



ALTERNATIVE REPORT TO UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS ON THE REALIZATION OF THE RIGHT TO ADEQUATE HOUSING BY CITIZENS LEFT HOMELESS AS A RESULT OF THE EARTHQUAKE IN ARMENIA IN 1988

CONTENTS

A) Author of the Submission..... 1
B) Introduction..... 2
C) The inconsistency of the State policy targeting the citizens left homeless as a result of the earthquake in 1988 with the requirements of Article 11.1 of the Covenant 2
D) Conclusions..... 9
E) Recommendations 10

A) Author of the Submission

1. The following report is prepared by the Human Rights Research Center (HRRC). Human Rights Center is a non-governmental organization that conducts comprehensive, sectoral and evidence-based research in the field of human rights in Armenia. The research aims to raise awareness of human rights protection issues in the country and influence public policy to adopt a rights-based approach, in this case in the area of housing rights.

Contacts of the author: e-mail: rightsresearch.armenia@gmail.com,
website: <https://www.rightsresearch.net/>

B) Introduction

2. We present an Alternative report before the 74th session of the UN Committee on Economic, Social and Cultural Rights (hereinafter referred to as the “Committee”), within the framework of which the Fourth periodic report of the Government of Armenia¹ (hereinafter referred to as GoA) will be considered (October 3 and 4, 2023).
3. With this report, we express our concerns regarding the protection of the right to adequate housing of the citizens who became homeless as a result of the 1988 earthquake in Armenia (hereinafter referred to as the “target group”), which contradicts to the commitments undertaken by Armenia under the UN Covenant on "Economic, Social and Cultural Rights" (hereinafter the “Covenant”). The report particularly focuses on the Shirak region (Marz) of Armenia. The report focuses on the state commitments under Articles 2 and 11.1 of the Covenant, which are interpreted in the Committee's General Comments No. 3², No. 4³ and No. 7⁴ (hereinafter referred to as the GCs).
4. The data presented in this report show that the current policy presented by the State contradicts the obligation of the State to ensure adequate housing conditions for the target group (Committee GC No. 4) and to refrain from subjecting the latter to forced evictions without provision of the type of protection required to ensure respect for the relevant provisions of the Covenant (Committee GC No. 7). The study of the currently proposed State policy in this regard indicates that the planned activities will be carried out in violation of Armenia’s obligations under the Articles 2.1 and 11.1 of the Covenant.
5. Since the observation of the second and third periodical reports of Armenia (2014), a regress in terms of domestic legal guarantees for the protection of the right to adequate housing conditions has been recorded, since as a result of the Constitutional amendments of 2015, the constitutional provisions guaranteeing for the protection of the right to an adequate standard of living, including the right to adequate housing were removed from the Constitution, which contradicts the obligations of the State under Article 2.1 of the Covenant⁵.

C) The inconsistency of the State policy targeting the citizens left homeless as a result of the earthquake in 1988 with the requirements of Article 11.1 of the Covenant

6. In its Fourth periodic report submitted to the Committee in 2020, the State presented general overview, along with statistics on the solution of the housing problems in Armenia which (paras 13-15). The State report, however, does not fully reflect the real picture of

¹ Available at the following link:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovL.CuW0fp9m5PoYHYLH3qkguQgxza0pentvpv9c8VEjAo3KztZypdKnFFZpSH43Hdy8c5kq7Umnhgkk6pgB62qpiv0WNrSmOGiFyrQFDAP9Fo9PsZ>

² Available at the following link: <https://www.refworld.org/pdfid/4538838e10.pdf>

³ Available at the following link: <https://www.refworld.org/pdfid/47a7079a1.pdf>

⁴ Available at the following link: <https://www.refworld.org/docid/47a70799d.html>

⁵ The violation of the state's obligations stipulated by Article 2.1 of the Covenant caused by this setback is presented in detail within the framework of the joint report: “The State of Economic, Social and Cultural Rights in Armenia: A Joint Civil Society Report on Economic, Social and Cultural Rights” submitted by the Eurasia Partnership Foundation on 25.08.2023: The issue is also presented in the framework of the research carried out by HRRC in 2020: “Review and improvement of the guarantees of human rights and freedoms enshrined in the Constitution of the Republic of Armenia”, see: https://www.rightsresearch.net/files/ugd/f1a9eb_be91ea375c7948e190d80df59d1a5cdc.pdf

the housing issues in the disaster zone after to the earthquake, including the number and needs of the families facing the issue (paras 170-177).

