**GENERAL INFORMATION ON THE OTHER MEASURES AND DEVELOPMENTS RELATING TO THE IMPLEMENTATION OF THE CONVENTION**

**NATIONAL HUMAN RIGHTS PROTECTION STRATEGY AND CONSEQUENT 2020-2022 ACTION PLAN**

In December 2019, the Government of Armenia adopted the New National Human Rights Protection Strategy and consequent 2020-2022 Action Plan.

The development of the New National Human Rights Protection Strategy and consequent 2020-2022 Action Plan (hereinafter “Strategic Documents”) has been necessitated also by recent dramatic changes in social and legal life of the Republic of Armenia, including amendments to the Constitution in 2015, gravity of taking urgent actions under international commitments and, finally, priorities generated by velvet, non-violent, popular revolution in the country in 2018. Taking into account the requirements of Chapters 1-3 of the Constitution of the Republic of Armenia and priorities set forth in the Government Program, it is objectively imperative for the Government of Armenia to develop Strategy Documents guiding the human rights protection policy, with clearly defined activities for its implementation. Moreover, the Government undertakes to develop the Strategy Documents with the involvement and active participation of the authorised bodies, civil society organisations and international partners. In this context, to keep the development of the Strategy Documents maximally inclusive and comprehensive a number of discussions, including sectoral, with participation of all the stakeholders will be organized in all stages.

The main priority areas of the protection of Human Rights, enshrined in the Strategy are as follows:

1. Protection of Civil and Political Rights
2. Protection of Social-Economic Rights
3. Ensuring Equal Rights and Equal Opportunities.

At the same time, based on the overall vision, key priority areas of the sector will be determined and described in detail with more specific objectives, goals, expected outcomes, information sources and risks defined for each priority domain. Also, monitoring, evaluation and accountability mechanisms with clear timelines, as well as a Public Communication plan all through implementation of the Strategy will be established.

One of the Strategic directions of the Strategy **is prohibition of torture**: Thus in accordance with Chapter 1.2: In consideration of issues in this field, the action plans will include various steps aimed at filling the legislative gaps, enhancing efficient institutional prevention and investigation mechanisms, necessary logistics and capacity building for responsible stakeholders. The strategy and the action plans will mostly focus on persons at risk of torture, primarily inmates. The protection activities will also target persons placed in closed and semi-closed institutions, children, persons with mental health problems, and the elderly. The 2019-2023 Strategy for Legal and Judicial Reforms of the Republic of Armenia, the 2019-2023 Strategy for Penitentiary and Probation System of the Republic of Armenia and their derivative action plans provide a number of provisions and measures that address this vital issue. In the context of the fight against torture, the role and the significance of the Human Rights Defender as the national preventive mechanism take on great importance.

***In relation to abovementioned number of activities was envisaged by 2020-2022 Action Plan deriving from the Strategy, in particular: to install video and audio recording equipment in police and military police stations of the Republic of Armenia, to procure affordable vehicles for transportation of arrested and detained persons (including persons with special needs and disabilities) in compliance with international standards, to establish legislation on applying the statute of limitations for cases of torture, to develop guidelines for interpreting and applying the terms “severe physical pain” and “mental suffering” in compliance with international standards, to equip Special cells for inmates with suicidal tendencies in correctional facilities, to put in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment, to ensure that victims of torture have effective implementation mechanisms to exercise their rights to psychological, social and legal services, to increase the number of rooms for asylum seekers, to improve the conditions of cells intended for imprisoned persons in courts in compliance with international standards, to pass legislation regulating appropriate conditions for holding imprisoned persons in court cells by accurately defining the roles of bailiffs and accompanying police detachments in this respect, to staff the Special Investigation Service with field agents, to raise awareness of the rights of persons with mental health problems, to pass legislation banning corporal punishment of a child, training was given on torture, inhuman or degrading treatment in accordance with international standards, including for police officers, military police officers, investigators, prosecutors, judges, mental health institution staff members and childcare institution staff members, correctional facility staff members, and medical personnel.***

For efficient implementation, ***monitoring and evaluation of the Strategy and the Action Plan*** Coordinating Council was established also with the involvement of civil society representatives. The main purpose of the Coordinating Council is to synchronize the process of implementation of the Strategy Documents, monitor and facilitate the performance of activities.

