



## **Response**

**of the Armenian Government  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Armenia**

**from 2 to 12 December 2019**

The Armenian Government has requested the publication of this response. The CPT's report on the December 2019 visit to Armenia is set out in document CPT/Inf (2021) 10.

Strasbourg, 26 May 2021

***RESPONSE  
OF THE ARMENIAN GOVERNMENT  
TO THE REPORT OF THE EUROPEAN COMMITTEE  
FOR THE PREVENTION OF TORTURE AND INHUMAN  
OR DEGRADING TREATMENT OR PUNISHMENT (CPT) ON ITS VISIT TO  
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***16 April 2021, Yerevan***

## **INTRODUCTION**

In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Armenia from 2 to 12 December 2019. The visit formed part of the Committee’s programme of periodic visits for 2019 and was the CPT’s fifth periodic visit to Armenia. The visit was carried out by the following members of the Committee: Marzena Ksel, Head of delegation; Alexander Minchev, Costakis Paraskeva, Răzvan Horațiu Radu, Tinatin Uplisashvili, Marika Väli. They were supported by Borys Wódz and Dalia Žukauskienė of the CPT’s Secretariat.

The CPT submitted its preliminary observations to Armenia on 20 December 2019 and the authorities of the Republic of Armenia presented the remarks on the preliminary observations on 20 February 2020. The information shared with the CPT was incorporated in the final report of the Committee (hereinafter referred to as “Report”), which was submitted to the Armenian authorities on 24 July 2020.

The CPT requested that the Armenian authorities confirm within two months that the recommendation in Paragraph 82 of the Report has been implemented. On 29 September 2020 the Government of Armenia provided the relevant information with regard to the implementation of this recommendation. The CPT requested to provide the information on the implementation of other recommendations within 6 months.

The present document is the submission of the detailed response to the Report and includes implementation progress of the Committee’s recommendations. The Armenian authorities assure that special attention is paid to all the recommendations and comments submitted. The Armenian-translated version of the CPT report was distributed among all the parties concerned to ensure wider dissemination and smooth implementation thereof.

The response of the Armenian authorities was prepared by the Ministry of Justice of the Republic of Armenia and is comprised of information provided by respective agencies (Ministry of Justice, Ministry of Healthcare, Ministry of Labour and Social Affairs, Special Investigative Service, Investigative Committee, Police, General Prosecutor’s office).

The Government of Armenia reiterates its commitment and readiness for the fullest cooperation with the CPT and reassures that all relevant measures are being undertaken to ensure the full implementation of the CPT recommendations.

➤ **With reference to paragraph 8 of the Report**

1. In accordance with Article 28 point 4 (6) the Human Rights Defender as the National Preventive Mechanism shall be entitled to visit in a confidential and unimpeded manner, persons of his or her choice held in places of deprivation of liberty, as well as have conversations in private with them, the staff members of the corresponding institutions or any other person in the place in question, where necessary engage an interpreter, use technical means. Among others, the places of deprivation include any other place, where upon the decision, order or instruction of a state or local self- government body or official, with the consent or permission thereof, a person has been deprived or may be deprived of liberty, as well as any such place which a person may not freely leave without the decision or permission of the court, administrative or other body or official. It has to be underlined that the Government of Armenia has ensured all the necessary measures for the effective implementation of NPM activities. No complaints were received on hindering the activities of the NPM.

➤ **With reference to paragraph 9 of the Report**

2. The long-awaited draft legislation: the new Criminal Code passed first reading in December 2020 and the Criminal Procedure Code passed the first reading in February 2021 by the National Assembly. It is expected to adopt them in upcoming months. It should be mentioned that Article 85 of the new draft CC<sup>1</sup> (hereinafter in this paragraph referred to as “the Draft Code”) envisages that no statute of limitations shall apply to persons having committed crimes against the peace and security of mankind as envisaged by Articles 137-153 of the Draft Code, and to persons having committed offence envisaged under point 1 of part 2 of Article 419 or by Article 426 of the Draft Code (Torture). The same approach has been adopted also within the scope of the institution of “Exemption from penalty due to statute of limitations of the criminal judgement of conviction”. Draft Code also states that no statute of limitations shall apply to persons having committed crimes against the peace and security of humankind, as well as persons having committed offence envisaged by Article 426 of the Draft Code (Torture)<sup>2</sup>.

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<sup>1</sup> See <https://www.e-gov.am/sessions/archive/2020/05/21/>

3. It has to be underlined that the policy of fighting against torture has cross-sectoral horizontal coverage within all relevant Strategic papers. Taking into consideration the priorities set by the new Government formed in 2018, activities related to the sphere of combating torture were incorporated in the 2019-2023 List of Implementation Measures taken by the GoA3, point 54 whereof provides for enhancing of the legal basis for combating impunity for acts of torture, as well as in the sectoral strategic documents. The National Human Rights Strategy and its 2020-2022 Action Plan (hereinafter referred to as “HRAP”)<sup>4</sup> provides for a number of measures aimed at prevention of torture within the separate Chapter 5 (Points 12 to 26 of the AP (14 out of 89 activities - 16%). Namely: 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.
4. In relation to abovementioned number of activities was envisaged by HRAP, 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,

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<sup>3</sup> <https://www.arlis.am/DocumentView.aspx?DocID=131287>

<sup>4</sup> <https://www.moj.am/en/page/575>

<sup>5</sup> [https://www.moj.am/storage/uploads/02Appendix\\_2.pdf](https://www.moj.am/storage/uploads/02Appendix_2.pdf)

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.

5. 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.
6. The innovative tool for the Strategy is creation of a unified platform (website) [www.e-rights.am](http://www.e-rights.am)<sup>6</sup> 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.

➤ **With reference to paragraph 11 of the Report**

7. According to the letter received at the Prosecutor General's Office of the Republic of Armenia from the General Department for Human Rights Protection in the Criminal Justice and Armed Forces of the Office of the Human Rights Defender of the Republic of Armenia, A.G., a person held at the Police detention facility of the Artashat Division of the Ararat Marz Department of the Police of the Republic of Armenia, called the hotline and reported that the officers of the Artashat Division of the Police had applied excessive physical force and insults against him at the time of his apprehension.
8. The Special Investigation Service of the Republic of Armenia has prepared materials regarding the circumstances stated in the mentioned letter. During the preparation of materials, it was established that on 8 September 2019 A.G. was apprehended by officers of the Artashat Division of the Police of the

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<sup>6</sup> <http://www.e-rights.am/?app=AppHome&page=default>

Republic of Armenia and taken to the Police division on suspicion of intentionally causing grave harm to the health of another person, after which he was presented before the Regional Investigative Department of Ararat Marz of the Investigative Committee of the Republic of Armenia where he was arrested under Case No 27173119 and, on the same day, was admitted to the Police detention facility of the Artashat Division of the Police of the Republic of Armenia.

9. A. G. submitted a report, as well as gave an explanation according to which on 8 September 2019, at around 18:30, during his apprehension and transfer to the Artashat Police Division, on suspicion of causing grave bodily injury to the health of some A. from the Udjan village of Aragatsotn Marz, the officers of the Artashat Police Division used violence against him, punching and kicking on different parts of his body, as a result of which he has sustained bodily injuries.
10. On 30 September 2019, on the occasion of the mentioned incident, Criminal Case No 62225219 was instituted at the Special Investigation Service of the Republic of Armenia under the elements of part 2 of Article 309 of the Criminal Code of the Republic of Armenia. During the preliminary investigation of the Criminal Case, A. G. was declared as a victim and was interrogated.
11. Head of the Criminal Intelligence Unit of the Artashat Division of the Police of the Republic of Armenia Ph. S.; operational officers of the Criminal Intelligence Unit of the same Division V. N., G. S., G.Y. and M. Kh.; community police inspector G.A.; doctor-radiologist of the Polyclinic of "Artashat Medical Center" Closed Joint-Stock Company in Artashat M. Z.; X-ray laboratory assistant L. A. were also interrogated as witnesses, as well as victim A.G. was face-to-face interrogated with witnesses L. A., P. S., G. A., V. N., M. K., G. S. and G. Y..
12. During the preliminary investigation of the Criminal Case, full copies of the case file of the Criminal Case No 27173119 being investigated in the proceedings of the Regional Investigative Department of Ararat Marz of the Investigative Committee of the Republic of Armenia were also received and they were attached to this Criminal Case.
13. According to Forensic Medical Expert Examination Opinion No 0118/h available in the Criminal Case No 27173119, the bodily injuries that A. G. received — in the form of cut wound in the first and second inter-digital space of the left forearm, hematoma in the apex of the right hip bone, posterior surface of the left armpit, right posterior surface of the chest,

anterior surface of the left knee joint, one scratch on the anterior surface of the middle third of the left shin and two scratches on the posterior surface in the upper second of the right shin — were caused with a sharp, cutting tool with a flat edge, the other injuries — with hard and blunt objects, might have been received in the circumstances and at the time of the incident referred to in the Decision. Out of the aforementioned injuries — cut wound on the left forearm, separately, caused slight damage to health, with short-term deterioration of health, taking into account the duration of the consequences directly linked to the injury for a period of not less than 6 days and not more than 21 days. The remaining injuries, together and separately, do not contain elements of causing slight damage to health.

14. A forensic medical expert examination has been ordered for the purpose of establishing the circumstances that are significant for the Criminal Case. According to Opinion No 521/hdz of the expert examination received, the bodily injuries that A. G. sustained, (which are thoroughly stated in the description part of Opinion No 0118/h of the expert) except for the cut wound in the first and second inter-digital space of the left forearm, could have emerged in the mentioned circumstances and period, both as a result of using physical force while bringing him to the police division and as a result of direct application of blunt objects, which may also be the hands and legs as such.
15. On 25 November 2019, Investigator for Particularly Important Cases of the Investigation Department for Tortures and Crimes Against Person of the Special Investigation Service of the Republic of Armenia A. A. made a decision on not conducting criminal prosecution and on dismissing proceedings into the Criminal Case on the ground of absence of corpus delicti provided for by Articles 308 and 309 of the Criminal Code of the Republic of Armenia in the acts of P.S, G. Y., V. N., G. S. and G. A..
16. It has to be underlined that the forensic medical report could not be provided based on the principal of confidentiality of pre-trial examination.

➤ **With reference to paragraph 12 of the Report**

17. The ambitious Police reform plans of the new Government are primarily geared towards bringing it closer to the citizens. A Working group headed by the Minister of Justice was set up by a Prime Minister Order in late 2019 and a new draft Police Reform Strategy and Action Plan for 2020-2022 was put in public discussion. This document envisages comprehensive reforms in the institutional

and legal framework for the Police. In particular, the draft Strategy foresees establishment of a civilian Ministry of Interior as the policy lead of the sector with specific policing and non-policing functions (various services delivered to the public; i.e. passports, ID cards, driving licenses, etc.).