7. There are no effective mechanisms for comprehensive evaluation of the needs of citizens in the settlements of the disaster zone as a result of the 1988 earthquake in Armenia.⁶
8. 35 years after the earthquake, there has been no comprehensive solution to the problem of homelessness. For decades, people displaced by the earthquake have lived in temporary constructions (the so called “Tnaks”), or in inadequate housing conditions (for example, in dormitory buildings in a state of emergency), the realization of a number of their rights, including the right to an adequate standard of living, healthcare, education, employment and other rights, was not ensured. Existing data evidences that in Shirak region (Marz) people living in temporary shelters to date experience extreme poverty⁷. A vivid example of the case of the State’s failure to implement its obligations towards the persons who became victims of the earthquake and its prolonged infringement on these persons’ right to an adequate standard of living and adequate housing conditions is the case of “Paros” Condominium⁸.
9. Disaggregated statistics have not been carried out in Armenia until now, which would have provided an opportunity to identify the problems of addressing the needs and rights of different groups of citizens (women, children, the elderly, persons with disabilities, etc.) left homeless as a result of the earthquake in 1988.
10. The absence of statistics did not enable the State to assess the effectiveness of the activities carried out, as well as to adequately reflect the actual status of the implementation of Article 11.1 of the Covenant, in course of certain periods.
11. People left homeless as a result of the earthquake are currently not reflected in official statistics.
12. Up to day Armenia lacks a standalone comprehensive document setting out a national housing policy, which the CESCR considers a key element for the realization of the right to adequate housing (GC No. 4).
13. In the Fourth periodic report of the State, the Committee is presented with the data on budget allocations and measures taken to solve the housing issues of people left homeless as a result of the earthquake up until 2019 (paras 172-177).

⁶ The issue has been addressed by the reports of RA Human Rights Defender in different years.

See, for instance, the Annual report of the RA Human Rights Defender, "On the activities of the RA human rights defender, the state of protection of human rights and freedoms in 2021", pages 183-186 at

<https://www.ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>; Annual report of the RA Human Rights Defender, "On the activities of the RA human rights defender, the state of protection of human rights and freedoms in 2020", pages 200-202 at <https://www.ombuds.am/images/files/883f55af65e3c33553139031c7ac0ce6.pdf>

⁷ See, for instance, “The face of extreme poverty...Shirak”, Panorama.am, 31 January 2023, at <https://www.panorama.am/am/news/2023/01/31/%D4%BE%D5%A1%D5%B5%D6%80%D5%A1%D5%B0%D5%A5%D5%B2-%D5%A1%D5%B2%D6%84%D5%A1%D5%BF%D5%B8%D6%82%D5%A9%D5%B5%D5%B8%D6%82%D5%B6/2788487?fbclid=IwAR2W9MTFv1DWfCbR6hwIcIn4754G9d6jnPa78qDNE3vSDGkWxSCFb6kado>; “Who do we need the State if not for helping people to overcome extreme poverty”, MediaLab.am, 22 October 2022, at <https://medialab.am/240625/>; “ “Shirak Kentron” provides first aid assistance to the family living in extreme poverty”, 24 October 2022, at <https://www.azatutyun.am/a/32098474.html>

⁸ The details of this case were studied and published by HRRC in 2019, see pages 18-19 at

https://epfarmeria.am/sites/default/files/Document/Realization_of_the_right_to_adequate_housing_in_Armenia_Gyumri_en_g.pdf

