, organizations referred to as ‘international organizations’ or ‘international CSOs’ for the purpose of the research include non-governmental organizations located outside of Armenia.

II. UN Human Rights Mechanisms

A number of international human rights bodies are involved in the consideration of periodic reports on a state’s human rights record. The OHCHR website contains a detailed description of all UN human rights mechanism in place. However, we would still like to provide a brief description of the Universal Periodic Review mechanism and UN treaty bodies in the context of Armenian reporting history.

- **UN Treaty bodies**

¹ For example: <http://www.eap-index.eu/node/378>

Human rights treaty bodies are the committees established to monitor the implementation of UN human rights conventions by state parties. They are made up of independent experts appointed by Member States. In order to ensure compliance with the treaties, the experts review periodic reports submitted by state parties. Apart from that, they consider individual complaints, conduct country inquiries, prepare general comments, interpret treaty provisions and organize thematic discussions related to the treaties.

Unlike the review of individual complaints, the state reporting procedure is established by the treaties themselves and is binding in nature.² It makes state reporting a primary and crucial mechanism ensuring compliance with obligations by state parties. State parties are obliged to produce periodic reports describing the implementation of and challenges relating to conventional human rights obligations. Reporting periods vary from 2 to 5 years.³ After reviewing state reports and other relevant information, committees come up with concluding observations, where committee members stipulate their concerns and recommendations. In turn, states are obliged to implement these recommendations and to report on the measures they have taken in this respect. Since practically all states are involved in reporting to at least one treaty body, the procedure is regarded as one of the two universal human rights mechanisms along with the Universal Periodic Review (see below).⁴ The primary aim of reporting to UN treaty bodies is to ensure respect, protection and fulfilment of “the rights set out in the treaties to which [the state] is party. This commitment should be viewed within the wider context of the obligation of all States to promote respect for the rights and freedoms, set out in the Universal Declaration of Human Rights and international human rights instruments, by measures, national and international, to secure their universal and effective recognition and observance.”⁵

The committee review speaks on the basis of all presented information, including State Party reports, information from both international and local civil society organizations (CSOs), national human rights institutions, UN agencies, other intergovernmental organizations, and professional groups and academic institutions. Information from CSOs is provided in the form of alternative (shadow) reports, briefings or submissions.⁶ International public opinion is the important factor motivating compliance with the provisions of particular human rights treaties by states. In this sense,

² See International Covenant on Economic, Social and Cultural Rights, Art. 16; International Covenant on Civil and Political Rights, Art. 40; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 19; International Convention on the Elimination of All Forms of Racial Discrimination, Art. 9; Convention on the Elimination of All Forms of Discrimination against Women, Art. 19; Convention on the Rights of the Child, Art. 44; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 73; International Convention on the Elimination of All Forms of Racial Discrimination, Art. 29; Convention on the Rights of Persons with Disabilities, Art. 35.

³ E.g. Member States are obliged to submit reports to ICERD every 2 years, but in practice they prepare reports every 4 years as 2 combined documents.

⁴ See e.g. *UN Human Rights Treaty Bodies: Law and Legitimacy*, ed. by Hellen Keller, Geir Ulfstein, Cambridge University Press, 2012, pp. 16-17.

⁵ *Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents*, Report of the Inter-Committee Technical Working Group, HRI/MC/2006/3, 10 May 2006, § 8.

⁶ This report uses the terms “report,” “submission” and “briefing” interchangeably.

alternative reports are of special significance since they provide an objective—or at least more impartial—picture of the human rights situation in the country. Hence, CSOs play a crucial role in the review of state reports. Most committees allocate a specific time to hearing submissions from CSOs and UN agencies.⁷

According to the Harmonized Guidelines on Reporting under the International Human Rights Treaties adopted in 2006, states are required to provide one general document, the common core document (CCD), to all relevant UN treaty bodies together with treaty-specific reports.⁸ The document should contain general information, including the historical background, demographic, economic, social and cultural characteristics of the state, relevant to all or a number of UN human rights conventions to which the state is a party. Some CSOs took advantage of the newly introduced reporting procedures and prepared alternative reports on the states' expanded common core documents. Such reporting should be linked to discrimination issues which should be addressed in the state report and allows one to emphasize particular violations under all relevant treaties within a single report, which could be submitted to any treaty body without rewriting or restructuring the document.⁹ The Republic of Armenia submitted its CCD on 31 March 2014.¹⁰ To the best of our knowledge, no Armenian CSO has taken the opportunity to prepare an alternative CCD report.

The Republic of Armenia joined the UN in 1992 and embraced the principles of the universal values, human rights and democracy as an integral part of its state ideology.¹¹ Moreover, the Constitution of the Republic of Armenia reiterates that “[t]he state shall ensure the protection of fundamental human and civil rights in conformity with the principles and norms of the international law.”¹² Armenia has ratified a number of important international and regional human rights instruments until now, including the following core human rights conventions:

- *International Covenant on Civil and Political Rights (ICCPR)* - monitored by the Human Rights Committee (HRC);
- *International Covenant on Economic, Social and Cultural Rights (ICESCR)* - monitored by the Committee on Economic, Social and Cultural Rights (CESCR);
- *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (UNCAT)* - monitored by the Committee against Torture (CAT);

⁷ <http://www.amnesty.org/en/united-nations/treaty-bodies/role-of-civil-society>

⁸ <http://www2.ohchr.org/english/bodies/treaty/CCD.htm>.

⁹ See more at <http://www1.umn.edu/humanrts/iwraw/CCDmanual-09.html#CSOopportunities>.

¹⁰ The report can be accessed in the official OHCHR website http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/CoreDocuments.aspx.

¹¹ <http://mfa.am/en/international-organizations/UN/>

¹² The Constitution of the Republic of Armenia (with amendments), adopted on 5 July 1995, available at <http://www.parliament.am/parliament.php?id=constitution&lang=eng>, Art. 3.

- *Optional Protocol of the Convention against Torture (CAT-OP)* - monitored by the Subcommittee on Prevention of Torture (SPT);
- *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* - monitored by the Committee on the Elimination of Discrimination against Women (CEDAW);
- *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)* - monitored by the Committee on the Elimination of Racial Discrimination (CERD);
- *Convention on the Rights of the Child (CRC)* - monitored by the Committee on the Rights of the Child (CRC);
- *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OP-AC)* - monitored by the CRC;
- *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC)* - monitored by the CRC;
- *Convention on the Rights of Persons with Disabilities (CRPD)* - monitored by the Committee on the Rights of Persons With Disabilities (CRPD);
- *Convention for the Protection of All Persons from Enforced Disappearance (CPED)* - monitored by the Committee on Enforced Disappearances (CED)¹³.

Armenia has also signed but not yet ratified:

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) - monitored by the Committee on the Protection of Migrant Workers (CMW).