18. The main directions for the reforms will tackle also criminal functions of the Police, Community Police reforms, demilitarization of the police troops, and management of the border crossing points. The process will be fully supported with legal amendments to a number of legal acts; in the meantime, to ensure quick-wins and make the public feel immediately the effect of the reforms, a new Patrol Police will be established to act as a role model for the whole new Police force. Establishment of the Patrol Police would not be possible without substantive technical equipment to ensure its mobility and rapid response. In addition, a system of procedures regulating operations of the patrol is necessary for commencing this service. As well as developing new regulations and guidelines, such as standards of conduct, response manual, system of training, etc. with the main focus on development of professional skills of the future patrol service officers. The backbone for the reforms will also be the total change of the education and training system of the Police, as well as the methods of recruitment and management of the personnel.
19. It has to be underlined that the Police reform Strategy and Deriving AP was adopted in 2020 which envisages major change in the police force with a review of the educational component. Given that the police troops also have functions with regard to demonstrations in accordance with the reforms planning will focus on improving crowd management, proportionality of force, the practice in relation to other participants in meetings (journalists etc.), on reforming initial basic training and continuous professional development training on formation and development of scenarios and tactics. The educational program and revision of relevant training module, as well as ToT will be provided in cooperation with UNDP and OSCE.

➤ **With reference to paragraph 13 of the Report**

20. Disciplinary proceedings and examinations are being instituted by the Police with respect to every case of police misconduct, including all the complaints, allegations and reports of tortures and assaults committed by police officers of the Republic of Armenia, within the scope of which a comprehensive, full and objective investigation is being conducted. Expert examinations are ordered upon necessity.
21. In case disciplinary violations are detected, police officers are subjected to disciplinary liability through the application of the sanctions prescribed by the

Law of the Republic of Armenia "On Service in the Police", while in case elements of a crime are detected, the materials of the disciplinary proceedings are forwarded to the Special Investigation Service of the Republic of Armenia, and a final legal qualification of the acts of police officers is given based on the materials prepared by the preliminary investigation body or the final outcome of the preliminary investigation (in case of criminal cases sent to the court — trial) of instituted criminal cases.

**22.** As a result of complaints, allegations and reports received during the second half of 2019 in regard to torture and use of violence by police officers of the Republic of Armenia against persons while fulfilling their official duties, 52 disciplinary proceedings and examinations have been instituted at the Police of the Republic of Armenia, of which:

- factual data on use of violence and torture by police officers were not obtained following the disciplinary proceedings and examinations into 49 cases, thus, the outcomes of those proceedings and examinations did not lead to consequences;
- disciplinary proceedings and examinations of 3 cases have been suspended before a final judgment under the instituted criminal cases is rendered.

**30** criminal cases were instituted and **20** materials were prepared by the preliminary investigation bodies under the cases of the aforementioned disciplinary proceedings and examinations, of which:

- proceedings of 24 criminal cases ended with acquittal;
  - proceedings of 5 criminal cases have been terminated;
  - one criminal case has been sent to the court where the trial is pending.

Institution of criminal cases under all the prepared materials has been rejected on the grounds of acquittal.

**23.** As a result of complaints, allegations and reports received during the period between 1 January and 24 December 2020 in regard to torture and use of violence by police officers against citizens while performing their official duties, 90 disciplinary proceedings and examinations have been instituted by the Police of the Republic of Armenia, of which:

Factual data on use of violence and torture by police officers were not obtained following the disciplinary proceedings and examinations into 83 criminal cases, thus, the outcomes of those proceedings and examinations did not lead to consequences;

Disciplinary proceedings of 7 criminal cases were suspended before a final judgement under the instituted criminal cases is rendered.

**24.43** criminal cases were instituted and **32** materials were prepared by the investigation bodies based on the aforementioned disciplinary proceedings and examinations, of which:

- proceedings of 33 criminal cases have been dismissed on the grounds of acquittal;
- 5 criminal cases are in the stage of investigation;
- proceedings of 5 criminal cases have been terminated.

Institution of criminal cases under all the prepared materials has been rejected on the grounds of acquittal.

➤ **With Reference to Paragraph 15 of the Report**

**25.** The Police of the Republic of Armenia are consistent in the fulfillment of the international commitments undertaken by the Republic of Armenia in the sphere of prevention of tortures; in particular, the recommendations referred to in the Reports of the Committee for the Prevention of Torture are taken into consideration.

**26.** The Police of the Republic of Armenia unconditionally ensures the application of the requirements of the Decree of the Government of the Republic of Armenia No 818-N of 14 June 2007 "On approving the list of rights subject to notification, arising from the restriction on human rights and freedoms and the procedure for notification" — a person shall, immediately after being apprehended (brought) to a Police subdivision, be informed about all the rights reserved for the person deprived of his or her liberty, including the right to inform a person chosen by him or her about his or her location, on which the person taken under custody is being informed.

**27.** In case of arrest of a person taken under custody, pursuant to Article 63 of the Criminal Procedure Code of the Republic of Armenia, Article 32 of the Law of the Republic of Armenia "On holding arrested and detained persons" (hereinafter referred as "the Law") and point 11 of the "Internal rules and regulations for Police holding facilities operating in the system of the Police of the Republic of Armenia" approved upon Decree of the Government of the

Republic of Armenia No 574-N of 5 June 2008, when admitting the detainee to the Police detention facilities, the administration of the Police detention facility shall immediately inform the person chosen by the detainee.

- 28.** Persons deprived of their liberty enjoy the fundamental legal safeguards enshrined in the Constitution of RA for prevention of torture and ill-treatment. Taking into consideration the need for enhancing the mechanisms enabling the persons deprived of their liberty and based on the fact that the day before it is necessary to provide for these mechanisms in the current regulations, without waiting for the draft of the new CPC of RA, which provides for more systematic solutions: on January 16 2018 the National Assembly of adopted “Amendments to CPC of RA ”, according to which, prior to announcing the arrest warrant to the person placed under custody, the person placed under custody shall be entitled to: be informed on the grounds for depriving him or her of liberty; remain silent; receive a verbal explanation on his or her rights; receive a written notice and explanation on his or her rights and obligations; notify the person of his or her choice his or her whereabouts; invite a lawyer; undergo a medical examination upon his or her request. The last four rights arise from the moment of bringing to the body of inquiry or investigator. Immediately after the arrest, the person arrested is registered in the register of the relevant police unit and the further record keeping is carried out by police officers.
- 29.** Pursuant to Order No. 70-L of the Chairperson of the Committee of 28 December 2016, agencies and units of the Committee submit, in the form of a report, the results of their semestral and annual activities, which inter alia reflects the number of violations of the rights of arrested persons and gives the general overview of the nature of violations.
- 30.** Irrespective of announcing the person the arrest warrant, the person shall, four hours after being placed under actual custody, acquire the rights and responsibilities applicable to a suspect.
- 31.** Furthermore, the Article 15 of the Law of RA “On holding the arrested and detained persons” is applicable, according to which the suspect shall, after the arrest, be entitled to receive without delay from the investigating authority, investigator or prosecutor, in a language which he or she understands, a written notification and explanation about his or her rights under his or her signature, as well as the reasons and grounds for his or her deprivation of liberty, has also been enacted, ability to inform selected persons about the whereabouts of the detained person and the invitation of the lawyer, to request to ensure his medical examination, a date with a lawyer. The meeting could be unhindered without limiting the number and duration of meetings, regardless of working days or hours under the conditions where other persons can see

them, but cannot hear. The detained or arrested person and their lawyer also have the right to request a forensic medical examination.

32. Besides, the suspect shall be entitled to notify without delay by phone or other possible means the person of his or her choice, about the place and grounds for holding him or her under custody, immediately after his or her placement under custody. All abovementioned measures clearly state that persons deprived of their liberty enjoy all fundamental safeguards.

➤ **With Reference to Paragraph 16 of the Report**

33. As mentioned in Paragraph 15, persons apprehended (brought) to the police establishments shall be informed about all the rights reserved for persons deprived of their liberty, approved upon Decree of the Government of the Republic of Armenia No 818-N of 14 June 2007, including the right to access to a doctor upon necessity, which is confirmed with the signature of the person brought. Besides, at the Police subdivisions there is a register "For record-registration of persons brought to a Police subdivision", columns 12, 13 and 14 of which concern the right of an apprehended (brought) person to access to a doctor, which is confirmed by the signatures of the police officer, the healthcare professional and the person brought (column 15). According to part 3 of Article 134 of the CPC, detention is a measure of restraint which may exclusively apply to persons having a procedural status of an accused, who shall then receive an explanation of their rights and responsibilities and decide on their own whether or not they want to enjoy their right of access to legal assistance. According to part 5 of Article 10 of the same Code, the state shall guarantee the right to free legal assistance of indigent persons with procedural status of a suspect or an accused.

34. In accordance with the GoA Decision "On approving the list of rights subject to notification arising from the restriction of human rights and freedoms and the procedure for notification thereof" are unconditionally complied with by Police: immediately after bringing a person to the Police station, the latter is properly informed of his or her right to legal assistance, the right to be interrogated in the presence of the lawyer and other rights.

35. The right of persons held at detention facilities to meeting their lawyers or advocates visiting them for the purpose of undertaking their defence is enshrined in the law "On holding the arrested and detained persons", as well as internal regulation, the requirements of which are also consistently met by the police.

➤ **With reference to paragraph 17 of the Report**

- 36.** The “Penitentiary Medical Center” SNCO was founded independently from the Penitentiary Service on 1 March 2018. The GoA has already allocated necessary funds and SNCO has actually started carrying out its activities since September 2019. The scope of its activities cover protection and recovery of health of, provision of proper medical assistance and services to detained persons and convicts held in the penitentiary institutions.
- 37.** With reference to carrying out medical examinations, it’s worth mentioning that on 14 January of 2020 the order of the Minister of Justice “On approving the sample forms of and guidelines for filling the inpatient medical card, the medical history (medical record), extract from the medical history of the detained person or the convict as well as the clinical examinations related to torture and other forms of ill-treatment” was approved, which is consistent with international standards. Under respective project of CoE and upon the proposal of CoE experts, this Draft Decree has been revised. Before long the draft amendments will be approved by the Order of the Minister. Trainings for the employees of penitentiary institutions are inter alia envisaged under the project.
- 38.** Alongside the amendments to the Draft Decree No. 825-N of the GoA the following has been recommended:
- (1) to introduce a separate chapter which will comprehensively regulate the requirements related to medical screening, recording and documenting in cases of torture and other forms of ill-treatment identified in penitentiary institutions.
  - (2) to ensure that the medical screening and recording of every person deprived of liberty or admitted to penitentiary institution is carried out immediately, but not later than within 24 hours,
  - (3) Introduce in the Decree a uniform terminology regarding the concepts of “medical screening”, “psychological testing” and “case recording related to torture and other forms of ill-treatment”.
  - (4) Ensure that the record is mandatorily prepared upon admission of the detained person or the convict to the penitentiary institution. And where the act containing features of crime (or) the act inherent to torture has been committed during the detention period of the person deprived of liberty or when serving his or her sentence, the record will be prepared on the basis of the statement of the detained person or the convict. The Draft Decree also suggests clarification as to whether the statements should be submitted in writing or verbally.
  - (5) Ensure that in case the circumstances about the bodily injury identified during medical screening or the complaint about the health state are unclear and it is necessary to conduct additional examinations, the results of the additional

medical examination shall be submitted to the competent authority as a complementary information.