The innovative tool for the Strategy is creation of a **unified** **platform (website)** [**www.e-rights.am**](http://www.e-rights.am)**[[1]](#footnote-1)** for posting materials concerning the National Strategy and Action Plan and providing an opportunity of participation in public discussions . The unified platform serves as an effective tool for accountability and transparency of the Strategy and deriving Action Plan.

**STRATEGY OF THE PENITENTIARY AND PROBATION FIELD OF THE REPUBLIC OF ARMENIA AND DERIVING ACTION PLAN 2019-2023 FOR IMPLEMENTATION**

In November 2019 the 2019-2023 Strategy of the Penitentiary and Probation field of the Republic of Armenia and the 2019-2023 Plan of Actions for implementation was adopted. The strategic papers are aimed at the establishment of a penitentiary and probation system compliant with international standards.

***Directions of the Strategy are as follows:***

1. Improvement of the RA legislation regulating the penitentiary and probation field,

2. Revision of a number of legal acts within the framework of improvement of the core laws,

3. Improvement of conditions for keeping incarcerated persons, optimization and modernization of the penitentiary institutions, improvement of building conditions of and technical equipping of the penitentiary institutions and Probation Service,

4. Ensuring accessible conditions for keeping persons with disabilities at the penitentiary institutions,

5. Improvement of the conditions of keeping the juveniles deprived of liberty,

6. Overcoming corruption and criminal subculture,

7. Revision of the human resource policy of the Penitentiary Service and of the status of the Probation Service,

8. Introduction of electronic management tools in the penitentiary and probation system,

9. Resocialization of convicts and probation beneficiaries,

10. Improvement of the quality of healthcare and medical assistance services.

Taking into account the problems identified in the penitentiary field, ***the main benchmarks for the reforms are considered to address:***

1) Improving the legislative framework, bringing the current legal acts into line with international legal standards;

2) Creating conditions for serving the sentence at penitentiary institutions in correspondence with international standards;

3) Modernizing the quality of medical assistance and services provided;

4) Implementing measures to ensure transparency and to reduce corruption risks; combating criminal environment

5) Refurbishing with modern engineering systems of security and protection;

6) Implementing measures to provide occupation and resocialization for persons deprived of liberty, introduce the risk and needs assessment tools; individual planning of the punishment;

7) Continuously improving professional knowledge and working skills, as well as social conditions of the penitentiary personnel;

8) Implementing reforms in the field of conditions of serving the punishment by juveniles;

9) Ensuring accessible conditions for inmates with disabilities in penitentiary institutions;

10) Increasing efficiency of the activities of the Probation Service.

***The Strategy envisages as well the*** establishment of the Coordination Council which is aimed at coordinating and monitoring implementation of the 2019-2023 Plan of Actions for implementation of the 2019-2023 Strategy of the Penitentiary and Probation field of the Republic of Armenia, and to approve the Procedure of formation and organization of the activities. The Strategy also includes regulations related to semi-annual accounts and public discussions.

***As the result of the implementation of the Strategy*** it is expected to reach efficient realization of the purposes of punishment; availability of meaningful safeguards for ensuring protection of the rights and freedoms of persons kept at the penitentiary institutions; continuous implementation of comprehensive and efficient measures for resocialization; essential improvement of conditions of keeping the persons at the penitentiary institutions; presence of an effective system of management, and availability of sufficient social security guarantees for the penitentiary and probation officers.

**THE POLICE REFORM STRATEGY AND DERIVING ACTION PLAN FOR 2020-2022**

On April 2020 the Government adopted the Police reform Strategy and Deriving Action Plan. The goal of the Police reforms is to transform police into a specialized and technically sophisticated respectable system with high integrity and sustainable to modern challenges and to create an image of a new police officer characteristic of democratic rule.