• **Universal Periodic Review**

The Universal Periodic Review is a unique mechanism based on a review of the human rights record of all 193 UN Member States. The UPR was established by General Assembly resolution 60/251 on 15 March 2010. The resolution also provided for the creation of the Human Rights Council, which shall “undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country

¹³ http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ARM&Lang=EN.

concerned and with consideration given to its capacity-building needs.”¹⁴ By its nature, the UPR is the subsidiary of the Council, along with the Advisory Committee and Special Procedures such as special representatives, special rapporteurs or working groups.¹⁵ The UPR is a unique state-driven procedure based on cooperation, which is designed to complement other human rights mechanisms, including treaty bodies monitoring. The periodicity of the review is four and a half years. The review is based on three main documents: (1) the National Report, (2) OHCHR compilations of information from other UN human rights mechanisms and (3) credible and reliable information provided by other relevant stakeholders (including both international and local CSOs).

Armenia has fully participated in the UPR both as the state under scrutiny and as a reviewing state. Armenia has passed two cycles of review: the first periodic review took place in May 2010, and the second - in January 2015. Armenia also prepared an interim report on the implementation of the voluntary pledges it made during the first periodic review.¹⁶ All country-specific information, including the summary of stakeholders’ information, submissions by civil society organizations, the National Report and a review outcome, are available online.¹⁷

III. The Attitude Towards Alternative Reporting in Armenia

• The State

Quite often states are unwilling to admit the existence of particular human rights violations or practices which are contrary to their human rights obligations. Armenia is not an exception in that respect. At certain instances, state representatives have tried to downgrade or limit the influence and the role of CSOs in UN human rights mechanisms, and especially in the work of UN treaty bodies. Representatives of the respondent CSOs have noted that the government representatives rarely take their recommendations into consideration. They have also mentioned that it is an exception rather than the rule when the government consults with civil society prior to submitting reports to UN human rights mechanisms.

Also, the Armenian government sometimes tries to distance itself from reports drafted by non-local entities by claiming that those organizations do not possess real information about what is going on

¹⁴ UN General Assembly, Resolution 60/251, A/RES/60/251, 3 April 2006, available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf, § 5(e).

¹⁵ See more at <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/AboutAC.aspx>.

¹⁶ *Interim report of the Republic of Armenia prepared in accordance with the UN Universal Periodic Review as of December 2012*, Annex to the Protocol Decision of the Sitting of the Government of the Republic of Armenia N 5 of 7 February 2013, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRIImplementation.aspx>.

¹⁷ For the 2010 UPR see <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AMSession8.aspx>, and for the 2015 UPR see <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AMSession21.aspx>. Please note that the outcome of the 2015 had not been published at the time when this report was drafted.

in the field and that the Armenian people have not had the possibility to familiarize themselves with the findings of such reports since they had been written in English.¹⁸

However, the Armenian government has started to recognize to a certain degree the importance of alternative reporting in human rights mechanisms. Namely, the State representative has pointed out in the HRC that Armenia views alternative reports “as an important source of information and [is] not complaining about their quantity or inclusion on the Committee’s website.”¹⁹ Nevertheless, representatives of the CSOs, including those who participated in a meeting with Government representatives prior to the second circle UPR submission, have mentioned that the meeting was not productive and there is still room for improvement as well as mutual acknowledgment and understanding.

• Civil Society Organizations

A positive and proactive attitude of CSOs towards the preparation of alternative reports is crucial for the protection of human rights at the national level. However, the position of CSOs in Armenia on international human rights mechanisms and particularly alternative reports is very complex. A certain reluctance by the Armenian government and the rather neutral position of the UN office in Armenia—as well as the absence of specialized UN agencies such as OHCHR—were among the most frequent complaints articulated by respondents during the interviews.

The main challenge is the low level of awareness and understanding among local CSOs about the roles and functions of international organizations, linkages between global advocacy efforts and the local context as well as opportunities for CSOs to shape agendas and discourses through the use of international mechanisms.

The second serious obstacle to successful engagement in the preparation of alternative reports to UN treaty bodies and the UPR is the lack of capacity. Many CSOs working in the field face three main challenges: (1) flawed data collection and processing; (2) lack of experience in the preparation of reports and the lack of language skills; and (3) the absence of a human rights background and the lack of a general understanding of the UN system. Here it is important to mention that, according to respondents, many CSOs see the UN as a ‘*project implementation office*’ or ‘*donor organization*’ and have clear difficulties in linking it to human rights. According to some respondents, this is due to the very development-oriented portfolio of the UN office in Armenia and the absence in the country of such agencies as OHCHR and UN Women. Many respondents, especially those from the

¹⁸ See, e.g., Комитет по правам человека, Международный пакт о гражданских и политических правах, краткий отчет о 1710-м заседании, шестьдесят четвертая сессия, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsm0BTKouDPNIMXWauPwondFwc54ywBJTe5wTSLcGzTyYSc5jJPkyOMAfJthOfx1vCS2sLX6PaIFp3daHuKTB513z1h3D0FwxcN6bKfERlo d3>, § 13.

¹⁹ Human Rights Committee, 105th session, Summary record of the 2904th meeting, 19 July 2012, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsm0BTKouDPNIMXWauPwondHat%2b7yROfQHFqTb60%2bhC24QgenWkCLG9vOCm0tCuzILs5DpVI9bBuOFxbiaFcrXZgCYd8EUZ2VcqH82hESORta>.

regions of Armenia, have mentioned that they have never been instructed on human rights mechanisms through the UN office in Armenia. Some mentioned the UPR process and a few awareness meetings that the UNDP organized in 2014. Even the representative of the Armenian UN Association had a very vague idea about alternative reporting and the opportunities for CSOs.

While the majority of Armenian CSOs lack the understanding and capacity to prepare alternative reports, others perform activities aimed at capacity-building among Armenian civil society organizations. Particularly, some international CSOs which have offices in Armenia and are mandated with the promotion of civil society initiatives, empowerment of local CSOs and capacity-building activities are promoting alternative reporting among local CSOs. For example, Open Society Foundations - Armenia (OSF) is implementing a number of activities which are designed, among others, to “voice up rights violations and create a database for registering these violations and problems ... for reporting within the civil society’s country alternative reports (UPR, UN Conventions, etc.)”²⁰ OSF Armenia, in fact, is the major driving force behind almost all CSO alternative reporting to the UN. This fact has both positive and negative impacts. On the one hand, the Foundation ensures the management of the process and quality control; on the other hand, local organizations are extremely dependent on them in many respects. Human Rights House Network has also been trying to help its member organizations²¹ in producing reports and follow-up activities. However, as the coordinator of the HRH told us during the interview, the capacity of member organizations still needs to be strengthened and a lot of coordination and management effort is required from the coordinator to keep the work going.

There is also a difference in attitudes towards the CSOs which are aware of alternative reporting mechanisms and have the capacity to participate in the preparation of reports: there are (1) CSOs with a positive attitude towards alternative reporting and (2) CSOs which oppose such practice.

Generally, there are several reasons for the submission of alternative reports. First of all, CSOs may receive special funding for that purpose. For example, the Armenian Association of Women with University Education was funded by the OSCE/ODIHR in order to prepare and submit an alternative report to CEDAW in the framework of the project titled ‘Gender knowledge as a prerequisite for the development of democratic culture and legal consciousness.’