(6) According to legal regulations of the Decree, the Director of the SNCO shall immediately, but not later than within 24 hours after receipt of the record, send it in a sealed envelope to General Prosecutor's office (hereinafter referred to as "GPO") in writing. Grounded on the fact that the investigation under Article 309.1 of CC (on torture) is carried out by Special Investigative Service (hereinafter referred to as "SIS"), the Draft proposes to submit the record directly to the SIS, instead of submitting it to the GPO, which will, in its turn, contribute to avoiding excess paper flow.

**39.** In practice, under Article 21 of the Law "On holding arrested and detained persons" and point 13 of Internal Regulation, in case of detection of bodily injuries or apparent signs of disease with persons admitted to penitentiary institutions or in case they have health issues, a healthcare worker is invited. The invited healthcare worker shall immediately carry out medical examination in which the doctor chosen upon the choice of the arrested person may participate (independent in performing his or her functions). The medical examination is conducted out of hearing and, unless the doctor concerned requests otherwise - out of sight of the administrative worker of the penitentiary institution. The results of the medical examination are recorded in the register according to Form 12, in the personal file, and the patient and the criminal investigating body are informed thereof. It is worth mentioning, that the police officer who brings the arrested person to the penitentiary facility, is not allowed to participate in external examination of the body or medical examination performed when the arrested person is admitted to the detention facility, as these procedures are carried out in medical examination room inside detention facilities, and the detention facilities are not accessible for all police officers. Studies have shown that in many cases the healthcare workers invited to detention facilities, for the purpose of ensure their personal security, ask that the police officers of the detention facility be present during the medical examination.

**40.** Upon detection of bodily injuries with persons admitted to detention facilities, the invited healthcare worker shall make notes in the relevant register and shall communicate this to the investigative authority, as well as the Prosecutor in charge of exercising a control over the investigation under the CPC and, if necessary, send the materials to the SIS upon instructions of the Prosecutor to continue the investigation and to initiate a criminal case, if necessary. As a rule, a criminal case based on prepared materials is initiated at the SIS for the purpose of conducting a more comprehensive investigation. Decisions of the investigative bodies delivered with regard to persons suspected

in alleged crime are communicated to them. These may particularly include decisions on involving a person as an accused, on ordering an expert examination, etc. The accused and their lawyers get full access to the materials of the criminal case when the investigator considers that sufficient evidence is collected to draw up the indictment and informs them of their right to get familiarized with the materials of the criminal case.

➤ **With Reference to Paragraph 18 of the Report**

41. The list of rights, subject to notification, arising from the restriction of human rights and freedoms and the notification procedure were approved by Decree of the Government of the Republic of Armenia No 818-N of 14 June 2007. Annex 1 of the Decree clearly prescribes the list of rights subject to notification, which follows from the restriction of human rights and freedoms.
42. The police officer shall, according to Form No 1 and Form No 2 Annexes approved by Decree of the Government of the Republic of Armenia No 818-N of 14 June 2007, notify the persons apprehended or brought to **(held under custody)** the subdivisions of the Police of the Republic of Armenia in writing of the restriction of their rights and freedoms and provide the person held under custody with one copy of the notification, which the latter can keep with him or her also at the detention facility operating in the Police system of the Republic of Armenia (hereinafter referred to as "the DF").
43. The responsible officer of the detention facility shall, according to Form No 19 Annex approved by Decree of the Government of the Republic of Armenia No 574-N of 5 June 2008, notify the detained person of his or her rights and responsibilities before being admitted in the DF, in respect of which the latter shall sign.
44. At the same time, it should be noted that there are posters in all the cells of the DF which notify of the rights and responsibilities of persons held at DFs, which allow the detained persons to be constantly informed about their rights and responsibilities, therefore the detained person is not provided with a copy of the statement drawn up according to Form No 19 Annex but it is kept in the personal file of the detained person.

➤ **With reference to paragraph 19 of the Report**

45. In the detention facilities of the Police System of the Republic of Armenia (hereinafter referred to as "the DF") Form No 1 Register of "Record-Registration of Persons Held in the DF" is kept, where the date and time of

detention, the transfer of the detained persons and the grounds, date and time of the release from the DF are recorded. The DFs also keep Form No 9 Register of "Taking Detained Persons out of the Cells", where the data of the detained person, the purpose, basis, date and duration of taking out, the data and signature of the person who takes the detainee out are recorded.

- 46.** It should be noted that in 2019, the On-Duty Service Department of the Headquarters of the Police of the Republic of Armenia developed the draft Decree of the Government of the Republic of Armenia "On making an amendment to the "Internal regulations for the detention facilities operating in the Police System of the Republic of Armenia" (hereinafter referred to as "the Internal Regulation") approved by Decree of the Government of the Republic of Armenia No 574-N of 5 June 2008. Form No 1 Register has also been amended by the draft, which will provide the possibility to indicate the dates and time of apprehension (actual taking under custody), detention, and entry of persons into the DF.
- 47.** When detecting bodily injuries on the persons being admitted to the DFs, the invited healthcare professional shall make entries about it in the relevant register, inform the body conducting the proceedings, as well as the prosecutor supervising the preliminary investigation under the Criminal Procedure Code of the Republic of Armenia and, if necessary, on the instruction of the latter, send the materials to the Special Investigation Service to decide on the further course.
- 48.** According to Article 21 of the Law and point 13 of the Internal Rules and Regulations, in case of detecting bodily injuries and obvious signs of illness on persons being admitted to Police detention facilities or in case of health complaints, the police officer on duty shall call a medical specialist. The invited medical specialist shall immediately carry out a medical examination, in which a doctor chosen by the detained person (who is independent in performance of his or her functions) may also participate. The medical examination shall be conducted out of the hearing and - unless the healthcare professional requests otherwise - out of the sight of the detention facility administration officer. The results of the medical examination shall be recorded in the register in accordance with Form 12, in the personal file, and the patient, as well as the organ of inquiry are being informed thereon. The organ of inquiry shall, based the materials prepared by investigative divisions, verify the circumstances of sustaining bodily injuries by detained persons and the data is being processed accordingly.
- 49.** It is necessary to mention that the police officer who has brought the detained person to the police establishment may not participate in the inspection or the medical examination of the detained person which is

conducted at the time of admitting him or her to a detention facility, as it is performed in the medical examination room of the Police DF which is not accessible for all police officers. As the conducted studies show, in many cases the medical professionals invited to the Police detention facilities want, for security reasons, the medical examination of detained persons to take place in the presence of a police officer of the detention facility. As mentioned, the medical examination or medical aid and the description of measures taken and bodily injuries are carried out exclusively by an invited emergency healthcare professional.

50. As far as taking explanations as to the origin of the bodily injuries of the detained persons is concerned, as already mentioned, the organs of inquiry are informed about the bodily injuries, and they verify, in investigative divisions operating independently from the Police, the circumstances under which the injuries were sustained by the detainee, materials are prepared which are processed accordingly.

➤ **With reference to paragraph 20 of the Report**

51. The mandatory audio-video recording is envisaged by the Criminal Procedure Code (CPC). In particular: Audiovisual recording should be carried out from the moment of the beginning of the investigative action without interruption, except in cases of unforeseen technical malfunction or the presence of other objective reasons. Audio visual recording ensures integrity, visibility of the investigative action (coverage, lighting, etc.), and audibility and is not subject to any kind of editing. It should be noted that as a result of changes in the CPC, article 209 stipulates that the testimony of a witness is recorded on video, except in cases where the participant in the investigative action objects or there are no appropriate technical means. These recordings are being kept in 2 examples on usb sticks. 1 of them is being sealed and can be opened in court, and the other carrier can be used by an Investigator or Prosecutor. The copies of the usb sticks are being provided to the participants of proceedings. In this context it should be noted that cases of involvement of attesting witness have also decreased.

52. As a result of amendments to CPC adopted on 3 June 2020, the interrogation of minor witnesses or minor victims is mandatorily audio and video recorded under cases involving crimes against sexual integrity and sexual freedom, cases of domestic violence, child trafficking and exploitation cases, in cases where minor witnesses and minor victims have mental retardation or mental disorder, as well as in case of interrogation of a witness or victim under the age of 14.

**53.** The legal grounds have been enshrined in the law “On Police” by the new Article 5.1 supplemented in 2019, that provides for equipping the entrances and exits of police buildings, as well as interrogation rooms with audio and video recording systems. Police units must be fully equipped with audio and video devices within 3 years following the entry into force of the Law (27 December 2019). Since 1 May 2020 works have been launched for ensuring the full functioning of the audio and video recording system of interrogations at 11 police units and during 2020 10 police units have been provided with video surveillance equipment guarding entry/exit access. The Guide “On audio and video recording of interrogations held at police units” has been compiled by order of the Chief of Police for the purpose of protection of human rights, detection or prevention of alleged cases of torture, inhuman or degrading treatment<sup>7</sup>. It should be mentioned that 2020-2022 HRAP envisages year-over-year growth in potential of audio and video recording of interrogations conducted at Police, as well as installation of 85 audio and video recording devices in the departments of the Investigative Committee by the end of 2022. The procedure for drawing up the record on the investigative action in case of audio and video recording of interrogation was regulated by the amendments to CPC adopted on 15 April 2020. According to the new Article 5.1 of the Law “On Police” the audiovisual footage of interrogations conducted at police stations is kept for 2 years. During this period it may be provided to:

- (1) the interrogated person, as well as his or her representative;
- (2) investigative authority;
- (3) Human Rights Defender — within the scope of the discussion launched on subjects within his or her areas of competence;
- (4) members of the public observer groups in Police detention facilities of RA .

**54.** The technical characteristics of video and audio and video recording systems installed in police units, procedure for keeping and use of visual and audiovisual footage, procedure for online observation of video recording process, the scope of police officers having access to visual and audiovisual footage defined by the Law has been established by Order No. 17-L of 31 March 2020 of the Chief of Police<sup>8</sup>. In accordance with the requirements every day on 2:00 AM the secret audiovisual recordings automatically are being sent to the

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<sup>7</sup> <https://www.police.am/resources/police/uploads/files/protocols/c868e5b85255e48399c6a6527d97462f.pdf>

<sup>8</sup> <https://www.police.am/resources/police/uploads/files/protocols/dfc4bf0f2697c1822650a1751d8771d0.pdf>

Central database of interrogations within the Central Apparatus of the Police and the original file from the police station server is being deleted automatically. No one has the right to watch the interrogation before it was sent and stored in the central database or interfere in any action of the server in the police stations. The entry to these databases could be carried out in case of typing the login and password of the 2 user simultaneously. Downloading of the file could be carried out only in case of filing the electronic journal.