14. 2019 study carried out by HRRC⁹, as well as the reports of the Human Rights Defender (HRD) of different years¹⁰ show that the legal framework regulating the provision of housing compensation to the people displaced as a result of the earthquake contained many gaps, did not provide for the target group the proper realization of the right to an adequate standard of living, including adequate housing conditions.
15. In the absence of a complex solution to the problem, many citizens who received housing compensation were forced to sell the apartments provided by the state, due to the need to solve health and other vital problems, as a result, they ended up returning to the “Tnak”¹¹ and were no longer able to obtain state housing assistance.
16. Programs, aimed at provision of housing by the State were performed without any assessment of the conditions of the allocated houses or collection of feedback from the citizens. Studies show that some families did not move into their newly allocated housing, since the latter lacked basic conditions and were delivered in non-operational conditions.¹²
17. The state did not subject the implemented programs to proper monitoring, no mechanism of public accountability operated regarding the results of the programs, the programs were not formed through consultations with the beneficiaries, based on the efficiency and needs assessment, which would allow to take into account the special housing needs of the beneficiaries, health and other social characteristics¹³, which, according to the GC No. 4, is an important component of the right to have adequate housing.
18. Thus, until 2019, the housing programs implemented by the State for the citizens of the disaster zone settlements and the respective solutions to the housing issue of the target group contradicted the requirements of Article 11.1 of the Covenant.
19. In the scope of the List of Issues in relation to Armenia's Fourth periodic report¹⁴, the Committee requested the State to report on the level of homelessness and measures aimed at reducing homelessness (para 11).
20. The following data and analysis prove that the current state policies and measures aimed at solving housing issues in the disaster area are not aimed at eliminating or preventing the problem of homelessness.
21. Armenia's reply to the List of Issues¹⁵ does not refer to actions or guarantees intended to reduce or prevent homelessness as a result of the resettlement that is planned to be conducted in disaster zone settlements (which represents the current State policy in this regard). Instead, the documents presented in the report, which, according to Armenia's

⁹ See the study at

https://epfarmeria.am/sites/default/files/Document/Realization_of_the_right_to_adequate_housing_in_Armenia_Gyumri_en_g.pdf

¹⁰ See, the Annual report of the RA human rights defender, "On the activities of the RA human rights defender, the state of protection of human rights and freedoms in 2021", pages 183-186 at <https://www.ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>; the Yearly Report of Human Rights Defender for 2020, pages 200-202 at <https://www.ombuds.am/images/files/883f55af65e3c33553139031c7ac0ce6.pdf>

¹¹ See, “The earthquake divided Gyumri into two cities”, Hetq.am, 23 March 2019, at <https://hetq.am/hy/article/102091>

¹² See page 15 at

https://epfarmeria.am/sites/default/files/Document/Realization_of_the_right_to_adequate_housing_in_Armenia_Gyumri_en_g.pdf

¹³ See *ibid* p. 12

¹⁴ Available at the following link:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW0fp9m5PoYHYLH3qkguQgxwg95LxdDWFfmXyXtazyoZG%2F9tpxWK6w2CEV%2BQ72funb%2BOBCFfmDORCKTKIIXlwh1VOdsjmbUF1cDrT58%2Bi2SIq>

¹⁵ Available at the following link:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW0fp9m5PoYHYLH3qkguQgxy26Fs6Hli0%2FIwls9NH6gfz6Akpq5Lpuy08jl5BOG4NdVca5vE1Y4tLVQnf6B0harnyDoMapPOJj5GNfJAaF8U%2F>

reply, should ensure the complex expansion of the capabilities and opportunities for the socially disadvantaged and vulnerable population, including addressing of their housing and other needs (see under the reply to para 19), are in the draft stage and are not publicly available.

22. By the Decision of the Prime Minister dated December 20, 2018¹⁶, a Working Group was established, which was tasked with collecting information on the distribution, ownership, condition of temporary shelters installed or built in the disaster zone after the earthquake, the number of families living in them, information on the reasons for being in such conditions. Based on the information collected, the Working group should simultaneously develop recommendations regarding the process of resettlement of families living in non-primary constructions, improving housing conditions, and assess the extent of the State's obligations in that process.
23. The State, however, did not make public the results of the study undertaken by the Working group, particularly regarding the distribution, ownership, condition of the temporary shelters installed or built in the disaster zone after the earthquake, the number of families living in them, as well as data and research on the reasons for being in such conditions to date.
24. The Government action plan for 2021-2026¹⁷ envisioned implementation of the recommendations of the Working Group and the creation of legal bases for the regulation of the issue. Decision No. 1601-N of the Government of the Republic of Armenia dated October 13, 2022¹⁸, appears as a key legal act, and establishes the process for resettlement of families residing in non-primary constructions in disaster zone.
25. Decision No. 1601-N of the Government of the Republic of Armenia approves the procedure for releasing state and community-owned lands in the disaster zone from non-primary constructions installed or built after the earthquake.¹⁹ When releasing the lands from non-primary constructions the citizens owning or using non-primary shelters of the area are notified in writing by the Chief of the Community head to vacate and demolish (dismantle) them, and in the case of certain constructions, also about the conditions and terms of their legalization.²⁰
26. The policy of resettlement, adopted by the State in relation to the solution of the housing problem in the disaster zone, will not lead to the elimination or prevention of homelessness, since the principle of vacating temporary constructions is established as the basis of the Government Decision 1601-N and not the solutions required for ensuring adequate housing for the people living in those constructions. This serious concern is also evidenced by the expert opinions collected within the framework of this report²¹.