One more reason for preparing alternative reports is that CSOs may have the mandate to promote human rights, or to combat particular human rights violations, and use alternative reports as one of the tools to achieve their objectives. For example, Public Information and Need of Knowledge CSO (PINK Armenia) is very active at preparing alternative reports to various treaty bodies and the UPR. The CSO describes its mission as the creation of a safe space for LGBT people by promoting legal, psychological, social protection and well-being.²² It uses reporting mechanisms in order to mainstream the problems of its primary concern, raise awareness at both the local and international level, and problematize the issue of gender and sexual orientation-based discrimination in Armenia.

²⁰ <http://www.osf.am/2013/12/2013-4/>

²¹ <http://humanrightshouse.org/Members/Armenia/index.html>

²² <http://www.pinkarmenia.org/en/about/mission/>

Some CSOs view alternative reporting as “their obligation”, and even underline that they deliberately choose to prepare reports “with their own resources, without support of any donor agency.”²³

However, many local CSOs are skeptical about alternative reporting for various reasons. First of all, CSO representatives mentioned that they do not consider the UN human rights system, and particularly periodic reviews, efficient. It was pointed out that, on several occasions, that had been no real progress in the field and that the work at the international level is somewhat detached from the real human rights situation in Armenia.

Besides, some CSOs mentioned that they were underappreciated and noted that they feel like their efforts spent on the preparation of reports had not had any effect. Moreover, they emphasized that there is a communication gap between local organizations and UN human rights mechanisms. Namely, many of their submissions had not received any feedback or response, and CSOs had even had trouble trying to keep track of the status of their submissions.

Finally, some organizations believed that it is wrong to “wash one’s own dirty linen in public.” Particularly, they highlighted that alternative reports raise issues which should be addressed and solved within the country, and not be taken to the international level. They also believed that trying to pressure the state into taking more responsibility and making particular decisions is not beneficial, since it leads to the opposite effect in practice.

• **International organizations**

International organizations also provide information to UN treaty bodies and the UPR. They generally deem alternative reporting beneficial and support CSO initiatives. Various international organizations are active in Armenia. In December 1992, the United Nations established their office in Yerevan, Armenia. The UN Country Team includes such agencies as, among others, UNICEF, UNDP and UNHCR. They implement various capacity building and human rights related projects, but, to the best of our knowledge, international organizations are not actively engaged in any activity directly related to the preparation of alternative reports by Armenian CSOs.

One more obstacle to the effective cooperation of international organizations and CSOs is that, at the country level, the level of awareness about UN human rights mechanisms of the staff is not always very high. Some respondents mentioned that the UN in Armenia is a ‘project implementation office’ and even UN staff members do not have a clear understanding of the way periodic reviews

²³ Democracy Today and All Armenian Union of Women, *Implementation of Uⁿ Convention on all Forms of Discrimination Against Women*, Period 2002 - 2007, available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ARM/INT_CEDAW_CS0_ARM_43_8005_E.pdf, p. 2.

function and of the role of CSOs. However, other respondents mentioned that in some particular cases – such as gender issues (Gender Team Group) - cooperation between the UN (UNFPA and UNICEF), OSCE and local civil society is very successful.

IV. Overview of Alternative Reporting in Armenia

The role of CSOs in the UN human rights mechanisms is becoming more institutional. However, it should be admitted that the process of initialization is at its early stages in Armenia, and there is a lack of CSO involvement in the work of UN human rights mechanisms.

Alternative reporting is one of the most important tools for human rights that CSOs possess in their arsenal. Despite the fact that human rights treaty bodies do not make references to reports prepared by civil society organizations in their findings, such reports play a vital role in the fulfilment of the mandate by the UN treaty bodies. Alternative reports are an extremely important source of information on the real human rights situation in the country. Besides, CSO reports allow committee members to show that their observations and recommendations are based on all available information and, therefore, are themselves credible and reliable.²⁴ Additionally, the presence of alternative information urges states to provide more truthful information in its reports. Quoting the International Women’s Rights Action Watch (IWRAW), a CSO promoting women’s rights worldwide, fundamental human rights treaties are “primarily enforced through a reporting system” and “it is imperative that CSOs understand and use a reporting mechanism to maintain government accountability both to its own residents and to the international community.”²⁵ Hence, it is very important for CSOs to fully participate in the reporting process, because state reports are evaluated against alternative reports which shed light on particular issues left unsaid in the official report.²⁶

However, alternative reports make a valuable contribution only if they are based on the thorough investigation and research performed by the organization submitting the report. In other words, the report actually promotes the protection of human rights only if it is of sufficient quality. Hence, it is not only important that a lot of CSOs decide to prepare alternative reports, it is also crucial to ensure the quality of submitted reports, since they should make a contribution to the work of the relevant committee or other UN human rights body and be reliable i.e. contain accurate information about the country.

There are various criteria which should be taken into account while accessing the quality of alternative reports. Both UN treaty bodies and the UPR have specific requirements for the reports they receive. Thus, in order to prepare a report which will be subsequently taken into consideration, CSOs also need to satisfy those requirements. The Secretary General has prepared a compilation of

²⁴ See more at Caparas Perfecto, *From the Rights-Based Perspective: Claiming a Grassroots Voice in UN Human Rights Treaty Bodies*, Indiana International Human Rights Law ePublication, 2009, pp. 2-3.

²⁵ <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>.

²⁶ *Ibid.*

guidelines on the form and content of reports to be submitted by state parties to the international human rights treaties in 2009.²⁷ The compilations contain unified guidelines which are applicable to all treaty bodies. Even though no specific guidelines on alternative reporting to treaty bodies were adopted at the UN level, the guidelines on state reporting should be taken into account by CSOs preparing reports to treaty bodies. CSOs reporting to the UPR should follow OHCHR's Technical guidelines for stakeholder submissions²⁸ and Technical guidelines for the submission of information by national human rights institutions.²⁹ Besides, some international CSOs with extensive reporting experience drafted both universal and treaty-specific guidelines on the preparation of CSO reports. Such guidelines "are designed to assist CSOs in producing alternative reports [...] to use in evaluating government reports."³⁰

The following basic guidelines are particularly applicable while evaluating the quality of alternative reports: reports should provide specific information which should help the body to evaluate the government's report; if necessary, alternative reports should provide contextual information about the political and economic background of the state party; they should focus on "the most pressing issues in a concise format;"³¹ should be in the language understood by all or most of the committee experts (in case of the UPR, they should be in one of UN languages); should ensure credibility and reliability of information; should be based primarily on first-hand information, etc.³² Besides this, the continuity of the review is of crucial importance. OHCHR technical guidelines on the UPR underline that "the second and subsequent cycles of the review (2012 and onwards) should focus on, *inter alia*, the implementation of the accepted recommendations and the developments of the human rights situation in the State under review."³³ Thus, when the present study mentions the quality of alternative reports, the above-mentioned criteria were primarily taken into account.