55. The available audiovisual footage on the circumstances of the case for each case initiated on the fact of alleged torture is examined in order to detect and investigate the circumstances of the case (including acts of torture and ill-treatment). After the completion of the investigation, the materials of the criminal case (including carriers with audiovisual footage) are made available to persons having relevant procedural status, including the defendant (the accused) and its lawyer.
56. It has to be stated that the Government of Armenia, in cooperation with international organizations has carried out an awareness raising activities in order to inform citizens about the relevant regulations and audio-video recording practice. A public service announcement (PSA) on the new system of audio-visual recordings was prepared and disseminated by OSCE in partnership with UNDP/UNICEF/UNFPA. The PSA raises public awareness on the new safeguards against torture and ill-treatment.<sup>9</sup>

➤ **With Reference to Paragraph 21 of the Report**

57. It has been specifically assigned by the Head of SIS to promptly institute a criminal case in the event of reports on torture, attaching importance to the need of conducting — within the shortest possible time — urgent investigative activities in such crimes. In addition, once the report is made and before the initiation of a criminal case, the CPC provides for an opportunity for the law-enforcement bodies to request additional documents, explanations, other materials, carry out inspection at the scene of incident, and in case there are sufficient grounds for suspicion of the commission of a crime, the persons may be apprehended and subjected to personal search, samples may be taken for examination, expert examination may be assigned.
58. In certain cases persons make reports on alleged torture directly to the SIS. In this case, once the SIS receives the allegation, it assigns forensic medical examination and prepares materials for instituting a criminal case, and in case there are grounds, it institutes a criminal case with a view to conducting

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<sup>9</sup> <https://www.facebook.com/watch/?ref=saved&v=1089148968245704>

a comprehensive, thorough and objective examination of the case. Sometimes inquest bodies institute a criminal case with regard to allegations of torture and immediately forward it to the SIS to continue the investigation.

59. By the instruction of 15 June 2020 of the Prosecutor General of the Republic of Armenia, all structural subdivisions of the Prosecutor's Office of the Republic of Armenia were instructed to ensure that, for the purpose of conducting the investigation into complaints and allegations of persons on torture and ill-treatment operatively, impartially, thoroughly and efficiently and ensuring its proper speed, the mentioned complaints and allegations (statements made in the court on alleged torture, allegations made in the applications and complaints addressed to the body conducting the proceedings during the court proceedings) are sent immediately, but not later than within 24 hours to the Department of Supervision over Legality of Pre-trial Proceedings in the Special Investigation Service of the Republic of Armenia of the Prosecutor General's Office of the Republic of Armenia to consider the issue of sending them to the Special Investigation Service of the Republic of Armenia.

➤ **With reference to paragraph 23 of the Report**

60. The works aimed at reducing the number of the DFs operating in the Police System of the Republic of Armenia from 33 to 12 and upgrading them is still being discussed.

## **B. PENITENTIARY ESTABLISHMENTS**

➤ **With Reference to Paragraph 26 of the Report**

61. The draft new Penitentiary Code is currently in the process of being drafted. According to the preliminary data available, its adoption and entry into force is anticipated in 2022.

62. On 9 December 2020, the draft new Criminal Code of the Republic of Armenia (hereinafter referred to as "draft Criminal Code" in this point) was already adopted by the National Assembly of the Republic of Armenia at first reading, and it is currently being drafted for final adoption at second reading. It is noteworthy that the envisaged punishments and the whole logic of the system of

punishment have been modified in the draft Criminal Code. Namely, it has introduced such type of punishment as “restriction of liberty”. Its main essence is to keep the convict under control at home, without leaving off the education or job, which is, per se, an alternative to the imprisonment as a type of punishment, and which will enable the courts to refrain, in many cases, from depriving a person from his or her liberty and contribute to the restoration of the offender’s essential social ties.

- 63.** In addition, the draft Criminal Code prescribes that a custodial sentence may be imposed where the court substantiates that a milder punishment may not ensure the purposes of punishment; moreover, a person having committed a crime of minor gravity for the first time may not be sentenced to imprisonment.
- 64.** The draft new CPC of RA has also been submitted to the National Assembly and passed first reading in February 11. Its adoption is also anticipated in the coming months. It should be mentioned also that the system of measures of restraint has been amended in the draft Criminal Procedure Code. Namely, all the measures of restraint have, firstly, been divided into two groups — detention and alternative measures of restraint; moreover, detention may be imposed only in the case when the imposition of alternative measures of restraint is not sufficient to ensure the fulfillment of requirements prescribed by law. In addition, as an alternative to detention, home arrest and administrative supervision have been stipulated, in case of imposition of which supervision over the conduct of the accused is, based on a court decision, exercised through special means of electronic monitoring prescribed by law. The mentioned improvements are aimed at limiting, to the extent possible, the cases of deprivation and seclusion of a person from the society, and considering the imposition thereof only when the application of other measures is not effective.
- 65.** In the light of this recommendation, please take into consideration the fact that steps are currently taken to acquire electronic monitoring devices, which will help to fully ensure the application of the Codes entering into force from 2022. As regards the number of inmates currently held at penitentiary establishments, the following should be mentioned:
- 66.** As the CPT has stressed, the penitentiary establishments of the Ministry of Justice of the Republic of Armenia have capacity for 5346 prisoners, and were accommodating 1974 persons as of December 2020. The Council of Europe annual penal statistics for 2019 also shows that Armenia ranks among the countries with lowest incarceration rate. In 2019 according to the Council of Europe indicator of prison population density (per 100 places), the density of population in penitentiary establishments of the Ministry of Justice of the

Republic of Armenia totals to 36.9% (it is twice less than the average in Europe (89,5%)). The Government would like to emphasize that the analysis of the statistical data, as well as undertaking current steps, including the adoption of the mentioned Codes, create necessary preconditions to maintain the dynamics of reduction of prison population.

67. In accordance with The Council of Europe annual penal statistics for 2020 Armenia is one of the countries with the lowest indicator per 100,000 inhabitants. According to the report, compared to other CoE countries, Armenia again experienced a decrease in the level of incarceration (in 2018, 3,536 people were held in the Armenian Penitentiary System, in 2019-2,266, and on January 31, 2020-2,221 people. Another positive indicator for Armenia is that in terms of the prison population density per 100 places, Armenia is among the countries with the lowest indicator-41.5% (this is almost twice lower than the European average (86.6%).

➤ **With reference to paragraph 27 of the Report**

68. In execution of the requirement of subpoints 1 to 7 of point 11 of Annex No 2 approved by Government Decree No 1717-L of 28 November 2019 (hereinafter referred to as "Strategy"), it should be stated that within the framework of development of the 2021-2023 State Mid-Term Expenditure Programme of the Republic of Armenia (approved by Government Decree No 1212-N of 10 July 2020), the Ministry of Justice of the Republic of Armenia has, inter alia, submitted the request for Action "Optimising penitentiary establishments, providing facilities" (hereinafter referred to as "Action" in this point), which provides for:

1. Allocation of funds necessary to close Nubarashen and Central Prison Hospital Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia, and to build a new penitentiary establishment with capacity of approximately 1200 prisoners in the territory of the city of Yerevan (about 200 beds have been envisaged for persons in need of treatment).
2. Allocation of funds necessary to move Yerevan-Kentron Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia from the administrative building of the National Security Service of the Republic of Armenia to the block of Erebuni Penitentiary Establishment.
3. Allocation of funds necessary to close Goris Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia and build a new penitentiary establishment with capacity of 350 prisoners instead.

4. Allocation of funds necessary to improve the facilities of the block of in-patient care of Armavir Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia.
  5. Allocation of funds necessary to liquidate Hrazdan Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia and build, in the administrative territory of Sevan Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, blocks for closed, semi-closed regimes and detention facilities, with a capacity designated for "Hrazdan" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, including a block for detention imposed as a punishment.
  6. Allocation of funds necessary to install in Armavir Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia a heating, ventilation and air-conditioning system.
- 69.** Thus, for the purpose of acquisition of services of drawing up design and estimate documents for heating, ventilation and air-conditioning system for the block of Armavir Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia for needs of the Penitentiary Service, on 27 May 2020, a procurement procedure under code "HH AN QKTs-GHTsDzB-20/8" was announced, which had one participant only — "GLOBAL PROJECT" LLC. On 10 July 2020, Contract under code "HH AN QKTs-GHTsDzB-20/8" on acquisition of services of drawing up design and estimate documents was concluded with the successful participant — "GLOBAL PROJECT" LLC, with the total amount of AMD 9500000 (nine million five hundred thousand). On 20 November 2020, based on the design and estimate documents drawn up, an open tender under code "HH AN QKDz-BMASHDzB-21/1" was announced pursuant to part 6 of Article 15 of the Law of the Republic of Armenia "On procurement" and without earmarking financial resources, for the purpose of acquisition of construction works for heating, ventilation, and air-conditioning system for the block of "Armavir" Penitentiary Establishment, and the bids thereof shall be opened on the 40th day after the invitation is published, i.e. on 30 December 2020, at 12:00, via the website [www.armeps.am](http://www.armeps.am).<sup>3</sup> organisations participated in the procurement procedure; as a result of assessment and summarisation of the procedure "Artashat ETsSh" LLC was declared a selected bidder, with the reduced bid in the amount of AMD 815.000.000.
- 70.** It is noteworthy that the Action refers in detail to the financial resources required according to reporting years, the issues arising in case the initiative is not financed, expected benefits, as well as outcome standards for 2021, 2022 and 2023.

71. At the same time, for the purpose of ensuring relevant accommodation for semi-open regime establishments with capacity of up to 200 persons in "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, the Penitentiary Service of the Ministry of Justice of Republic of Armenia invited a tender, based on the results of which on 8 July 2020, a public procurement contract on contracting works for state needs (code — HH AN QKTs-GHASHDzB-20/2-1) was concluded with "Bedeck" LLC declared a successful bidder.
72. Under the Contract concluded, as a result of providing solutions and performing construction works in one of blocks of the penitentiary establishment (according to the Contract, the total amount of performance of works constitutes AMD 30.597.882), it is envisaged to ensure relevant accommodation for a semi-open regime establishment.
73. Accordingly, reconstruction and furnished works were performed in 48 cell with a total living area of 18 m<sup>2</sup> each, with a separated toilet facility. The cells are for 4 persons at best; moreover, each person is provided with premises of more than 4 m<sup>2</sup>, not counting the area taken up by toilet facilities.
74. It should also be noted that a separated spacious kitchen and a canteen, an exercise yard, a rump, and a pavilion have been constructed and furnished, seats have been placed for the persons held in special semi-open regime establishments, and landscaping of the territory has been carried out.
75. It is noteworthy that pursuant to the Contract concluded, the constructions works were envisaged to complete on 5 November 2020, whereas conditioned by the activities of prevention of the spread of the novel coronavirus disease (COVID-19) in the Republic of Armenia, and later also conditioned by the declared state of emergency, the process of construction works have deviated from the deadline.
76. Nevertheless, the works of ensuring the accommodation in the semi-open regime establishment are in the final stage; exterior finishing and cleaning works are being performed which will be completed in the next few days.
77. As a result of completion of construction works, proper material conditions for a semi-open regime establishment will be ensured for about 190 persons deprived of liberty in the 2nd block of the establishment.

➤ **With reference to paragraph 28 of the Report**

78. Relevant activities are always organised and held to ensure occupation, effective use of the leisure, provision of new knowledge and skills to the persons held in penitentiary establishments. In 2020, persons held in penitentiary establishments were engaged in various works. For the purpose of

working, convicts are engaged in paid and non-paid technical and economic maintenance works of the penitentiary institution, work at "Support to Convicts" Foundation on contractual basis, are involved in amateur unions, while convicts serving their punishment in an open regime establishment work with other employers outside the institution.

**79.** In order to provide new knowledge and working skills to persons held in penitentiary establishments, training courses are always organised, programmes for general education are implemented within certain penitentiary establishments, support is provided to persons who wish to receive professional, undergraduate and postgraduate education.