To achieve this goal, the following key issues will need to be addressed:

* review and reform the system of training and continuing professional training of police officers, both in terms of content and method of preparation, according to their professional needs
* to establish an executive body with policy making and implementation function with clear accountability and civilian oversight mechanisms;
* to ensure legislative ground for the implementation of reforms;
* to increase the attractiveness of this type of public service by providing additional social guarantees for the proportionate involvement of professionals in all regions of the state and in all types of service;
* to create or develop the basis for effective cooperation with international specialized organizations and networks operating at regional and global levels, with a view to the continuous exchange of best practices, as well as the effective fight against organized crime.

**STRATEGY ON LEGAL AND JUDICIAL REFORMS AND DERIVING ACTION PLAN FOR THE PERIOD OF 2019-2023**

On 10 October 2019 the Government launched a comprehensive and far reaching Strategy and Action Plan of State and Judicial Reforms. The Strategy aimed at improving and strengthening the independence, impartiality and effectiveness of the Justice system via effective and reliable integrity and property checks for judges and prosecutors, improved social guarantees to judges and non-judge staff. In addition, a special accent was made to increase the court efficiency through improving the case administration not only in the courts but also in justice chains, as well as promoting and advancing alternative dispute resolution mechanisms.

Importantly, the introduction and extensive use of e-Justice tools and systems will reduce the backlog in court cases, decrease the court load and finally ensure affordable justice service delivery to the public.

In particular, the strategy envisages the following key reforms in judicial and legal sphere of the Republic of Armenia.

***1. Strengthening the rule of law through enforcement of the toolkit for transitional justice***

Transitional justice is the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.

The political developments in the Republic of Armenia in 2018 were the repercussions of the sense of injustice such practices had stirred among the society, and a vast mass of people having encountered with no way out, voiced out discontentment, in order to see in the future the Armenia where the human rights and freedoms are fundamental values, people find themselves protected, strong and powerful. In such conditions there are two ways: forget the past and move on, or analyze the past, collect information on violation of rights, attempt to restore, as much as possible, and the rights of victims, assess the past and carry out institutional reforms, in order to rule out the further reoccurrence of such practices in any situation.

Following the early elections of the National Assembly of the Republic of Armenia on 9 December 2018 having been assessed as truly free and fair, the situation in Armenia showed that after the political changes of 2018 Armenia has again appeared in the transitional period, though after the collapse of the USSR the country was at the stage of transition from the totalitarian administrative system to the democratic one, while at this stage the country stands at the threshold of passing from the imitated or "false" democratic administrative system to the real democracy.

Within this context, it needs to be mentioned that the guiding principle for enforcement of the transitional justice toolkit will be the compliance with the Constitution of the Republic of Armenia, the laws and the international obligations assumed by the Republic of Armenia.

***2. Conducting constitutional reforms***

The preconditions for making constitutional changes have arisen from the fact that the implementation of the constitutional changes in 2015 was guided, to certain extent, by the interests of the political power having initiated the changes concerned. Particularly, according to the report Opinion on the non-compliance of the initiated constitutional referendum with the international standards of the Transparency International Anti-corruption Center, the planned constitutional changes were naturally believed to be designed for the incumbent president’s desire to stay in power. The constitutional changes would allow him to continue his leadership role in the position of the speaker or prime-minister as well as secure the monopoly power of his political party — the Republican Party of Armenia. There were serious concerns that the members of the Specialized Commission for Constitutional Reforms adjunct to the President of the RA have been acting in the conflict of interests. In addition, the planned referendum fails to meet the international standards for referendums, set forth in Venice Commission’s Code of Good Practice on Referendums.

The main purpose of the constitutional amendments is to have a Constitution free of all kinds of subjective factors, adopted by the people without any guidance and as a result of free expression of their will.

The Commission on Constitutional Reforms should, inter alia, consider a number of conceptual issues, among which are the following: the specifics of applicability of the normative legal acts adopted by the supranational institution in case of membership to the given supranational institutions, the scope of powers vested in the bodies provided for by the Constitution, the procedure for election of the deputies of the National Assembly and formation of the parliamentary majority, as well as the number of deputies, issues concerning formation of other bodies subordinate to the Government, the Prime-Minister and the ministries and the powers thereof as provided for by the Constitution, separation and balancing of powers between the bodies provided for by the Constitution, elimination of the possible constitutional and legal deadlocks hindering the proper and normal operation of the Constitutional Court, the procedure for the election and appointment of judges of the Constitutional Court, subjecting them to disciplinary liability and termination of their powers, for formation of the Supreme Judicial Council, the role, the powers thereof, appealing against the decisions of the Supreme Judicial Council, etc.