Armenia gained its independence in 1991, and ratified the majority of core human rights conventions in the next few years following its independence.³⁴ Therefore, the history of Armenian reporting is rather short and sometimes—in the case of some treaty bodies—even nonexistent. The situation is even less optimistic when it comes to alternative reporting. Namely, local CSOs have

²⁷ United Nations, International Human Rights Instruments, *Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties*, HRI/GEN/2/Rev.6, 3 June 2009.

²⁸ OHCHR, *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*, Rev.1 – 03/10/2013.

²⁹ OHCHR, *Information Note for National Human Rights Institutions on the 2nd Cycle of the Universal Periodic Review*, available at <http://www.ohchr.org/Documents/HRBodies/UPR/InfoNoteNHRIUPR2ndCycle.pdf>.

³⁰ IWRAW, *Producing Shadow Reports to the CEDAW Committee: A Procedural Guide*, available at <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>.

³¹ IWRAW, *Producing Shadow Reports to the CEDAW Committee: A Procedural Guide*, available at <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>.

³² See, e.g., OHCHR, *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*, Rev.1 – 03/10/2013, § 10-12.

³³ OHCHR, *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*, Rev.1 – 03/10/2013, § 9.

³⁴ However, Armenia joined some important human rights instruments much later: it ratified CED in 2011, CRPD in 2010 and Optional Protocols to the CRC - in 2005. See more at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ARM&Lang=EN.

become active in the field of alternative reporting only in the last 10 years, and only a few international CSOs had submitted reports to UN treaty bodies before that. However, the tendency has changed at the moment, and both local and international CSOs are currently using alternative reporting mechanisms in order to improve the Armenian human rights record.

The UPR is a relatively new human rights mechanism, and, unlike the treaty bodies' review, both local and international CSOs have been actively involved in the review of the Armenian human rights record. As mentioned earlier, there have only been 2 reporting cycles of the UPR so far - from 2008 to 2011, and from 2012 to 2016. Civil society organizations have made a valuable contribution to the proceedings during both reporting cycles - 14 alternative reports on Armenia were submitted to the UN Human Rights Council during the first cycle and 11 reports were prepared during the second cycle.³⁵

The general conclusion of the present study is that more local CSOs and coalitions of CSOs should be involved in alternative reporting mechanisms. In the Armenian context, international CSOs tend to be more active in preparing reports to human rights treaty bodies and the UPR. For instance, during the second-third reporting cycles, 7 non-Armenian CSOs reported to the Human Rights Committee, 2 reports were prepared by local and non-local CSOs in coalition, and only 1 coalition of local CSOs submitted an alternative report to the committee.³⁶ The dynamics of UPR reporting is a bit different, but generally reflects the same trend. During the first UPR cycle in 2010, international CSOs submitted 9 alternative reports, 1 report was written jointly by international and local organizations and only 2 local CSOs (1 coalition and 1 CSO individually) decided to contribute to the review process. However, as mentioned earlier, there is a general tendency towards the rise of the number of local CSOs preparing alternative reports for UN treaty bodies. This is very well illustrated by the following data: during the second Universal Periodic Review, in 2015, 5 local CSOs as well as 5 non-local CSOs prepared alternative reports. Moreover, 1 report was submitted jointly by international and local CSOs. It is fair to assume that the same dynamics (more local CSO reports) will be observed during the next reporting cycles of the UN treaty bodies.

Below we will focus our review on (1) the comparison of alternative reporting to different UN treaty bodies and the UPR; the overview of (2) shadow reports prepared by local CSOs, (3) reports by coalitions of local and international organizations, and (4) reports drafted by international CSOs; finally, (5) we will have a brief overview of the stages of alternative reporting in the Armenian context.

- **Priorities of Alternative Reporting in Armenia**

³⁵ The fact that less reports were submitted to the UPR Working Group in 2015 should not be viewed as a step back, since more CSOs entered into coalitions and drafted comprehensive reports instead of preparing individual ones. Hence, in fact, more organizations were involved in alternative reporting in 2015.

³⁶ Similar situation can be observed while reviewing shadow reports to other UN treaty bodies; see more at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ARM&Lang=EN.

The desk research conducted as a part of this study shows that CSOs prepare more reports to particular international human rights bodies compared to others. The UPR is the most commonly used human rights mechanism by Armenian CSOs, and there have also been more reports on ICCPR and UNCAT in comparison to other treaties.³⁷ One of the main reasons why the UPR is more popular is that there is a higher awareness about the review procedure in society. It is fair to say that the Universal Periodic Review has more publicity than other human rights mechanisms on both the international and national levels. OHCHR engages in various activities promoting the universal review. For instance, in 2014, before the submission of the National Report, a number of roundtables with the representatives of civil society and international organizations present in Armenia were organized prior to submitting the state report. The events were aimed at raising awareness about the UPR mechanism and facilitating a free discussion of the Armenian human rights situation.

Apart from that, the popularity of the UPR could be explained by political considerations. The UPR is peer reviewed, which means that all UN Member States can directly participate in the review of Armenia's human rights record. This factor adds extra weight to the review since the state is pressured by the international community to take the procedure and its pledges seriously. Thus, both the government and civil society organizations are interested in presenting their image of the human rights situation in the country. The UPR's political nature is very well illustrated by the fact that both Armenia and Azerbaijan have rejected recommendations made by the other state during the review. Particularly, Armenia stated that it "considered that the country that has submitted [the recommendations]: 1) has repeatedly rejected any cooperation with Armenia within the framework of the UPR, in particular HRC Resolution 5/1, and 2) is conducting apparent propaganda of war and hatred against the Armenians at the level of the highest authorities of the country, involving all segments of the population."³⁸

One more explanation for the relative popularity of the UPR in Armenia is that alternative reports are given more weight during the UPR in contrast to treaty bodies. To begin with, states should consult with the local civil society organizations prior to submitting the National Report.³⁹ Hence, CSOs with the potential reporting capacity have a clearer view on the UPR procedure and particularly its benefits. Moreover, although treaty bodies consider alternative reports an important source of information, they do not make any references to the reports in their deliberations or conclusions. On the other hand, CSOs interact with the UPR in many ways, and alternative reports are the primary source of "credible and reliable information" on which the review is based.⁴⁰

³⁷ E.g., during the most recent reporting cycles, CSOs submitted 12 reports on CCPR, 7 reports on UNCAT, and only 3 on CESCR.

³⁸ <http://www.upr-info.org/en/news/armenia-rejects-the-10-recommendations-made-by-azerbaijan>.

³⁹ It is also preferable that the State consult with CSOs before submitting periodic reports to UN treaty bodies, but it rarely happens in practice.

⁴⁰ Human Rights Council, *Resolution 5/1: Institution-building of the United Nations Human Rights Council*, Annex, 9th meeting, 18 June 2007.

Lastly, while both treaty bodies and the UPR provide for many reporting opportunities, there are more clear rules governing the submission of reports to the UPR. Particularly, the UPR has stricter schedule on the submission of both national and alternative reports, as well as other procedural actions during the UPR. This makes the process more transparent and predictable. This, in turn, allows CSOs to organize their work more effectively and succeed in preparing alternative reports.