**80.** Thus, for the purpose of broadening the options of useful occupation (education, sport, work, etc.) of detained persons and/or convicts, the Programme for Aesthetic Education of Offenders implemented by "Centre for the Implementation of Legal Education and Rehabilitation Programmes" SNCO (hereinafter referred to as "Organisation" in this point), starting from 2020, is implemented also in "Sevan" and "Kosh" Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia, in addition to "Armavir", "Abovyan" and "Vardashen" Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia. It is noteworthy that the Action Plan of the Strategy has covered a series of new measures ensuring the useful occupation of detained persons and convicts (educational, cultural and other social integration measures), as a result of further implementation of which the Programme for Aesthetic Education of Offenders will then be implemented in other penitentiary establishments.

**81.** In addition, from 1 September 2019 to date the Organisation ensures the general education of convicted and/or detained persons under 19, and currently the Organisation provides general education to all the persons who have wished to receive it.

**82.** At the same time, it should be mentioned that the Action Plan of the Strategy has covered the issue of possibility to provide general education to persons over 19.

**83.** The complete data on detained persons and convicts working and receiving education are introduced below, by years:

No	Work activities	2017	2018	2019	2020 (15 December)
1.	Convicts engaged in the works of "Support to	55	89	91	58

	Prisoners" Foundation				
2.	Convicts engaged in technical and economic maintenance works	201	211	144	135
3.	Convicts engaged in non-paid works upon their consent	238	203	175	160
4.	Convicts working with other employers	76	60	27	35
5.	Convicts involved in amateur unions	178	148	180	177
6.	<b>Total</b>	<b>748</b>	<b>711</b>	<b>617</b>	<b>565</b>
		20.0%	23.2%	26.9%	26.9%
	Average listed number of the contingent	<b>3725</b>	<b>3057</b>	<b>2291</b>	<b>2100</b>
<b>N/N</b>	<b>Educational activity</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020 (15 December)</b>
1.	Receiving general education	54	47	44	33
2.	Receiving vocational education	46	84	182	194
3.	Receiving higher, postgraduate education	8	7	6	3
	<b>Total</b>	<b>108</b>	<b>138</b>	<b>232</b>	<b>213</b>
		2.8%	4.5%	10.1%	10.1%

84. As it has already been mentioned, for the purpose of broadening the scope of activities aimed at providing new knowledge and teaching new skills to persons deprived of liberty, the Penitentiary Service cooperates with many state, non-governmental and international organisations, namely:

1. The Organisation has conducted courses on "Computer skills", "Decorative and Applied Arts", "Business literacy" in "Armavir" Penitentiary Establishment, courses on "Pottery and pottery firing and painting technology", "Contemporary applied arts", "Woodworking and artistic wood engraving", "Business skills", "Armenian language", "English language" and "Computer skills" in "Armavir", "Kosh", "Vardashen" and "Sevan" Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia. In general, 194 persons participated in the courses, including:

- "Armavir" Penitentiary Establishment — 94 persons;
- "Vardashen" Penitentiary Establishment — 29 persons;
- "Abovyan" Penitentiary Establishment — 25 persons (women);
- "Kosh" Penitentiary Establishment — 13 persons;
- "Sevan" Penitentiary Establishment — 33 persons;

2. 13 persons in 2019-2020 academic year, and 11 persons in 2020-2021 academic year were involved in the programme for general education implemented by the SNCO in "Abovyan", "Sevan" and "Armavir", "Nubarashen" Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia.

**85.** 22 persons in 2019-2020 academic year, and 25 persons in 2020-2021 academic year were involved in the programme for general education implemented by "Artik Evening School" SNCO in "Artik" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia.

**86.** "DVV International Armenia", jointly with "Ready Steady" LLC representing "Art Lunch" trademark, organised a cooking course at "Vanadzor" and "Nubarashen" Penitentiary Establishments of the Ministry of Justice of the Republic of Armenia, in which 5 convicts from "Vanadzor" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia and 14 convicts of "Nubarashen" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia took part, who received relevant certificates at the end of the course.

**87.** "DVV International Armenia", with the financial support of the Federal Ministry of Foreign Affairs of Germany, implemented the program "For Human Rights. Education in Penitentiary Institutions" ("Active for Education Prison 2.0" project), within the framework of which "Education for changes-Journalism Competition" was held for journalists and convicts in May-September 2020. 23

convicts participated in the competition, the participants having taken an award-winning place were awarded.

**88.** In September-November 2020, in "Artik" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia "Alvan Tsaghik Social-Educational Centre" NGO, within the scope of Programme "Unrestricted education", conducted two-month course "Training on construction works of interior finishing", in which 14 convicts participated.

**89.** Within the framework of the Programme, 3 convicts from "Nubarashen" and 9 convicts of "Vardashen" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia also participated in the course "Training on construction works of interior finishing" held through work-based learning.

**90.** Currently, the option of organising courses and group works in each repaired and furnished resource room of the above-mentioned penitentiary establishments within the framework of the course is considered.

**91.** In addition, for the purpose of ensuring the daily effective leisure of persons held in penitentiary establishments, as well as promoting healthy lifestyle among them, relating to the art, the culture and the religion, satisfying their spiritual needs, enlightening, religious, spiritual, cultural, sporting events are organised. Sporting events such as volleyball, football, chess, domino, draughts, billiard etc., are regularly organised within the establishments. Cultural events such as concerts, theatrical performances, movie screenings, etc. are also regularly organised for detained persons and convicts held in penitentiary establishments and detention facilities.

**92. In 2017, the following were organised in penitentiary establishments:**

- 153 sporting events, in which 1948 persons participated;
- 21 enlightening events, in which 533 persons participated;
- 23 cultural events, in which 928 persons participated.

**93. In 2018, the following were organised in penitentiary establishments:**

- 116 sporting events, in which 1400 persons participated;
- 19 enlightening events, in which 390 persons participated;
- 17 cultural events, in which 899 persons participated.

**94. In 2019, the following were organised in penitentiary establishments:**

- 132 sporting events, in which 1446 persons participated;

- 17 enlightening events, in which 453 persons participated;
- 43 cultural events, in which 908 persons participated.

**95. As of 15 December 2020, the following have been organised in penitentiary establishments:**

- 53 sporting events, in which 841 persons participated;
- 9 enlightening events, in which 89 persons participated;
- 9 cultural events, in which 230 persons participated.

**96.** It should be mentioned that in 2020, conditioned by the prevalence of the novel coronavirus disease (COVID-19) in the whole world, as well as in the Republic of Armenia, for the purpose of preventing the possible and probable spread of the coronavirus disease in penitentiary establishments, group events have essentially been restricted in penitentiary establishments, while the educational activities have been organised on-line.

**97.** Currently, the possibilities of extending the scope of working, educational, sporting, cultural and religious activities organised for persons deprived of their liberty are discussed with state, non-governmental and international organisations.

**98.** In 2020, PH International Armenia, in collaboration with the Organisation, provided the "Tool for assessment of risks and needs of juvenile" developed under Programme "Support to Development of Child-Centred Approaches and Mechanisms in the Newly-Established Probation Service of the Republic of Armenia".

**99.** The mentioned tool has been tested in the work with 10 juveniles serving their punishment in "Abovyan" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, as a result of which its elaborated version has been developed.

**100.** Then, 3 courses for developing professional integrity, skills for application of the tool for risk and needs assessment have been held for 15 officers (employees) of the staff of "Abovyan" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, after which the mentioned tool is used in the work with juveniles under custody.

**101.** Later on, the Organisation has designed and elaborated, jointly with the Division of Social, Legal and Psychological Activities of the Central Body of the Penitentiary Service, the tool for assessment of risks and needs of adults deprived of liberty. With a view to assessing the effectiveness of the tool and eliminating the possible deficiencies, it is currently tested in a penitentiary

establishment of the Ministry of Justice of the Republic of Armenia under pilot programmes.

**102.** In addition, the Ministry of Justice of the Republic of Armenia currently elaborates the package of draft Law of the Republic of Armenia "On making amendments and supplements to the Penitentiary Code of the Republic of Armenia" and "On making a supplement to the Law of the Republic of Armenia "On prosecutor's office"", which, *inter alia*, envisages to regulate the issues of ensuring the employment and occupation of convicts serving their punishment in closed and semi-closed regime establishments, by expanding the opportunities of convicts serving their punishment in these regimes. In other words, the adoption of the draft will provide broader opportunities to convicts serving their punishment in closed and semi-closed regimes to be engaged in works outside the cell.

➤ **With reference to paragraph 29 of the Report**

**103.** **As the Committee has been informed**, point 8 of part 1 of Article 68 of the Penitentiary Code of the Republic of Armenia has been repealed by the Law No HO-52-N of 3 June 2019 "On making supplements and amendments to the Penitentiary Code of the Republic of Armenia" and the provision on holding persons sentenced to life imprisonment separately from the rest of the sentenced prisoner population is no longer in force.

**104.** Accordingly, the Ministry of Justice of the Republic of Armenia undertakes all the necessary steps to ensure the full implementation of the Law. The foregoing becomes more vivid by the fact that in 2020 6 life-sentenced prisoners were transferred from closed to semi-closed regime, 4 life-sentenced prisoners were transferred from semi-closed to semi-open regime, and 1 life-sentenced prisoner was transferred from a semi-open to open regime, which is an unprecedented phenomenon within the penitentiary system.

➤ **With reference to paragraph 31 of the Report**

**105.** It should be mentioned that on 4 October 2019, at around 16:00, A. A., a detained person held in the "Prison Hospital" penitentiary institution of the Ministry of Justice of the Republic of Armenia, punched and kicked in various parts of the body of the convict of the same penitentiary establishment G.V., causing the latter bodily injuries not containing elements of slight damage.

**106.** With regard to the incident, on 27 November 2019, Criminal Case No 62229519 was instituted at the Special Investigation Service of the Republic of Armenia under the elements of Article 118 of the Criminal Code of the Republic

Armenia, which was sent to the Investigative Division of Kentron and Nork-Marash Administrative Districts of Yerevan Investigative Department of the Investigative Committee of the Republic of Armenia.

**107.** On 14 February 2020, the body conducting the proceedings rendered a decision on dismissing the criminal proceedings and not conducting criminal prosecution on the grounds of point (4) of part 1 of Article 35 Criminal Procedure Code of the Republic of Armenia.

➤ **With reference to paragraphs 32 and 35 of the Report**

**108.** With a view to overcoming the criminal subculture and showing zero tolerance thereto, on 22 February 2020, the draft Laws “On making amendments and supplements to the Criminal Code of the Republic of Armenia” and “On making a supplement to the Criminal Procedure Code of the Republic of Armenia” entered into force, which provides for criminal liability for granting or gaining or maintaining the highest status of the criminal hierarchy, founding or leading a group bearing criminal subculture, being a member of a group bearing criminal subculture or becoming involved in a group bearing criminal subculture, addressing to a member of a group bearing criminal subculture or to a person having the highest status of the criminal hierarchy.

**109.** Accordingly, the Comprehensive Action Plan for Raising the Effectiveness of Fight against the Criminal Subculture in Penitentiary Establishments has been drafted (hereinafter referred to as “Plan” in this point). The Plan envisages a set of measures for early prevention of the criminal subculture, improvement of activities of intelligence subdivisions of the Penitentiary Service with a view of disclosing the manifestations of the criminal subculture, as well as operational intelligence activity to counteract the manifestations of the criminal subculture. The Plan outlines also the preliminary action plan for fight against criminal subculture.