***3. Evaluation of the integrity of judges***

Introducing an effective system of the evaluation of the integrity of judges, including with regard to the property status of judges and verification of lawfulness of property, is one of the absolute priorities of this Strategy. The principles of the mechanism for evaluation of the integrity of judges are the following:

1. integrity must not be evaluated through an ad hoc toolkit and must not be temporary. Instead, the process will be ongoing, and judges will permanently undergo such evaluation within the scope of the disciplinary proceedings for each alleged violation of the rule of conduct;
2. a new, ad hoc body will not be established to carry out evaluation of the integrity of judges; a body endowed with the constitutional mission to ensure independence of the judiciary — the Supreme Judicial Council — will be responsible for solving the issue.
3. in order to fulfill the above mentioned goals it is envisaged to improve the mechanisms of disciplinary liability of judges.

At the same time, taking into consideration the fact that the body carrying out the evaluation of the integrity of judges will be the Supreme Judicial Council, it is essentially important for both judges and the public to have high-level confidence in the members of the Council. In this context, a regulation is envisaged, that the examination of declarations of the members of the Supreme Judicial Council will be conducted parallel to the integrity evaluation of judges.

***4. Setting up an e-justice platform***

The electronic systems available in the digital era create new challenges and opportunities for the field of justice. Currently, several bodies within the field of justice have electronic systems already introduced, though; such systems fail to interact with the electronic systems of other bodies of the field of justice. Presently it is necessary to introduce a centralized electronic management system for the comprehensive solution of the problems the field of justice encounters.

The introduction of the uniform system of electronic justice is aimed at:

1. Unification of all the electronic systems and databases operating within the bodies of justice;
2. Modernization of the electronic management systems operating in the courts, introduction — based on them — and putting into operation of a uniform judicial electronic management system in the courts, that will ensure the transfer of cases from one court instance to another and between the seats of the same court instances, as well as putting into operation of party-to-party, party-to-court efficient notification system, possibly submission of evidence to the court, filing motions and carrying out other procedural actions;
3. Establishment of an electronic document circulation system between the law enforcement authorities (the Police, the Inquest and Preliminary Investigation Bodies, Prosecutor's Office), judicial and law enforcement bodies (the Compulsory Enforcement Service, Penitentiary Service, Probation Service);
4. Introduction of a system of online official correspondence by ensuring, through the system, the electronic documents circulation between all participants of the case, creation of an opportunity for natural and legal persons of contacting state bodies online, submitting applications, complaints and other documents thereto, in addition, creation of an opportunity of tracking the case status online;
5. Ensuring collection of statistical data through the system during the entire course of proceedings;
6. Ensuring establishment of digital archives.

As a result of the implementation of the above-mentioned processes, the uniform electronic system will ensure commissioning of documents circulation electronically, contribute to development of a uniform policy to commission the systems operating within the bodies in the field of justice, collection of the comprehensive statistical data, saving of time and material resources and simplification of administration.

**STRATEGY AND ACTION PLAN ON THE ANTI-CORRUPTION REFORMS FOR THE PERIOD OF 2019-2022**

After extensive country-wide inclusive discussions a comprehensive and ambitious Anti-Corruption Reform strategy and 3-years Action Plan were developed and adopted by the cabinet on October 3. The Strategy sets the architecture of national anti-corruption institutional framework enabling the preventive, investigative and punitive powers. The important issues such as mechanisms for asset recovery, strengthening of whistleblower protection, integrity and accountability of public office holders as well as importantly the anti-corruption education and awareness are conceptualized by clear and interlinked sequence of activities.