CSOs also seem to attach more weight to some UN treaty bodies in comparison to others. To be specific, they mostly report to the HRC and the CAT. Interestingly, neither UN CAT, nor CCPR have more state parties than most of other international human rights conventions.⁴¹ One of the reasons why more CSOs submit reports on those conventions is simply that they are the most well-known ones and various UNCAT and CCPR related activities were conducted in the field. Moreover, both conventions codify the most fundamental and essential human rights and freedoms, including the right to life, prohibition of torture and the right to liberty and security. In other words, both conventions contain norms of *erga omnes* or even *jus cogens* character.⁴² Hence, violations of such norms raise very serious concerns, and it is logical that CSOs decide to focus on the most drastic and topical violations when they prepare alternative reports. Furthermore, UNCAT contains provisions on the universal criminal jurisdiction, which require member states to prosecute or extradite any persons suspected of torture. Thus, alternative reports may even potentially raise the question of criminal prosecution of particular Armenian officials by other states. Finally, one more possible reason why CSOs prefer to report to treaty bodies like CAT or HRC is that those CSOs which specialize on problems related to—for example—CESCR are more action-oriented and either not interested in alternative reporting or lack the capacity for it.

• Reports prepared by local CSOs

Most local CSOs group together in one way or another while reporting to UN treaty bodies and the UPR. It should be emphasized that reports prepared by coalitions of CSOs are generally considered to be of higher quality and reliability. OHCHR guidelines stress that “[j]oint submissions by a large number of stakeholders are encouraged,”⁴³ since the impact, efficiency and quality are increased through the sharing of resources and knowledge. Moreover, credibility is one of the most crucial characteristics of alternative reports, and it is believed that reports prepared by CSO coalitions are more credible than individual ones. Credibility of alternative reports is based on their overall quality, on the sources of information presented and the ways the information was collected and the processes involved. Besides, the credibility of joint reports is also higher in contrast to reports prepared by individual CSOs since a lot of different organizations contribute to the drafting process.

⁴¹ 153 states ratified UNCAT and 167 - CCPR, while, for instance, CRC has 193 Member States and CEDAW - 187.

⁴² See more at, e.g., M. Cherif Bassiouni, *International Crimes: Jus Cogens and Obligations Erga Omnes*, 59 *Law and Contemporary Problems* 4, 1996.

⁴³ OHCHR, *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*, Rev.1 – 03/10/2013, § 23.

Moreover, collective reports are believed to reflect a wider variety of opinions within society.⁴⁴ Collaborative efforts also enhance the effectiveness of alternative reporting since many UN treaty bodies' committee members do not have enough time for an overview of all existing alternative reports before the session.

Armenian CSOs which are most actively involved in human rights advocacy in the form of alternative reporting usually participate in a number of *coalitions* at the same time. Hence, one organization may be involved in drafting several documents to the same body during the same reporting period on the same issues within different coalitions.⁴⁵ For instance, PINK Armenia is a member of 10 CSO coalitions, including the South Caucasus Network of Human Rights Defenders, the Human Rights House Yerevan and the Coalition to Stop Violence against Women, at the same time.⁴⁶ Summing up, Armenian civil society organizations gradually form coalitions in order to prepare alternative reports and perform other advocacy activities. However, such coalitions are mostly of a temporary nature and lack sustainability. There is no longstanding history of CSO coalitions in Armenia, but—with a certain degree of distortion—it could be said that (a) there is a basis for creating sustainable coalitions and (b) there is a substantial number of local CSOs which are actively participating in various CSO coalitions while preparing alternative reports. However, Armenian CSO coalitions generally lack sustainability. Usually, there is one organization which coordinates the preparation of reports. If that organization is no longer providing its support to other CSOs, coalitions often fall apart and do not participate in reporting any more.

Joint submissions and reports prepared by Armenian civil society organizations are usually of better quality than individually drafted documents for a number of reasons. First of all, CSO efforts are quite often coordinated by an organization or a group of organizations which have extensive human rights related experience. Secondly, the majority of organizations comprising such coalitions have narrow expertise in particular fields and the capacity to collect and process information which should be included in reports. Finally, CSO coalitions usually include organizations which are experienced in advocacy activities and reporting to UN human rights mechanisms either jointly with other organizations or by themselves. For instance, unlike individual reports, submissions prepared by CSO coalitions usually follow the guidelines on alternative reporting adopted by treaty bodies, the UPR or internationally acclaimed CSOs.⁴⁷

⁴⁴ Caparas Perfecto, *From the Rights-Based Perspective: Claiming a Grassroots Voice in UN Human Rights Treaty Bodies*, Indiana International Human Rights Law ePublication, 2009,p. 8.

⁴⁵ For example, PINK Armenia participated in the preparation of 2 shadow reports to the HRC during the second-third reporting cycles, and in 2 submissions to the UPR WG during the second review cycle in 2014-2015; the Armenian Association of Women with University Education and Armenian Helsinki Committee participated in 2 coalitions during the second UPR reporting cycle; and the Women's Resource Center participated in 3 coalitions preparing submissions to the UPR WG during the second reporting cycle. See more at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ARM&Lang=EN and <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AMSession8.aspx>.

⁴⁶ It should be noted that not all coalitions are involved in shadow reporting to UN human rights mechanisms.

⁴⁷ See more on the guidelines above.

There are a number of established CSO coalitions in Armenia. Such coalitions can be classified as (a) broad coalitions and (b) coalitions with a small number of CSOs. Coalitions with a smaller number of organizations are usually comprised of 3-4 CSOs with high capacity and, quite often, with prior reporting experience. For example, the 4 organizations composing the South Caucasus Network of Human Rights Defenders - the Armenian Helsinki Association, Asparez Journalists' Club, Shahkhatun Women's Democracy Promotion CSO and PINK Armenia, prepared a comprehensive alternative report on the ICCPR to the HRC in October 2011. Moreover, there are coalitions made up of 2 CSOs. For example, Democracy Today and the All Armenian Association of Women jointly prepared a report to the CEDAW committee during the second reporting cycle. Broad coalitions usually prepare comprehensive reports. For instance, 2 comprehensive submissions to the UPR on (1) civil and political rights and (2) economic, social and cultural rights were prepared by coalitions under the coordination of the Open Society Foundation - Armenia during the second reporting cycle. These reports are excellent examples of CSO coalitions preparing documents of high quality. Each coalition included around 30 organizations both with and without prior reporting experience.

Armenian CSOs rarely prepare alternative reports *individually*. Particularly, only one local CSO submitted an alternative report during the first UPR cycle individually, and only one CSO - during the second UPR cycle.⁴⁸ This could be explained by the lack of capacity, funds and low awareness of human rights mechanisms at the local level. Local CSOs which decide to submit individual reports usually draft good quality reports if (a) they work within a project or have special funding for it; or (b) they work with the assistance of international organizations. For example, the Center for Gender Studies of the Armenian Association of Women with University Education prepared a comprehensive report on the "Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Republic of Armenia in 2002-2007" to CEDAW during the third-fourth reporting cycle. The organization was acting within the project funded by the OSCE office and, in what is quite illustrative, has not prepared individual reports to any treaty body or to the UPR ever since.