**110.** The Penitentiary Services attaches special importance to the exercise of strong will to exclude the phenomena of the criminal subculture and responding to any case consistently and with full rigour. Following relevant amendments and supplements made to the Criminal Code of the Republic of Armenia, interesting developments occurred also in the operational situation in penitentiary establishments.

**111.** Namely, the so-called “thieves in law” and “prison bosses” have abandoned their overt propaganda of traditions of the criminal subculture among a special contingent maintain , *prima facie* neutrality, spread the word

among convicts and detained persons that they need not address them for criminal clarifications and for normalisation of interpersonal relations, as they are in the centre of attention of the law enforcement bodies and cannot interfere as before. The so-called "alpha dogs" also maintain neutrality, they suggest the special contingent to apply to the prison administration for various violations provided for by Government Decree No 1543-N of 3 August 2006 "On approving the internal regulation of detention facilities and correctional institutions of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia".

**112.** Many so-called "alpha dogs" have openly given up that status, avoiding the criminal liability. The Penitentiary Service actively cooperates with the investigation authorities and the Prosecutor's Office, cooperation has been established with other law enforcement bodies, exchanges information, which will have its effect.

**113.** The manifestations of the criminal subculture are closely interrelated with the illicit circulation of items and objects prohibited in penitentiary establishments, the fight against which is in greater focus and is one of the areas of activities being under constant control. Thus, as a result of various operations carried out in penitentiary establishments, the following was detected and seized in the following years:

	<b>2020</b>	<b>2019</b>	<b>2018</b>
alcoholic beverages	2277,27 l	3113.455 l	2934.54 l
narcotic drugs	674,201152 g	559.6026 g	406.29207g
cutting-piercing tools	2835 units	2603 units	2018 units
money and valuable items	AMD 363,300, USD 5	AMD 1,607,720, USD 36, EUR 570, RUR 30,000	AMD 729,500, USD 3100, RUR 730 in 2018
mobile phone	1945	1945	2135
the prevented cases of entry		131	117

- 114.** The significant increase in disclosures shows the vigilance of penitentiary officers and the fact that they perform their official duties with greater responsibility. For example, in 2018, 16 cutting-piercing tools, and in 2019 — 675 cutting-piercing tools were detected in “Artik” Penitentiary Establishment.
- 115.** The statistics of 2020 was conditioned with the fact that due to the novel coronavirus disease certain rights of inmates, such as visiting entitlement (except for a video call, which is in line with the CPT principles of treatment of persons deprived of liberty in the context of the coronavirus (COVID-19) pandemic), receiving deliveries, have regularly been restricted; in such circumstances the possibility of entry of prohibited items into the penitentiary establishments by the mentioned ways has been limited.
- 116.** Such comparative statistics show that the cases that have also occurred previously, are already consistently disclosed; penitentiary officers abstain from involvement in that illicit circulation and concealment of cases; moreover, they pursue their prevention or disclosure.
- 117.** It is noteworthy that Order of the Head of the Penitentiary Service No 5-L of 2 October 2019 has prescribed the procedure for acceptance of applications, complaints and proposals sent by convicts and confidential postal delivery to the addressees; in addition special boxes inscribed in four languages (Armenia, Russian, English and Persian) have been installed, with the help of which the persons deprived of liberty send applications and proposals to the addressees.
- 118.** It has been instructed by the Order that the complaint boxes in closed and semi-closed regime establishments, as well as detention facilities are placed in the exercise yard or in a more convenient place on the way to the exercise yard and in a place sheltered against bad weather. In the other penitentiary establishments, the boxes should be placed inside the common dwellings, blocks, and where possible, next to the dwellings entrance door.
- 119.** A responsible person has been appointed for opening the boxes and delivery of applications. In addition, as a result of procurement organised at the expense of funds allocated from the reserve funds of the Government of the Republic of Armenia upon Government Decree No 1391-N of 10 October 2019, one X-Ray screening device “Rapiscan ORION 920CX” of new generation and one walk-through metal detector “SECUPLUS” (the set includes a handheld metal detector) were installed in all penitentiary establishments in 2019 and are used up to date, which has essentially improved the prevention of entry of prohibited items. And as early as in February 2020, officers of the relevant subdivisions of penitentiary establishments underwent training, i.e. they became familiar with the peculiarities of use and the options of the equipment.

- 120.** At the same time, it should be stated that where the inspection by the relevant penitentiary officer of the deliveries, packages and personal items envisaged for detained person and convicts by a special technical equipment (touch-free inspection systems, X-ray screening and other devices) ,which is carried out upon the amendment made to the Regulation, does not reveal any prohibited items, as well as does not give rise to a reasonable doubt that they contain prohibited items, the actions provided for by point 99 of the above-mentioned Annex are not carried out (baked goods are cut, cans are opened and transferred to another container, the fish is cut into pieces, the cheese, sausage products and the meat are cut into pieces, powder products (sugar, salt etc.) are filled in another container, the packs of cigarettes are opened and inspected, the candies are accepted without packaging, are cut into pieces upon necessity), which provides an opportunity to maintain the original appearance and integrity of deliveries, as well as to make the mentioned process more expedited, by minimising to the extent possible the formation of queues.
- 121.** In this context, the carrying out of inspection by X-Ray screening devices of new generation of the deliveries (food, items, objects) transferred to convicts minimises the possible corruption risks in the process of acceptance of deliveries. In addition, due to the need to prevent the continued outflow of junior staff of penitentiary establishments, since March 2018, the official rate of junior staff has been raised in the amount of another 5 %.
- 122.** It should be mentioned also that in 2020, due to the flattening of the income tax, the salary of 2183 officers of the Penitentiary Service has been raised, and pursuant to Annex 10.1 of Government Decree No 712-N of 3 July 2014, the salary of another 2062 penitentiary officers has, at the expense of provided bonuses, been raised by 30% in average, which is a big step forward to improve the social guarantees of the staff of penitentiary establishments and thus to prevent them from possible manifestations of corruption.
- 123.** As regards the incident having occurred between the prisoners of “Central Prison Hospital, as a result of which a convict (G. V.) has received an injury, it should be stated that as the Committee has been informed, a criminal case has been initiated with respect to the incident, and an investigation is conducted. Provision of information on the progress of the investigation and issuance of a copy of the forensic medical opinion are within the scope of powers of the criminal investigation authority.

➤ **With reference to paragraphs 36 and 38 of the Report**

124. As the Committee has been informed, the following is envisaged within the framework of improvement of the detention conditions of convicts and optimisation of penitentiary establishments:

- Closing Nubarashen Penitentiary Institution and Central Prison Hospital and construct a new penitentiary establishment with capacity of about 1200 prisoners instead in the territory of the city of Yerevan. As a result of implementation of the initiative, a new penitentiary establishment within the administrative territory of the city of Yerevan (most probably in Silikyan District), complying with the international standards, furnished with inpatient facilities will be built. "Central Prison Hospital will be removed from the centre of Yerevan ("adjacent to the Press House");
- moving "Yerevan-Kentron" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia from the administrative building of the National Security Service of the Republic of Armenia to the former block of "Erebuni" Penitentiary Institution;
- liquidating "Hrazdan" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia and constructing, in the administrative territory of "Sevan" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia, premises for penitentiary establishments with closed, semi-closed regimes and detention facilities, with a capacity designated for "Hrazdan" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia, including a block for detention as a type of punishment;
- Ensuring necessary conditions for a semi-open regime establishment at "Armavir" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia, which will comply with international standards, and constructing a ventilation system.
- At the same time, the possibility of developing the capacities of the inpatient facility of "Armavir" Penitentiary Institution of the Ministry of Justice of the Republic of Armenia is currently being considered. The Government of the Republic of Armenia is well aware that, for example, "Nubarashen" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia does not have sufficient conditions for the detention of persons deprived of liberty. In parallel, the Government of the Republic of Armenia also states that it is not possible to fully implement the above-mentioned changes in one year. Accordingly, these strategic directions will be implemented by 2023. Conditioned by that very circumstance, the Government of the Republic of Armenia provides certain financial

resources to ensure sufficient conditions for the penitentiary establishments.

125. Thus, the following construction works were carried out during 2019-2020:

**During 2019**

Renovation and finishing works for the central auxiliary building of the penitentiary service were carried out.

**“Nubarashen” Penitentiary Establishment**

Capital construction works for the internal sewerage network, external and internal water supply networks, toilet facilities, bathrooms, canteen, internal and external electrical system of the Penitentiary Establishment, as well as repair works for the electric substation. Currently, the works are underway. The construction works were completed only in the cafeteria unit, which was put into operation. The remaining works were suspended due to technological difficulties encountered during the construction works.

Construction works related to reconstruction of external and internal water disposal networks of the Penitentiary Establishment were also performed.

**“Sevan” Penitentiary Establishment**

Construction works of the external water disposal system of the Establishment were performed.

**“Vardashen” Penitentiary Establishment**

The 143-meter-long fence of the Penitentiary Establishment was completely overhauled, as well as reconstruction works of external sewerage network of the Establishment were performed.

**“Hospital of Convicts” Penitentiary Establishment**

Repair works of the external and internal water supply and water disposal system, toilet facilities and bathrooms of the Penitentiary Establishment were performed.

**“Vanadzor” Penitentiary Establishment**

The bathrooms were partially repaired.

**“Artik” and “Goris” Penitentiary Establishments**

The dormitories were partially repaired.

**“Yerevan-Kentron” Penitentiary Establishment**

Repair of the system of hot water supply of the bathroom was carried out.

### **“Abovyan” Penitentiary Establishment**

Repair of the external water disposal system of the Penitentiary Establishment was carried out. The low-voltage cable of the area between the two substations of the Establishment, the roof of a storage house with an area of about 500 square meters was also repaired.

### **“Hrazdan” Penitentiary Establishment**

The external water disposal system of the Establishment was repaired.

### **“Armavir” Penitentiary Establishment**

The auxiliary building of the Establishment envisaged for long-term visit was repaired, after the completion of the works, the rooms were furnished and equipped with household appliances. Seismic testing services of buildings and premises were also provided, on which a positive conclusion was issued to the Penitentiary Service of the Ministry of Justice of the Republic of Armenia. Services of preparation of design and estimate documentation of the semi-open building envisaged in the Establishment were provided.

### **“Kosh” Penitentiary Establishment**

Repair and construction works of the external water disposal system and cafeteria of the Institution were performed.

## **126. During 2020**

On 20 February 2020, for the purpose of obtaining the current repair works provided for by the procurement plan of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia of 2020, a procurement procedure was announced through Armepps electronic procurement system, in which 2 organisations participated — "Artashat ETSSh" LLC and "SUBASHIN" LLC. As result of the procurement procedure, "SUBASHIN" LLC was declared a winner, with which the Contract for current repair construction works under the number "HH AN QKTs-GHASHDzB-20/1" was concluded on 26 March 2020.