***The Strategy envisages also the following proposed tasks:***

1. transforming and developing the institutional anti-corruption system;
2. overcoming administrative corruption through identification of sectoral corruption risks and reduction thereof, introduction and continuous improvement of tools of electronic democracy;
3. creating a decent and faithful image of a public servant through introduction of relevant mechanisms for ensuring accountability, transparency and integrity;
4. simplifying and clarifying sectoral legal regulations, enhancing the role of the institute of regulatory impact assessment;
5. ensuring distinct limits of separation of business and politics, ensuring and guaranteeing freedom of economic activities and free economic competition;
6. guaranteeing the implementation of the principle of inevitability of liability for corruption-related offences, ongoing improvement of the legislation, including through establishing the list of corruption-related crimes;
7. establishing and introducing mechanisms for illegal asset forfeiture, ensuring their compliance with international standards, strengthening international cooperation;
8. instilling an attitude of denial towards corruption through public education and awareness-raising, including shaping demanding citizens by way of changing the attitude towards the institution of whistle-blowing;
9. raising the level of effectiveness of the fight against corruption through updating the outdated measures as a result of an effective monitoring mechanism.

***The respective Action plan consists of the following sections:***

1. Development of the Anti-Corruption Institutional System, which sets grounds for establishment and development of the Commission for Prevention of Corruption (CPC), the Anti-Corruption Committee, which is the law enforcement and investigative, the Anti-Corruption Court, the dedicated specialized Department at the Ministry of Justice on Anti-Corruption Policy making and monitoring, and a specialized unit within the Prosecutor General on AC cases;
2. Prevention of Corruption which targets the CPC related activities;
3. Investigation of corruption-related cases targeting the AC Committee;
4. Public Awareness and Anti-Corruption Education;
5. Monitoring, oversight and public communication to that regard.

**DETAILED INFORMATION ON THE OCCUPATION OF PERSONS DEPRIVED OF LIBERTY**

Pursuant to the Law of the Republic of Armenia "On custody of arrested and detained persons" and requirements of internal regulation, for the purpose of organising the occupation of arrested and detained persons held at arrest facilities of the system of the Police of the Republic of Armenia they are provided with stationary, books, the cells are equipped with radio, outdoor exercise for one hour is ensured. Exercise yards provide an opportunity to practice physical training.

The fundamental issue of organisation of the useful occupation of persons held in confinement at penitentiary institutions of the Ministry of Justice of the Republic of Armenia and of effective use of the free time is always in the focus of the subdivisions of penitentiary institutions carrying out social, psychological and legal activities, with regard to which relevant measures are taken constantly which will be introduced below.

Persons held in confinement at penitentiary institutions of the Ministry of Justice of the Republic of Armenia are engaged in various works, in particular for ensuring useful occupation convicts are engaged in paid and non-paid maintenance works at penitentiary institutions, work at "Support to Convicts" Foundation on contractual basis, are involved in amateur unions and convicts serving their sentence at the open correctional institution work with other employers outside the penitentiary institutions.

The complete data on working and studying convicts by years are introduced below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **N/N** | **Field of working activity** | **2017** | **2018** | **First semester of 2019** |
| 1. | Convicts engaged in the activities of "Support to Convicts" Foundation | 55 | 89 | 67 |
| 2. | Convicts engaged in maintenance works | 201 | 211 | 110 |
| 3. | Convicts engaged in non-paid works upon their consent | 238 | 203 | 113 |
| 4. | Convicts working with other employers | 76 | 60 | 11 |
| 5. | Convicts involved in amateur unions | 178 | 148 | 112 |
|  | **total** | **748** | **711** | **413** |
|  | | | | |
| **N/N** | **Field of educational activity** | **2017** | **2018** | **First semester of 2019** |
| 1. | General education | 54 | 47 | 22 |
| 2. | Professional instruction | 46 | 84 | 120 |
| 3. | higher, post-graduate education | 8 | 7 | 5 |

In penitentiary institutions relevant rooms (premises) have been furnished for convicts to practice sports. Sporting events such as volleyball, football, chess, domino, droughts, billiard, etc. are regularly organised within the institutions.

Cultural events such as concerts, theatrical performances, movie screenings, etc. are also regularly organised for detained persons and convicts in penitentiary institutions and detention facilities.