¹⁶ See, the Decision N 1658-A of the Prime Minister of the Republic of Armenia of December 20, 2018 at <https://www.irtek.am/views/act.aspx?aid=97728>

¹⁷ See, RA Government decision N 1902-L of November 18, 2021 at https://www.arlis.am/Annexes/6/2021_N1902hav.1.pdf

¹⁸ See, the RA Government decision No. 1601-N of October 13, 2022 at <https://www.arlis.am/DocumentView.aspx?DocID=169446>

¹⁹ The provisions of the Decision apply to all non-basic buildings and basic buildings numerated as non-basic buildings (except for non-basic buildings installed on the basis of permission granted through legal procedures) installed or built on state and community-owned land plots in the disaster zone after the earthquake in 1988, regardless of the purpose of their use (residence, trade, domestic and other purposes) and affiliation. The construction materials and garbage generated as a result of the dismantling of the non-basic building, after the dismantling of the non-basic building, the obligation to remove them from the area and transfer them to the landfill was imposed on the persons occupying the non-primary building.

²⁰ The stone structures numerated as non-primary structures, in case of meeting the requirements of urban planning documents, are subject to legalization and state registration of property rights in accordance with the RA legislation.

²¹ In order to collect the necessary data, Human Rights Research Center conducted a visit to Gyumri on July 20, 2023, during which meetings were held with local non-governmental organizations dealing with the protection of the rights of people left

27. Government Decision No. 1601-N stipulates those cases of disagreement regarding the terms and conditions of the release, demolition (dismantling) of non-primary constructions, as well as the legalization of certain buildings, are resolved by RA Government decision No. 797-N²² which regulates instances of prevention or elimination of the invasion. Hence, the fact that these persons live in temporary constructions is considered as an invasion and removal of the illegal invasion will be carried out, which, *de facto*, is a forced eviction. The provisions of Decision 797-N are problematic: the Police actions carried out within their framework contain problems of proportionality of actions, cause legal disputes and invoke the need for judicial intervention.²³
28. It is unacceptable to envisage the Decision of the Government 797-N as the basis for the implementation of evictions for the purposes of resettlement process provided by the decision 1601-N since it does not ensure the provision of adequate legal remedies or procedures as a requirement of the Committee's GC No 7. ²⁴As recorded by the HRD, the circumstances prescribed exhaustively by the decision No. 797-N, under which the Police is not authorized to perform actions aimed at preventing or eliminating the invasion, do not ensure the legitimacy of the practice of evictions. At the same time, protection measures against the Police actions are court decisions, the *post factum* existence of which is of no use for people in restoring their rights in practice. Decision No. 797-N *per se* does not define the relevant legal mechanisms for restore of the situation prior to the Police actions. Hence, it can be concluded that in the cases of evictions for the purpose of releasing the residential lands on the disaster zone from non-primary construction, citizens in practice will not have chances to take actions to restore of the situation prior to the Police, even if the demolition in question is assessed as illegal by the decision of the court.
29. General Comment No. 7 establishes, that before carrying out any evictions, and especially those involving large groups, (as in the case of disaster zone settlements) the States should ensure that all the possible alternatives are explored in consultation with the affected persons in order to avoid or at least minimize the need for the use of force. Government's Decision No. 1601-N does not envisage for such consultations which would be aimed at providing effective alternatives to forced eviction.
30. Furthermore, Government's Decision No. 1601-N does not envisage compensation mechanisms for any legal expenses incurred by the evicted party for the purpose of resettlement, which is a requirement of the Committee.²⁵
31. The State also did not make any efforts to establish the right to receive adequate compensation for any damaged movable property within the framework of the regulations of the Decision No. 1601-N, which is a requirement defined by GC No. 7. On the contrary, referring to the provisions of the Decision No. 797-N, it excluded the possibility of providing any such compensation.

homeless as a result of the earthquake, namely, with the representatives of the A.D. Sakharov Human Rights Protection NGO and the Shirak Center NGO, as well as with the representatives of the Shirak regional division of the Office of the Human Rights Defender.