The overview of the alternative reporting practice in Armenia shows that there are particular common patterns regarding the contents of alternative reports. The subject matter of alternative reports often in one way or another *reflects current political and social processes within the country*. However, international CSOs are more focused on their own agenda and rarely take into account the current social, political and economic situation in Armenia in their reports (see more below). On the other hand, local CSOs reflect the political situation in the following ways:

(a) by deciding on the subject matter of reports and/or prioritizing particular issues within them;

Many reports to the first cycle of the UPR focus on the human rights violations related to the post-electoral violence in March 2008. For instance, reports by Human Rights Watch and a

⁴⁸ World Vision Armenia submitted its shadow report on health and well-being in Armenia during the first UPR cycle, and the Civil Society Institute reported on various issues during the second UPR cycle.

group of civil society organizations, including Transparency International – Anti Corruption Center, Protection of Rights without Borders, Civil Society Institute and Helsinki Citizens’ Assembly – Vanadzor, Armenian Association of Women with University Education and Yerevan Press Club, make a particular focus on the compliance with human rights obligations by Armenia in the light of the events of March 2008. Apart from that, discrimination and harassment based on gender and sexual orientation pose a very serious problem in Armenia. As a result, many shadow reports to various human rights mechanisms are entirely or partially focused on that issue. Namely, PINK Armenia (both individually and in coalition with other CSOs) has prepared reports to CAT, HRC and both UPR cycles. Other issues frequently raised in alternative reports include freedom of conscience, the privileged status of Armenian Apostolic Church and persecution of Jehovah Witnesses; violence against women; the right to a fair trial; freedom of expression and assembly; the right to life and extrajudicial killings; and the right to health.

(b) by providing background information in their reports;

For example, the alternative report to CAT in connection with the third reporting cycle prepared by the Civil Society Institute and International Federation for Human Rights describes “the presidential election of 19 February 2008 and its aftermath” as “[a] critical event in recent Armenian history [...], in which clashes occurred between law enforcement agents and political opposition activists holding public demonstrations against the election results.”⁴⁹

(c) and by using the current political situation in order to make policy arguments.

Many reports to the second cycle of the UPR mention the Armenian Government’s decision to join a Russian-led Customs Union as an example of bad governance and undemocratic rule. For example, a joint submission by a group of civil society organizations on civil and political rights (“joint submission 1”) begins with the following words: “President Serzh Sargsyan’s decision to join the Customs Union with Russia, Kazakhstan and Belarus instead of initiating the Association Agreement, not only put an end to any democratic advancement, but also demonstrated the depth of the autocratic and unaccountable nature of governance in Armenia.”⁵⁰

• **Mixed reports**

While reports prepared jointly by international CSOs are rare, non-local CSOs are more eager to draft joint alternative reports with local CSOs. *Coalitions of local and non-local CSOs* are often (a) based on the similarity of mandates of organizations and (b) other formal or informal ties. For

⁴⁹ Civil Society Institute, International Federation for Human Rights, *Alternative Report to the Committee against Torture in Connection with the Third Periodic Report of the Republic of Armenia*, Yerevan, Armenia, 2012, p. 5.

⁵⁰ Joint submission by a Group of Civil Society Organizations to the UN Human Rights Council (‘joint submission 1’), 21st Session of the Universal Periodic Review, June 2014, p. 1.

instance, in July 2012 a coalition of CSOs, including PINK Armenia, which promotes the protection of LGBT human rights in Armenia, and ILGA-Europe: The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association,⁵¹ prepared an alternative report on the human rights violations of LGBT people in Armenia. In addition, the joint Civil Society Institute (CSI) and International Federation for Human Rights (FIDH) report to the Commission against Torture during the third reporting cycle is a typical example of cooperation based on the affiliation of local and international CSOs.⁵² CSI is a member of FIDH, and the latter provides support to its member organization via, *inter alia*, joint preparation of alternative reports with the aim “to strengthen the influence and capacity of human rights activists to advance change at the local level.”⁵³ Hence, international CSOs usually play a coordinating role and provide institutional knowledge on international human rights mechanisms and particularly in reporting to human rights bodies. It is worth noting that sometimes *de facto* joint reports are presented as individual submissions prepared by the international organization with a coordinating role. For example, the International Baby Food Action Network (IBFAN) prepared a number of alternative reports on CRC, CRC-OP-AS, CRC-OP-SC and CESCR together with its member Confidence Health CSO, but the reports are attributed to the IBFAN only.⁵⁴

- **Alternative reporting by international CSOs**

Unlike local CSOs, international CSOs rarely benefit from coalitions with other non-local organizations and prefer to prepare reports *individually*. This could be explained by the fact that such CSOs already have established reporting practices and are narrowly specialized (see more below). Such organizations often prepare submissions on various countries and send them to human rights treaty bodies and the UPR. Additionally, they usually have the capacity to prepare reports on their own and are considered credible due to their worldwide reputation and activities. For instance, Human Rights Watch (HRW) prepared alternative reports on Armenia during both UPR cycles. Its submission for the first UPR cycle was prepared in November 2009 and focused on “several key

⁵¹ 2 more organizations contributed to the report: *The Heartland Alliance for Human Needs & Human Rights* and the *George Washington University Law School International Human Rights Clinic*. See the report here http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_CSO_ARM_105_7997_E.pdf. It is also worth mentioning that PINK Armenia became a member of *ILGA* and *ILGA-Europe* in 2011.

⁵² Civil Society Institute (CSI), International Federation for Human Rights (FIDH), *Alternative Report to the Committee Against Torture in Connection with the Third Periodic Report of the Republic of Armenia*, Yerevan, Armenia, 2012, available at http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT_CAT_CSO_ARM_48_8009_E.pdf.

⁵³ *Ibid*, p. 4; Civil Society Institute (CSI), Norwegian Helsinki Committee (NHC) and the International Federation for Human Rights (FIDH), *Mid-Term Assessment of the Universal Periodic Review: Armenia*, Reporting period: May 2010 - December 2012, available at https://www.fidh.org/IMG/pdf/armenia_upr_2013.pdf.