The above-mentioned Contract does not envisage volumes of construction works. The unit value of the construction works and the construction products used in them are confirmed by the concluded Contract. "SUBASHIN" LLC performs the current repair and construction works on the basis of the applications submitted by the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, and as a result of each work

performed, executive acts and acceptance and delivery protocols are drawn up, in particular:

**“Armavir” Penitentiary Establishment. Medical Auxiliary Building**

The sinks, toilets, faucets and showers of 20 wards and 3 toilet facilities were replaced with new ones.

Doors made of metal bars were prepared and installed for the doors of 16 wards of the medical unit, separating and insulating bars were installed in the corridor. Replacement of broken glass packages was made in 5 rooms, one new window was installed in each of 2 cells.

The toilet facility intended for the infirmary offices was repaired.

**Regime zone.**

Repair of 24 toilet facilities was carried out, the repair of 7 of which was carried out with the general finishing of the cells: sewer pipes, sinks, Asian toilets, faucets, showers, etc.

The glass packages of 48 cells were replaced.

Capital repair of the toilet facility of the waiting room of the Penitentiary Establishment was carried out.

Repair of one women's toilet facility and one men's toilet facility of the administrative auxiliary building.

The external water supply network of the Establishment was repaired — about 125 linear metres.

Replacement of cocks and valves of the boiler-house of large diameter, replacement of the cast iron batteries of the heating boilers, replacement and renovation of the propulsion pump, as well as adjustment of gas burners are underway. Valves of different diameters of the general heating system are replaced, works of prophylactic checking are performed. "Global-Project" LLC having been declared as a winner of the announced tender carries out the activities of drawing up design and estimate documents of the ventilation system combined with the heating of the Establishment, "MARQ" LLC carried out an expert examination of design and estimate documents.

"Bideq" LLC having been declared as a winner of the announced tender of construction works, pursuant to Contract No "HH AN QKTs-GHAsHDzB-20/20-1", performs construction works of conversion of semi-open type of one auxiliary building with a total value of AMD **30 597 882**.

### **"Vanadzor" Penitentiary Establishment**

Complete repair of the main entrance gates of the Penitentiary Establishment was carried out.

Partial repair of the internal water supply and water disposal network. 20 faucets, 20 mechanisms of water storage tanks and valves of different sizes were replaced.

Finishing works of 3 offices were performed.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

### **"Abovyan" Penitentiary Establishment**

Repair of the bathroom of the auxiliary building of women's isolation cell.

Complete repair of the auxiliary building of the sub-division guarding the Establishment, repair of the internal and external water supply, water disposal network.

Asphalting works were also performed in the territory of the Establishment — about 1236 square meters.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

"Bideq" LLC having been declared as a winner of the announced tender for performing construction works, pursuant to Contract No "HH AN QKTs-GHAsHDzB-20/20-1", will perform repair works for internal water supply and water disposal networks of the bathrooms and toilet facilities of all auxiliary buildings.

### **"Vardashen" Penitentiary Establishment**

"The settlement of the convicts serving their sentence in open type conditions was demarcated with a barbed wire fence; the total length — 130 linear meters, fence height — 2 meters.

Repair of 6 toilet facilities of the regime zone was carried out.

Partial repair of the internal and external water disposal network was carried out.

The internal water supply system was partially repaired.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

### **“Hospital for Convicts” Penitentiary Establishment**

For the purpose of prevention of the spread of novel coronavirus disease — COVID-19, 3 disinfection chambers were built, with a total area of 12 square meters.

Installation of a water heater in the bathroom of the room of the infected persons in the regime zone.

Replacement of sinks and faucets in the infectious and therapeutic departments of the Establishment.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

### **“Sevan” Penitentiary Establishment**

Partial repair of roofs of residential auxiliary buildings and storage auxiliary buildings.

Moreover, roofing works were also performed.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

### **“Hrazdan” Penitentiary Establishment**

Repair of 3 toilet facilities of the regime zone, partial repair of internal water supply and water disposal networks were carried out.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

### **“Kosh” Penitentiary Establishment**

Asphalting works of the external area were performed, as a result of which about 4 900 square meters were asphalted.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

Works of thermal insulation of water storage tanks with an area of about 220 square meters are carried out.

#### **“Nubarashen” Penitentiary Establishment**

Repair works for toilet facilities of 11 cells and for 1 common bathroom were performed, repair of damaged pipes of the internal water supply and water disposal network was carried out.

37 packages of broken windows were replaced in the cells.

Works of prophylactic checking and partial repair of the boiler-house and the general heating system are underway.

#### **“Goris” Penitentiary Establishment**

Repair works for the cooking workshop, daily food storage, food processing area and toilet facility of the cafeteria auxiliary building, 6 toilet facilities and 3 offices of the regime zone were performed.

127. As regards the circumstance of inequality of the conditions for keeping persons deprived of liberty mentioned in the Report, it is conditioned by the circumstance that latter have improved and furnished the cells by means not prohibited by law over the years. With regard to the architectural plans of the planned new prisons in Khndzoresk and Silikyan, as well as the new units in Erebuni and Sevan we would like to kindly inform the Committee that the relevant documents will be provided to the Committee once completed.

#### **➤ With reference to paragraph 39 of the Report**

128. Since 2018, the Penitentiary Service does not encourage repair works performed at the expense of the personal funds of persons held in confinement, by performing the repair and finishing works for cells exclusively with the funds provided by the State.

129. Referring to the cracks in the walls of "Armavir" Penitentiary Establishment, it is worth mentioning that seismic testing services of buildings and premises have

been ordered by the Penitentiary Service, by which a positive conclusion was given; the existing cracks in the building are within the permitted limits, and the works already performed for the installation of the ventilation system has already been referred to above.

**130.** In 2020, the Penitentiary Service, for the purpose of performing construction and repair works, concluded a contract with a construction organisation, which performs any type of repair works in penitentiary establishments, in particular, water supply, water disposal, finishing, etc. Each year, the Penitentiary Establishment concludes a contract to provide all penitentiary establishments with deratisation and disinsection services.

**131.** As regards the transformation of dormitories of "Sevan" Penitentiary Establishment to cells, it is worth mentioning that the existing premises are structures of 1950s and are physically timeworn, so such large investments are not advisable. Addressing the provision of opportunity for persons held in confinement to take a shower more often, it is worth mentioning that, pursuant to **point 47** of the Regulation, "The duration of taking a shower by a detained person or convict at least once a week must be at least 15 minutes.". The word "at least" stated in the mentioned point refers to the minimum amount of baths, i.e. if possible, the baths of detained persons or convicts may last more than 15 minutes.

**132.** Moreover, pursuant to point 36 of the Regulation "Each detained person or convict shall be responsible for the cleanliness of his or her cell or dormitory. He or she must keep clean the hygiene products, clothes and household appliances allocated thereto, take a shower or bath under temperature conditions consistent with the climate at least once a week, and more often if possible, where so required for the maintenance of the general hygiene, take care of himself or herself, have a neat appearance and keep a clean bed". In the given case, the word "at least" also refers to the minimum number of baths per week, i.e., if possible, the detained person or convict may take a bath several times a week.

➤ **With reference to paragraph 40 of the Report**

**133.** Since 1 June 2020, the process of providing food to persons held in confinement in all penitentiary establishments of the Ministry of Justice of the Republic of Armenia has been carried out by a private company. The number of beneficiaries eating ready-made food was 100%, which in itself has led to a reduction in the number of deliveries transferred, which has eased the concerns of relatives of persons held in confinement.

134. By delegating the function of providing food to persons detained in penitentiary establishments to private organisations, it has become possible to significantly improve the quality of services provided by the State, by bringing them into compliance with international standards, as well as to take one more step towards eliminating discrimination against persons deprived of liberty.

135. At the same time, please take into consideration the fact that the averaged diets designed to increase the effectiveness of treatment of cardiovascular, gastrointestinal, diabetes, chronic hepatitis, cirrhosis of the liver having become more common in recent years were included in the menus for persons deprived of liberty. It is worth mentioning in this context that as result of involving diets in the menus for persons deprived of liberty, currently, 66 persons make use of such diets.

➤ **With reference to paragraph 41 of the Report**

136. With regard to the tool for risk and needs assessment, it is worth mentioning that the Strategy targeted development and introduction of a tool for risk and needs assessment of both juveniles and adults deprived of liberty. In this context, as already mentioned above, the tool for risk and needs assessment of juveniles deprived of liberty (attached) has been developed and tested, which will be approved by the order of the Minister of Justice of the Republic of Armenia in the near future and will be applied in the relevant penitentiary establishment. Based on the mentioned tools and taking into account the international practice, the initial version of the tool for risk and needs assessment of adults deprived of liberty has been developed, which will be introduced after conducting the necessary testings and processings in the penitentiary establishment of the Ministry of Justice of the Republic of Armenia.

137. Addressing individual planning, it is worth mentioning that preparation of individual planning for the punishment of persons deprived of liberty and their release from punishment is fully based on the provisions of the new draft Penitentiary Code of the Republic of Armenia, which regulate the mentioned process in detail.

138. The issue of organising events outside the cells in the Penitentiary Establishment has already been addressed in paragraph 28.

➤ **With reference to paragraph 42 of the Report**

139. In the context of sub-point 1 of point 17 of the Strategy, which targeted the organisation of the topic "Penitentiary Practice" by "Centre for the

Implementation of Legal Education and Rehabilitation Programme" SNCO, the following should be mentioned:

(1) along with the training of penitentiary officers, importance is also attached to the process of preparation of penitentiary officers. Based on the given circumstance, "Centre for the Implementation of Legal Education and Rehabilitation Programme " State Non-Commercial Organisation of the Ministry of Justice of the Republic of Armenia received a licence by Order of the Minister of Education and Science No 325-A/2 of 21 April 2016 for carrying out educational activities upon the state education standard for the qualification of "Penitentiary Officer" of the profession "Penitentiary practice" of primary vocational (handicraft) education approved by Order of the Minister of Education and Science of the Republic of Armenia No 642-N of 2 July 2015.

However, it is necessary to take into account that there were no allocations from the State Budget for the training of profession "Penitentiary practice" during the reporting period, conditioned by the establishment of the state of emergency (then quarantine) in the Republic of Armenia and martial law. That is, it was not possible to provide state-funded training in the profession "Penitentiary practice". As regards the instruction of topic "Penitentiary practice" on a paid basis, it should be noted that there were no applicants in a such format.

(2) on 21 January 2020, the package of laws on making amendments and supplements to a number of laws (in this paragraph, hereinafter referred to as the Package) was fully adopted in the first reading and has entered into force since 22 February 2020, the adoption of which was conditioned by bringing the mentioned laws in compliance with Laws Ho-205-N of 23 March 2018 "On civil service", HO-206-N of 23 March 2018 "On public service", HO-207-N of 23 March 2018 "On regulation of managerial legal relations".

Within the scope of the package, *inter alia*, amendments and supplements have been made to the Law of the Republic of Armenia "On Penitentiary Service" (hereinafter referred to as "the Law").

**140.** As a result of the editing of part 3 of Article 14 of the Law, it is provided for that: "Citizens having applied for appointment to a position in the Penitentiary Service, who meet the requirements prescribed by this Article for assuming a position in the Service but lack work experience, may, after winning the competition, be involved in one-month training courses by the official competent to appoint them to the position before their appointment to the position. Citizens attending training courses shall not be deemed to be officers.