²² See, RA Government Decision No. 797-N of May 10, 2007 at <https://www.arlis.am/DocumentView.aspx?DocID=149403>

²³ See, Annual report of the RA human rights defender, "On the activities of the RA human rights defender, the state of protection of human rights and freedoms in 2021", p. 605-611
<https://www.ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>

²⁴ In this regard, it is also appropriate to refer to Article 2.3 of the International Covenant on Civil and Political Rights, which requires the participating states to provide "effective means of protection" for persons whose rights have been violated, and "the obligation of competent authorities to apply such measures when granted".

²⁵ See, for example. A. *Naser v. Spain* (Communication No. 127/2019; 14.03.2022),

<https://housingrightswatch.org/jurisprudence/naser-v-spain-communication-no-1272019-14032022>

32. Decision No. 1601-N is not sensitive to the specific needs of vulnerable groups still living in temporary constructions, such as women, children, persons with disabilities, youth, the elderly, and other vulnerable individuals and groups who will be disproportionately affected by resettlement. The Committee addresses the vulnerability of various groups and, in particular, of women who find themselves in the conditions of homelessness (GC No. 7). Women when they find themselves in homelessness, taking into account problems related to access to property rights, risks of violence and sexual harassment, etc.
33. In case of evictions carried out for the purpose of resettlement under the Government Decision No. 1601-N, provision of alternative housing by the state will not be provided in accordance with the requirements set by Committee. According to the GC No.7, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, is available, provided that such alternatives fulfill the criteria of adequate housing established under Committee's GC No.4²⁶.
34. Under the Government's Decision 1601-N, a differentiated approach is given to the issue of providing housing alternatives, based on the reasons for ending up in temporary constructions. The basis of this approach is the fact of having previously received a compensation in the past.
35. When defining the process, the State, however, does not address the omissions of the previous stages, its own obligations to address the violations of the rights of citizens left homeless as a result of the 1988 earthquake, the previous risks, as a result of which many of the persons in question still live in temporary constructions²⁷.
36. For years, the State has failed to provide adequate housing for people left homeless as a result of 1988 the earthquake. The compensation, previously provided by the State, did not fully serve its purpose, was not specific to the needs and vulnerabilities of the target group, failed to create a cooperative environment with the vulnerable population and did not provide an adequate response to all concerns of the target group related to housing compensations.
37. The differentiated approach adopted by the State under the Decision No. 1601-N fails to meet the proportionality criterion, since it does not differentiate the ways of the realization of the right to housing, excludes the consideration of the specific features of each case and the specific needs of the persons which are at risks of evictions, hence, it is not compatible with the requirements of Article 11.1 of the Covenant.
38. The compensation mechanisms provided by the Decision 1601-N are also problematic.
39. Thus, families having received an apartment from the state or municipality or having alienated their apartment (residential house) through the financial support provided for the purchase of an apartment, are provided with support for renting a residential space for a period of 1 year, and the non-primary building is demolished (dismantled) within one

²⁶ See *I.D.G v. Spain*. (Communication No. 2/2014, 17.06.2015), <https://www.housingrightswatch.org/jurisprudence/idg-v-spain-communication-no-22014-17062015#:~:text=The%20right%20to%20housing%20should,full%20realization%20of%20this%20right>

²⁷ For instance, the expansion of the families left homeless due to the earthquake and received housing compensation from the state years later, the lack of proper consideration of the change in the family composition within the framework of providing housing compensation, overcrowded conditions. The conditions and the offered amount of compensation were lower than the market price of the apartments, due to which the beneficiaries assumed additional credit obligations or were forced to purchase residential houses in rural communities at the price defined, or were not able to buy an apartment and were left homeless.

month after transferring the amount of the first month of rent (60 thousand AMD). In this case, people's concerns are related, for example, to the availability of free housing stock in Gyumri, insufficient rent, and risks of overcrowding²⁸. So, under the current conditions of Gyumri city housing stock, families will not be able to obtain apartments.