⁵⁴ IBFAN, *Report on the Situation of Infant and Young Child Feeding in Armenia*, March 2014, The Committee on Economic, Social and Cultural Rights, Session 52, April-May 2014, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fARM%2f16927&Lang=en; IBFAN, *Report on the Situation of Infant and Young Child Feeding in Armenia*, September 2012, The Convention on the Rights of the Child, Pre- Session 62-63, October 2012, available at http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARM/INT_CRC_CSO_ARM_13803_E.pdf.

areas of concern regarding Armenia’s compliance with its international human rights obligations,” with the focus on violations directly or indirectly related to the post-electoral violence in March 2008. HRW is the internationally acclaimed organization whose reliability and contribution in the field of human rights advocacy are recognized by the UN and other international organizations, states, CSOs and various judicial institutions.⁵⁵ Hence, this individual report was one of the most cited in the summary of stakeholders’ information prepared by the Office of the High Commissioner for Human Rights.⁵⁶ Other international CSOs are also extremely active at reporting to human rights bodies. By way of example, the Global Initiative to End All Corporal Punishment of Children regularly prepares alternative reports and briefings on the *de jure* and *de facto* state of the prohibition of corporal punishment in various countries to the HRC, CRC, CRPD, CESCR and UPR.⁵⁷ The organization reported on the situation in Armenia to the HRC in 2011, to the CESCR in 2014, to the CRC in 2013 and to the UPR during both first and second periodic reviews.⁵⁸

Reports submitted by international CSOs are usually not comprehensive and have *more focus on specific issues* which fall within their mandate. For example, international CSOs have prepared reports on, *inter alia*, the conscientious objection to military service (Conscience and Peace Tax International), LGBT rights (Equal Out at the United Nations), the practice of corporal punishment of children (Global Initiative to End All Corporal Punishment of Children) and the need for tobacco control and the right to health (The Human Rights and Tobacco Control Network). The narrow specialization of international CSOs illustrates the main disadvantage of such alternative reports. Namely, they are often focused on issues which are somewhat outside of the local context and are not of primary importance in Armenia. Moreover, they often lack country-specific information.

Apart from that, international CSOs usually focus on the legislative framework and state policy instead of the actual human rights situation in Armenia. Moreover, they usually contain less detailed data and are based on publicly available information about the country. Such reports often do not provide any recommendations and sometimes even lack the necessary connection with the convention in question. For example, the International Disability Alliance (IDA) submitted alternative reports to the CAT and CCPR in 2012. The reports are basically just a compilation of parts of the state report where persons with disabilities were mentioned coupled with an overview of the legal framework governing the status of persons with disabilities in Armenia. Moreover, the report to the CAT did not touch upon any particular article of the convention and did not mention any inconsistency/violation in the legislation or practices within the country.

⁵⁵ See more about the organization <http://www.hrw.org>.

⁵⁶ See the summary here <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/106/65/PDF/G1010665.pdf?OpenElement>, 2

⁵⁷ Apart from Armenia, the Global Initiative to End All Corporal Punishment reported on, among others, such countries as Belgium, Ecuador or Mexico.

⁵⁸ Other international CSOs preparing reports on Armenia include—but are not limited to—*Conscience and Peace Tax International*, *Equal Out at the United Nations*, *Global Initiative to End All Corporal Punishment of Children*, *Penal Reform International*, *International Disability Alliance*, *Human Rights and Tobacco Control Network*, *International Baby Food Action Network*, *Kurdish Human Rights Project* and *European Association of Jehovah’s Christian Witnesses*.

One more common characteristic of reports submitted by international CSOs is that they tend to focus on international human rights standards more than reports submitted by local CSOs, which usually aim at covering more empirical data on particular human rights violations in the country. As mentioned earlier, such a focus may be a disadvantage, but it also makes an important contribution to the review procedure. Moreover, most of international CSOs submitting reports to UN treaty bodies and during the UPR on Armenia are (a) preparing similar reports on various states and, at the same time; (b) tend to focus on reporting to particular treaty bodies and/or the UPR; (c) and often prepare almost identical reports to different treaty bodies, just slightly modifying them with regards to the time.⁵⁹ For instance, the International Baby Food Action Network prepared a pre-session report on the situation of infant and young child feeding in Armenia to the CRC in July 2012 (second-fourth reporting cycle). Later, the CSO modified and improved the report and submitted it to the CESCR during its second-third reporting cycle. One more example is the report of the Global Initiative to End All Corporal Punishment of Children, which submitted almost identical reports to the CESCR (second-third reporting cycle), CCPR (second-third reporting cycle) and to the CRC (third-fourth reporting cycle) and its optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (first reporting cycle in 2013). At the same time, the organization prepared reports to both cycles of the UPR: it submitted a 2-page report to the UPR WG in 2010 (which seems like the version that was later modified and used in the UN treaty bodies reporting) and later sent practically the same report with slight changes during the second cycle of the UPR in 2014-2015. In other words, the organization promotes the same recommendations to all treaty bodies - once it formulates them, it sticks to them everywhere. This conclusion is applicable to almost all international CSO reports.

• Stages of Alternative Reporting

CSOs can submit alternative reports during various stages of reporting cycles. Usually CSOs prepare pre-session reports, reports for the session or follow-up reports. They are not limited to one report per cycle and can submit reports during different reporting stages. Pre-session reports are drafted before the list of issues is developed by a human rights body. They help committee members prepare for the session and usually contain, *inter alia*, issues which are deemed necessary to be added to the future list of issues. Reports for the session are also oriented at guiding committee members and drawing a realistic picture of the country's human rights record. Such reports usually have conclusions, recommendations and suggested actions regarding the implementation of those recommendations. Research shows that the suggested questions and/or recommendations for states are not always clearly identified in alternative reports, especially individual reports by local CSOs,⁶⁰

⁵⁹ Usually such reports are just adjusted during the new reporting cycle or to a different committee or working group.

⁶⁰ See, e.g., *CSO replies to the list of issues on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the Republic of Armenia in relation with the review of Armenia's 3rd periodic review at the United Nations Committee against Torture*, Yerevan and Geneva, April 2012, available at http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT_CAT_CSO_ARM_48_8012_E.pdf; *CSO report on the implementation of the International Covenant on Civil and Political Rights in the Republic of Armenia in*

or are hard to implement due to their vague nature.⁶¹ Apart from that, some reports contain both questions for the list of issues and recommendations.⁶² Some advanced reports have specific recommendations to the government, to the National Assembly, judicial bodies, civil society actors, etc.⁶³ Most alternative reports on Armenia are either pre-session reports or reports for the session, and there are almost no CSOs which have prepared reports for both stages of review.⁶⁴ Finally, follow-up reports focus on the implementation of recommendations made by a committee. To the best of our knowledge, only one organization has provided a follow-up report to human rights treaty bodies so far. In January 2014, the Helsinki Citizens' Assembly - Vanadzor submitted an overview of the implementation of recommendations made by the HRC to Armenia during the second-third review cycle.

V. General Conclusions and Recommendations

To summarize, it is possible to draw a few general conclusions, which had already been highlighted in the study to a certain extent. Firstly, it should be stated that a majority of Armenian CSOs truly lack the understanding of international structures and the linkages between the global and local levels. Secondly, except for a few well-positioned CSOs, Armenian civil society has been poorly informed about UN human rights mechanisms and opportunities for CSOs. In this respect, the UN office in Armenia should have played a more proactive role but, according to the majority of respondents, never did. Below are some points which illustrate the major findings of both the desk study and interviews.

CSOs that do have experience in alternative reporting tend to have the following characteristics:

- As a rule, they are well-positioned and have some kind of network, coalition or international CSO support. Those networks include OSF Armenia, Human Rights Houses, IGLA Europe, Norwegian Human Rights Committee, FIDH and others. Those CSOs usually deal with Civic and Political Rights, issues of torture and human rights in closed institutions and much rarely with Economic, Social and Cultural rights, child rights, minority rights (except LGBT). On the contrary, organizations which could do good quality reporting on, for example, child rights such as World Vision Armenia or Save the Children are not active, at least on the national level.

relation on the review of Armenia at the United Nations Human Rights Committee, Yerevan and Geneva, 2011, available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_CSO_ARM_103_7992_E.pdf.