**In 2017,** the penitentiary institutions of the Ministry of Justice of the Republic of Armenia organised, in general, **153 sporting events** (1948 people participated), **21 enlightening events** (533 people participated) and **23 cultural events** (928 people participated).

**In 2018,** the penitentiary institutions of the Ministry of Justice of the Republic of Armenia organised **116 sporting events** (1400 people participated), **19 enlightening events** (390 people participated) and **17 cultural events** (899 people participated).

**In the first semester of 2019,** the penitentiary institutions of the Ministry of Justice of the Republic of Armenia organised **81 sporting events** (679 people participated), **11 enlightening events** (279 people participated) and **19 cultural events** (573 people participated).

The following have been organised in cooperation with different organisations to ensure proper conditions for development of physical training and sport, healthy lifestyle, as well as occupational, personal, cultural educational development:

1. The Ministry of Sports and Youth Affairs of the Republic of Armenia, jointly with "Abovyan" Penitentiary Institution of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia and Abovyan Municipality, initiated a sporting event comprising 7 sports with participation of women convicts — running, droughts, long jump, arm wrestling, table tennis, darts and volleyball.

2. "Komitas National Quartet" SNCO, students of "Taron" Aesthetic Centre, representatives of "Nubar", "Sasna Tsrer", "Tonica" Ensembles of "Children and Youth Centre of Artistic Upbringing and Culture" SNCO visited "Abovyan" Penitentiary Institution with a concert programme.

3. In "Abovyan" Penitentiary Institution, the "State Chamber Theatre of Yerevan" SNCO staged one-man performance "Veil of Time", "State Russian Dramatic Theatre named after K.S. Stanislavski" SNCO staged the performance "I address to you", "Hovhannes Tumanyan" SNCO showed the documentary "I am always with you, in you" about the life and activity of Hovhannes Tumanyan, Yerevan State Marionette Theatre staged the production "Swan Lake".

4. In "Abovyan" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia the "Legal Education and Rehabilitation Programmes Implementation Centre" SNCO conducted training courses on the following: 10 women convicts are included in "Computer skills and book digitisation", 7 — in "English courses", 14 — in "Decorative-Applied Arts", 5 — in "Business literacy".

Courses on "Computer skills and book digitisation", "Decorative-Applied Arts" and "English" are conducted for minor detained persons.

5. The handicraft works club (wool spinning, crochet, rug making and carpet weaving) opened through the funding provided by the U.S. Embassy, with the support of the Women's Development Resource Centre Foundation within the scope of the Programme "Establishing a Culture of Transparency, Efficiency and Rehabilitation", implemented by the "Civil Society Institute" NGO continues its activity which contribute to the development of abilities and skills of the participants.

6. The " Centre for the Implementation of Legal Education and Rehabilitation Programmes " SNCO of the Ministry of Justice of the Republic of Armenia, jointly with the division of "Armavir" Penitentiary Institution carrying out social, psychological and legal activities, has conducted courses on "Pottery and the technology of pottery firing and painting", "Contemporary applied arts", "Woodworking and artistic wood engraving", "Business skills", "Armenian language", "English language" and "Training of computer skills", wherein 79 convicts are taking part.

7. "Forte", "Sasna Tsrer" and "Nubar" music ensembles held concert events in "Kosh" Penitentiary Institution.

8. In "Vardashen" Penitentiary Institution the "History Museum of Armenia" SNCO organised movie screening of "Christian Armenia", "Yervand Kochar House-Museum" SNCO — movie screening of "Life and activity of Yervand Kochar", "Aram Khachatryan House-Museum" — screening of "Gayane".

For the purpose of satisfying the spiritual needs of detained persons and convicts, the Armenian Apostolic Church has paid visits regularly, performed baptism services, offered mass, and celebrations on holidays.

Within the framework of introduction of innovation programmes it is envisaged to discuss, jointly with "Support to convicts" Foundation, the possibilities of organising production at penitentiary institutions, as a result of which both the useful occupation (including financial) of persons held in confinement and effective re-socialisation, as well as sustainable development of the penitentiary system will be ensured.

1. <http://www.e-rights.am/?app=AppHome&page=default> [↑](#footnote-ref-1)