40. Decision 1601-N also does not define mechanisms to support the use of financial resources provided to families as a result of resettlement to purchase an apartment (residential house) (such as credit privileges within the framework of improving housing security, opportunities to be included in mortgage programs, etc.), which places a special burden on people belonging to vulnerable groups to find alternative housing in their urban environment.
41. Studies show that single elderly people will also be at risk of forced eviction as a result of the demolition of temporary structures. A sudden change in housing conditions can disrupt their lifestyle, therefore, alternative housing should not disconnect them from the existing social network, as expressed by the Committee²⁹.
42. The basis of the next mechanism of compensation is the issuance of the certificate of purchase of the apartment. In this case, the families benefiting from the CPA are concerned about the impossibility of acquiring real estate, the mismatch between the demand and supply of the housing fund and being forced to buy an apartment far from their permanent place of residence.
43. The issuance of a certificate of purchase of an apartment (CPA) is another mechanism of compensation under Government Decision No. 1601-N. The amount of support provided to the families as CPA beneficiaries has not yet been determined. It will be compiled based on the data of the average market price of apartments in the given area, published by the RA Cadastre Committee in the period preceding the provision of support, based on the calculation of the area of 1 m². However, in this case, the ratio of the number of family members and the corresponding available rooms in the case of multi-member families is problematic, both from the point of view of receiving compensation or possession of property rights, as well as from the point of view of being considered a family member.
44. The Government's Decision No. 1601-N defines the criteria for being considered a family member, which actually do not provide an opportunity to exercise the right to adequate housing, putting people at risk of homelessness again. For example, a person who owns an ownership share in another apartment cannot be considered a “family member”, despite the fact that he/she in fact does not have the opportunity to exercise the powers that make up the content of the right to property (such as, the right to possession, the privilege of use, and the power to convey those rights and privileges) and actually owns and uses the temporary construction to be demolished.
45. According to the data of the RA Urban Development Committee³⁰, out of the total number of around 7000 temporary construction, 4068 are located on state and community plots (2964 in the RA Shirak Marz, 1104 in the RA Lori Marz), of which, according to the preliminary analysis, 1089 families will be provided with support (compensation) with a differentiated approach, 1,136 non-main buildings are subject to demolition without provision of any support (compensation), 1,843 families are eligible for the social housing

²⁸ See, for instance, “A “unique” solution to the issue of homelessness. People leaving in temporary constructions in Gyumri will become homeless”, Gala TV, 13 May 2023, https://galatv.am/hy/3207822/?fbclid=IwAR3i9WU3-lbJeX0IlgMJU40lg28uRMqj98Ms4_bbZiiRhYT7vVZVU-zXo0

²⁹ See, for instance, *L. J. W. v. Belgium*. (Communication No. 61/2018) [23.11.2021], <https://abusivelending.org/jurisprudence/l-j-w-v-belgium-communication-no-612018-23112021>

³⁰ Provided in response to the official request of HRRC dated 14 June 2023.

fund, approaches to which should be clarified in 2024, according to the policy developed by the RA Ministry of Labor and Social Affairs.

46. In Gyumri, according to the data published, around 2,600 non-primary buildings have been counted in Gyumri, where the number of residents is unknown. According to reports, as a result of the demolition and resettlement of temporary structures, around 800 families will not receive any compensation³¹.
47. According to the information provided by the Urban Planning Committee³², the process of resettlement of families living in non-main buildings will be carried out during 2024-2027.
48. Apart from those living in temporary constructions, there are groups that have become homeless as a result of the earthquake, and the state does not address the settlement of this problem with the new policy adopted, particularly, with the Decision 1601-N. Accordingly, the State's policy again demonstrates a differentiated approach, within the framework of which the rights and interests of persons in a vulnerable situation are overlooked. This proves once again that the adopted State policy is aimed at getting rid of temporary constructions and restoring the urban environment of the areas, rather than addressing the issue of ensuring everyone's right to adequate housing.
49. Particularly, families that became homeless due to the earthquake continue to live on a rental basis, as well as in buildings of insufficient technical condition (with 3rd and 4th degree of damage).
50. After the earthquake, people left homeless started living not only in temporary constructions, but also on a rental basis and for various reasons, they did not manage to be included in the waiting list for the allocation of apartments to citizens in the disaster zone until 2008, as a result of which they were deprived of the right to housing³³.
51. People have been living in emergency buildings since 1989 and have not received any support or compensation from the state, no building repairs have been carried out, no needs assessment and living conditions monitoring have been carried out by competent authorities. Emergency buildings regularly collapse, public services are not available, they are not even guaranteed, infrastructure is completely lacking, there are buildings that are completely abandoned. The level of humidity in people's apartments is so high that any repair is senseless and useless. Instead of the continuous improvement of living conditions, there was a continuous deterioration of the quality of life and well-being of family members, especially children.