⁶¹ See, e.g., Partnership for Open Society, *Submission to the Committee against Torture (in advance of Armenia's review during 48th CAT session)*, April 2012.

⁶² E.g., Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Armenia: A Shadow Report, Submitted for consideration at the 105th Session of the Human Rights Committee, July 2012, Geneva, available at http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ARM/INT_CCPR_CSO_ARM_105_7997_E.pdf.

⁶³ See, e.g., Armenian Association of Women with University Education, Center for Gender Studies, *Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Republic of Armenia in 2002-2007*, Alternative Report, Yerevan, 2007.

⁶⁴ One of the few exceptions is the Conscience and Peace Tax International (CPTI) which prepared 2 reports to the HRC during the second-third reporting cycle.

- They have gone through a series of trainings, seminars, international meetings in Armenia and abroad where the importance of alternative reporting was articulated. Some networks which have ECOSOC accreditation and certain funding organized visits of Armenian CSOs to Geneva, which, according to the respondents, helped them a lot. For instance, as a part of OSF Armenia programming and support, many of them were instructed by UPR-Info.
- At the same time, these CSOs do not necessarily have the internal capacities for independent report-making if international networks and/or organizations stop their technical, organizational, and sometimes financial, support.
- They tend to prepare reports in coalitions, both large network-based and by groups of 2-4 organizations. Coalition-based alternative reporting has proved to be more sustainable and of better reporting quality.
- These CSOs mostly report on the most topical issues in the country context and/or on the issues of the utmost concern (namely, serious and continuous violations of particular human rights and/or of particular social groups). Moreover, the CSOs usually prepare comprehensive submissions based on the separation of responsibilities by organizations according to their area of expertise. CSOs also tend to use policy arguments based on the current political situation and atmosphere in the country in order to strengthen their reports and to attract attention to particular problems.
- However, the majority of Armenian CSOs, even those who submit reports, still lack any sustainable and modern mechanisms for data collection, archiving and report generation. Many CSOs definitely lack the staff capacity and internal procedures which focus on constant monitoring of the situation in their respective areas.
- CSOs prefer to submit alternative reports to more ‘popular’ and well-known human rights procedures with more publicity and positive implementation history, namely the UPR, HRC and CAT. This tendency might also be explained by the priorities of international organizations, international networks and some donors.
- CSOs based outside of Armenia are usually focused on their own agenda while preparing alternative reports at the expense of focusing on the issues of primary importance both to Armenia and to the working group in question. At the same time, unlike local CSOs, international organizations in almost all cases have a very institutionalized reporting practice and the capacity to continuously work with UN treaty bodies and the UPR in the form of alternative reporting.

CSOs that do not produce alternative reports to UN human rights mechanisms tend to have the following characteristics:

- Reporting to UN human rights mechanisms is not prioritized or even included in their strategies and action plans. It does not fit into their organizational policies, practices, culture

and thinking. This is especially true for think-tanks and branches of international development organizations.

- Reporting to UN human rights mechanisms or other international bodies is not considered important, essential or beneficial to the organization and helpful for reaching their goals. There are few clear arguments for non-reporting articulated by the respondents. Firstly, the reporting to UN bodies does not provide ‘quick’ results but may undermine organizations’ relationships and cooperation with governmental stakeholders. Secondly, as some organizations mentioned, there are effective mechanisms of advocacy on a national level, and no need for international resonance. And finally, international mechanisms are always political ones and a harsh criticism of human rights situation in the country might harm the Republic of Armenia.
- Deep ‘*projectization*’ of activities and project-based organizational structures are important obstacles for an overwhelming majority of organizations. Reporting to UN human rights mechanisms as well as the production of other papers on a regular basis requires human capacities and financial resources. However, since many organizations work on a project basis and projects, as a rule, do not include/cover such activities and expenses, the organizations are simply not able to allocate staff time for such activities. There are very few CSOs in Armenia which have ‘core funding’ for their activities and can allocate those funds for daily work.
- Being off the radar and/or interest of international networks, organizations and support groups, many CSOs—especially those which do not deal with civil and political rights—do not receive essential information, skills and funding to produce alternative reports and for their involvement in international advocacy efforts.
- Thematic constraints were mentioned by a few leading Armenian organizations among the reasons for non-reporting to UN human rights mechanisms. Those include, for example, issues of media freedom and the fight against corruption. Some organizations stated that they work closely and produce reports on a regular basis with other UN bodies and/or international structures such as the OSCE and Council of Europe. According to them, the UN human rights mechanisms are not as specific as other professional organizations. They also mentioned that, for example, issues of Armenian press freedom (financing, ownership, regulations, licensing, advertisement market, etc.) are not of essence for the UN human rights mechanisms to properly react.

Recommendations

- a. The UN Country Team in Armenia as well as other UN offices should be more engaged in capacity-building, awareness-raising and other activities, especially in the regions, among local CSOs, aiming to strengthen the alternative reporting system in Armenia and encourage more organizations to get involved in the procedure.

- b. It is crucial to provide more education and training opportunities (with particular focus on training for human rights, writing submissions, including structuring and compliance with the UPR and treaty bodies regulations, and data collection and storage) for CSOs in order to create a sustainable alternative reporting system in Armenia. Moreover, educational visits of Armenian CSOs to Geneva were regarded as good practice by the majority of CSOs and it is recommended to continue conducting such visits in the future.
- c. Networking of Armenian organizations with international CSOs should be highly encouraged, especially in the form of creating coalitions and providing institutional and other support to local CSOs. Namely, it is also recommended to organize study and exchange visits to international CSOs with extensive alternative reporting experience and expertise in human rights.
- d. The established circle of CSOs involved in alternative reporting should be enlarged and should include other organizations, especially those which are not in the Open Society Foundation or Human Rights House networks and deal with child rights, minority rights, social and cultural rights (more action-oriented CSOs often primarily involved in the field work).
- e. It is necessary to encourage organizations based not only in Yerevan, but also in the regions to be more involved in alternative reporting (especially to join both already existing and new CSO coalitions), since regional CSOs usually have a more accurate picture of the human rights situation in the field and possess the more reliable data necessary to submit high-quality shadow reports.
- f. It is necessary to encourage the submission of follow-up shadow reports alongside pre-session and session reports since the implementation of recommendations made by the UPR and UN treaty bodies is seriously overlooked at the moment.
- g. In order to ensure high-quality and sustainable shadow reporting, CSOs should have internal regulations stipulating the reporting procedure within the organization, including the steps to be taken, appointment of persons in charge and timing. Besides, alternative reporting activities should be preferably included into annual and other action plans of CSOs.
- h. The sustainability of CSOs coalitions can be, *inter alia*, ensured by drafting framework agreements between members of particular coalitions, organizing regular meetings, workshops, or roundtables and by having another kind of forum (e.g., civil society networking) where organizations can gather together in order to discuss pressing issues, organizational questions and raise awareness among other CSOs.