D) Conclusions

52. The analysis conducted reveals that, up until 2019, the housing programs implemented by the State for the citizens in the disaster zone and the solutions to the housing problem for these individuals were in contradiction with the requirements of Article 11.1 of the Covenant.

³¹ Available at the following link:

<https://www.azatutyun.am/a/32339004.html?fbclid=IwAR2E0P441SjNg7bi0vTNOKwUzBzjLo3MnJITEEVIMSikPoQMw5FARPyDuxE>

³² Provided in response to the official request of HRRC dated 14 June 2023.

³³ See, the Annual report of the RA human rights defender, "On the activities of the RA human rights defender, the state of protection of human rights and freedoms in 2021", pages 183-186 at

<https://www.ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>

53. Over the years, the State has failed to maintain statistics on those in need of improvement of housing conditions due to the earthquake.
54. The State did not engage in meaningful dialogue with those who required housing improvements as a result of the earthquake. It did not ensure a continuous enhancement of their quality of life, in accordance with the requirements of Article 11 of the Covenant.
55. The housing provision process proved ineffective, leading to the ongoing reproduction of homelessness. Years of inappropriate and ineffective policies deepened the vulnerability of homeless individuals following the earthquake, resulting in violations of several other socio-economic rights and the marginalization of this vulnerable group.
56. In terms of internal guarantees for the protection of the right to adequate housing conditions, there has been a setback. This occurred because, as a consequence of Constitutional amendments in 2015, the constitutional regulations aimed at protecting the right to adequate living and housing conditions were removed.
57. The current policy designed to address housing issues in the disaster zone is not centered around the needs of the people. It has not been formulated through genuine consultation with individuals who require housing improvements, nor has it involved a thorough assessment of their needs. Furthermore, it does not aim to eradicate or prevent homelessness, nor does it address the special risks faced by individuals with disabilities, women, the elderly, children, etc. Compliance with the standards set by the Committee's GC 4, 7, as well as the Committee's precedent decisions, is not ensured, thus violating Armenia's treaty obligations.
58. Government Decision No. 1601 was founded upon the principle of eliminating temporary construction, which included forced evictions, rather than focusing on solutions geared towards alleviating homelessness and establishing adequate housing conditions for individuals residing in these constructions.
59. The provisions delineating the process of forced evictions and the subsequent resettlement, as stipulated in Government Decision 1601-N, do not align with Armenia's obligations under the Covenant. Within this framework, compliance with the requirements outlined by Committee 7 and precedent decisions is not ensured. Notably, the special needs of vulnerable groups are not taken into consideration, and an effective mechanism for compensating damages, including legal costs and harm to personal property, is not defined.
60. An examination of housing alternatives and the planned compensation mechanisms within the context of resettlement, as outlined in Government Decision 1601-N, reveals that they do not meet the standards established by Committee GC No. 4, GC No. 7, and precedent decisions. Consequently, they will not fulfill the right to adequate housing conditions.
61. The State has yet to address the issue of individuals left homeless due to the earthquake or those living in rented accommodations and within buildings and structures in emergency conditions. Up until now, the State has not defined the format of its support and/or the resettlement procedures in such cases.

E) Recommendations

Based on the issues addressed in this submission, we urge the Committee to recommend the following to Armenia.

Recommendation 1: Ensure the legal framework for the realization of the right to an adequate standard of living and suitable housing conditions, as defined by Article 11.1 of the Covenant, including constitutional guarantees.

Recommendation 2: Compile segregated statistics that reflect the issue of homelessness. This data should provide an accurate representation of the progress in securing the right to housing, especially among individuals still residing in temporary constructions due to the earthquake and lacking adequate housing.

Recommendation 3: Develop a document that outlines the national housing policy. This document should be rights-based, establish the State's strategy, and formulate an action plan for ensuring adequate housing conditions. It should be created in accordance with the principle of participation, ensuring consultations with the most vulnerable groups, including homeless persons, persons at the risk of homelessness and their families.

Recommendation 4: Pending development and adopting the State's housing policy and strategic program, provide interim solutions for the homelessness issue in the disaster zone. Address the problem of extreme poverty among the affected individuals by offering housing rental assistance to homeless people, along with material and non-material support to meet their basic social needs and ensure an adequate standard of living.

Recommendation 5: State's housing policy and strategic plan shall, inter alia, ensure the elimination and prevention of homelessness in the disaster zone, adhering to the timelines of addressing the housing problem in the disaster zone currently established by the State (2024-2027), and progressively realizing Armenia's obligations under the Covenant.

Recommendation 6: Review the current State policy aimed at addressing the housing problem in the disaster zone, ensuring its alignment with Armenia's obligations under Article 11.1 of the Covenant. This should include:

- Publicizing the findings of the study conducted by the Working Group established by the Prime Minister's decision N 1658-A of December 20, 2018. This should encompass revealing data on the number of individuals residing in temporary constructions installed or built in the disaster zone following the earthquake. Additionally, it should detail family compositions, vulnerabilities, and their needs.
- Revisiting the process of vacating state and community-owned lands in the disaster zone settlements from non-primary constructions established or built after the earthquake. This includes a reevaluation of Government Decision No. 1601-N, which shall, upon the revision, be founded on the principle of preventing homelessness and establishing adequate housing conditions for individuals residing in these constructions, rather than vacating temporary constructions for the purposes of the improvement of urban environment (as currently defined by Government Decision No. 1601).
- Sensitizing the revised policy to the specific needs of vulnerable groups, such as women, children, persons with disabilities, youth, the elderly, and other marginalized individuals. This is crucial as these groups are disproportionately affected by the risks of homelessness and face risks such as discrimination, violence, sexual exploitation, etc.

- Ensuring strict adherence to the proportionality criterion, which entails guaranteeing the realization of the right to adequate housing, while considering the specific circumstances of each case when persons are still leaving in the temporary constructions. Consequently, there should be a review of the requirements imposed on family members who own property or an ownership share in another apartment (which precludes them from receiving state support/compensation in the process of resettlement), taking into account the actual possibilities for the individuals to realize their property rights and the actual impact of realizing of property rights on their life conditions
- For individuals who have already received housing compensation in different years (in the form of certificates for the purchase of apartments and social housing), conduct assessments of their housing conditions and ensure that these conditions meet the standards established by the Committee's GC No 4.
- Initiate effective communication with individuals who have been excluded from state support to investigate their potential family needs. Based on the results of these assessments, provide alternative and appropriate mechanisms to prevent or alleviate the risk of homelessness for these individuals. Subsequently, establish effective mechanisms for resettlement and housing condition improvement that align with the requirements defined by Committee GC 4.
- Resulting from the support provided, establish mechanisms to facilitate the utilization of financial resources offered to families. This may include benefits such as credit privileges within the framework of enhancing housing security or opportunities to participate in mortgage programs, among others.
- Establish a monitoring mechanism for the process of addressing of housing problem in the disaster zone, evaluate program outcomes, and present the results of implemented programs.
- In the event that forced evictions become necessary during the resettlement process in the disaster zone, ensure strict compliance with the criteria outlined in Committee's GC No. 7 and precedent decisions. These evictions must also be backed by appropriate alternative solutions. In cases of eviction, guarantee adherence to the anti-discrimination provisions of Articles 2.2 and 3 of the Covenant by implementing additional measures to prevent any form of discrimination. If evictions are unavoidable, ensure that protective measures aligned with the standards set by Committee's EC No. 7 and precedent decisions are availed to the evicted persons.

Recommendation 7: Address the issue of adequate housing of the individuals left out from the scope of Government Decision No. 1601-N, namely, the individuals left homeless due to the earthquake and living in rented accommodations or within buildings and structures in emergency conditions. Ensure that the State policy does not discriminate against these groups.