Procedure and terms for being involved in and taking the training course, as well the procedure for appointment after the completion of the course shall be determined by the Deputy Prime Minister coordinating the Public Service."

**141.** Guided by the mentioned regulation, on 30 July 2020, Decision of the Deputy Prime Minister of the Republic of Armenia No 462-N of 30 July 2020 "On determining the procedure and terms for being involved in and taking the training course of the Penitentiary Service and Compulsory Enforcement Service, as well the procedure for appointment after the completion of the course". On 17 December 2020, Order of the Minister of Justice of the Republic of Armenia No-532-N of 17 December 2020 "On approving the Programme of 2020 for taking a training course for citizens (attendees) having applied to the Penitentiary Service for appointment to a position and meet the requirements prescribed by the Legislation of the Republic of Armenia for assuming a position in the Service but lack work experience, as well as determining the composition of the group of attendees, the list of places of practice and their supervisors". Based on the mentioned acts, the attendees are currently taking a training course conducted by "Centre for the Implementation of Legal Education and Rehabilitation Programme" SNCO of the Ministry of Justice of the Republic of Armenia.

**142.** Summing up, it is worth mentioning that steps aimed at organisation of the training for not only those with no work experience, but also for all penitentiary officers as optimally as possible, with the involvement of financial and/or investment allocations from the State Budget will be taken in the coming years. Social guarantees provided to penitentiary officers and increasing salaries were referred to in paragraph 31.

➤ **With Reference to Paragraph 44 of the Report**

**143.** Decree of the Government of the Republic of Armenia No 294-N "On making a supplement to the Decree of the Government of the Republic of Armenia No 1691-N of 27 December 2012" was elaborated by the Ministry of Justice of the Republic of Armenia and, on 12 March 2020, was approved by the Government of the Republic of Armenia, as a result of which, for the purpose of restoring social guarantees, increasing work efficiency and attractiveness of the employees of "Penitentiary Medicine Centre" SNCO (hereinafter referred to as "the SNCO"), as well as preventing the outflow of personnel, the latter were involved in the list of beneficiaries of the social package.

**144.** Former penitentiary officers who feared losing their military service record and arranging for retirement on preferential terms have mostly retired

and are currently working in the SNCO. On 30 June 2020, within the framework of co-operation with a partner organisation, 16 laptops were donated to the Penitentiary System of the Ministry of Justice of the Republic of Armenia in order to more effectively organise the training of the staff providing medical services in the penitentiary system. During 2020, despite the situation caused by the COVID-19 epidemic in the Republic of Armenia, the middle and senior medical staff of the "Penitentiary Medicine Center" SNCO underwent a number of professional trainings. In particular:

**1) Within the framework of co-operation with "Yerevan State Medical University after M. Heratsi" Foundation, the following professionals were trained:**

- 11 nurses — on "Modern issues of therapy for nurses of all profiles" and "Current issues of family nursing";
- 6 nurses — on "Features of the work of a nurse in a disinfection laboratory";
- 1 nurse — on "Improvement of X-ray laboratory assistants. Radiation protection and safety";
- 10 doctors — on "Current issues of family medicine and therapy";
- 4 psychiatrists — "Psychiatry";
- 3 surgeons — General surgery;
- 4 doctor-dentists — Complex course in dentistry;
- 1 maxillofacial surgeon — on "Current issues of surgical dentistry and maxillofacial surgery";
- 1 infection disease doctor — infectious diseases;
- 1 doctor-gastroenterologist — on "Diseases of the gastrointestinal system and liver for gastroenterologists";
- 1 doctor-radiologist — on "Current approaches to radiological diagnosis";
- 1 doctor-pharmacist — Complex course of pharmacy.

**2) Within the framework of co-operation with the National Institute of Health named after Academician S. Kh. Avdalbekyan, the following professionals were trained:**

- 12 nurses — on "COVID-19 sampling technique";
- 10 nurses — on "Palliative care for patients".

**3) Within the framework of co-operation with the American University of Armenia, online CPD Credited Webinars were conducted for the middle and senior medical staff of "Penitentiary Medicine Center" SNCO on the following topics:**

- "New coronavirus infection. Prevention and control" (for nurses);
- "New coronavirus infection. psycho-emotional manifestations" (for nurses);

- "New coronavirus infection. Information for doctors" (for doctors);
- "New coronavirus infection. Prevention and control" (for doctors);
- "New coronavirus infection. psycho-emotional manifestations" (for doctors);
- ""Hepatitis C", HIV infections" (for doctors).

4) The neurologist, ear, nose and throat specialist, dermatologist and the dentist of "Penitentiary Medicine Center" SNCO were trained with their own means.

5) The statistician of "Penitentiary Medicine Centre" SNCO underwent training on "Public Health Organisation and Statistics" (by means of the SNCO). In addition to the above-mentioned, it is worth mentioning that on 1 November 2019, the project "Strengthening the Health Care and Human Rights Protection in Prisons in Armenia" implemented jointly by the Ministry of Justice of the Republic of Armenia and the Council of Europe was launched, within the framework of which, *inter alia*, a number of targeted trainings are envisaged for the medical staff of the "Penitentiary Medicine Centre" SNCO.

➤ **With Reference to Paragraph 45 of the Report**

145. The SNCO has started its actual activity since September 2019. Currently, the staff list of the SNCO consists of 171 positions, of which 165.25 are filled. Medical care is available 24/7 in all the penitentiary establishments. All sub-divisions of the SNCO are equipped with at least one general practice doctor, and there is a dentist in all sub-divisions.

146. As a result of close co-operation among the Ministry of Justice of the Republic of Armenia, "Penitentiary Medicine Centre" SNCO and Ministry of Healthcare of the Republic of Armenia, the quality of professional medical care for persons deprived of liberty has been changed significantly. The employees of the SNCO, according to the pre-arranged schedule, take the necessary trainings in the best educational bases of the Republic.

147. As a result of the mentioned co-operation, the quality of providing medical services has improved, the period of medical care has been significantly reduced, including with free medical care referrals guaranteed by the State. In the past it was done in 1-2 months, but currently that period has been reduced and is organised in 1 day.

148. One of the main objectives of the SNCO was arranging access to care of persons deprived of liberty. In 2020, representatives of the middle medical staff from 12 medical sub-divisions of the SNCO underwent courses on care at the Yerevan State Medical University after Mkhitar Heratsi, and currently, they

use the acquired knowledge with great success in their practical work. Generally, in 2020 103 persons from the senior medical staff of the SNCO participated in various trainings, and 109 persons from the middle medical staff took a training (when presenting the digital data, the fact that one person might have participated in several training courses has been taken into account).

149. The staff of "Penitentiary Medicine Centre" SNCO persistently continues the works aimed at increasing the professionalism. It is worth mentioning that on 1 November 2019, the project "Strengthening the Health Care and Human Rights Protection in Prisons in Armenia" implemented jointly by the Ministry of Justice of the Republic of Armenia and the Council of Europe was launched, within the framework of which a number of targeted measures are envisaged, including trainings and introduction of systems.
150. The project also targeted the opportunity to introduce telemedicine in the field of prison healthcare. Currently, relevant assessment is being conducted with the assistance of international and domestic experts, including assessment aimed at providing technical equipment for telemedicine, which will allow introducing telemedicine, thus eliminating the risk of delaying the time limits for medical assistance and services on the one hand, and on the other hand, filling the possible shortage of specialists.
151. As regards the planned works aimed at establishment of security departments in civilian hospitals, it is worth mentioning that, conditioned by the situation caused by the COVID-19 epidemic in the Republic of Armenia, the construction deadline has been postponed until 1 September 2021 by Decree of the Government of the Republic of Armenia No 1189-N of 16 July 2020.

➤ **With reference to paragraph 46 of the Report**

152. As the Committee has been informed, since 2018, AMD 150 million has been provided for the acquisition of medicines and medical supplies for the provision of specialised medical care to the detainees and convicts in the Penitentiary establishments of the Ministry of Justice of the Republic of Armenia instead of AMD 43 million provided before, which has radically changed the process of acquisition of medicines. At the moment, there are no problems with the acquisition of medicines, it is done within the scope of public procurement, based on the requests received and developed for the necessary medicines from 12 units of the "Penitentiary Medicine Centre" SNCO beforehand, due to which it is possible to ensure the purposefulness of the acquisition of medicines.
153. There may be rare cases when a person deprived of liberty does not want to use this or that medicine, demanding to give him or her the medicine brought by his or her relatives. These cases are rare and are carried out at

the request of the person deprived of liberty. It is noteworthy that within the framework of the fight against the Covid-19 epidemic, *inter alia*, the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia was replenished with two oxygenators (oxygen concentrators), each of which is designed for two patients at the same time.

154. Obviously, it would be desirable to have such financial resources that would, for example, allow each establishment to have at least one defibrillator and oxygen device. However, it should be noted that the activities are underway, and based on the principle of priority, the equipment essential for the provision of first medical aid to the persons deprived of liberty will be taken into account when providing technical assistance to medical units of the SNCO.
155. In this context, it should be stated once more that on 1 November 2019, "Strengthening Healthcare and Human Rights Protection in the Prisons in Armenia" Project jointly carried out by the Ministry of Justice of the Republic of Armenia and the Council of Europe was launched, within the scope of which, *inter alia*, needs assessment was carried out during 2020. Based on the needs assessment, the equipment needed to replenish the units of the SNCO located in the penitentiary establishments was listed.
156. As a result of the purchase of equipment, it will be possible to put into operation the laboratory of "Armavir" Penitentiary Establishment, which will significantly increase the quality of the provided medical care and service.

➤ **With reference to paragraph 47 of the Report**

157. The Draft Order of the Minister of Justice of the Republic of Armenia "On approving the forms of the outpatient medical card, medical history, statement of the medical history (medical card) of a detained person or convict, carrying out medical examinations and recording the cases related to torture and other forms of ill-treatment, and the guidelines for their completion" (attached) was developed and adopted by the Ministry of Justice of the Republic of Armenia on 14 January 2020, which complies with international standards. The form of the protocol, in line with the Istanbul Protocol, contains "anatomical drawings".
158. Taking into account that the mentioned protocols have been in practical application for almost a year, and that the complete elimination of cases of violence in the penitentiary establishments and their proper disclosure is a priority for the Government, the issue is currently addressed within the scope of "Strengthening Healthcare and Human Rights Protection in the Prisons in Armenia" Project jointly carried out by the Ministry of Justice of the Republic of Armenia and the Council of Europe. Taking into account the

issues raised as a result of about 1 year of application, the protocol form and the guideline for its completion are currently being refined.

**159.** In parallel with the activities of refining of the record form and the guideline for its completion, the Ministry of Justice of the Republic of Armenia is currently refining the Draft Decree of the Government of the Republic of Armenia "On making amendments and supplements to Decree of the Government of the Republic of Armenia No 825-N of 26 May 2006", which, *inter alia*, suggests:

**1)** providing a separate chapter that will comprehensively regulate the requirements for the examination, as well as recording and documentation of cases of torture and other forms of ill-treatment found in the penitentiary establishments;

**2)** providing that examination of every person deprived of liberty and admitted to a penitentiary establishment and making of the record respectively be carried out immediately after transfer to a quarantine unit, but not later than within 24 hours, as the relevant regulations of the current decree do not state when the examination of a detained person or convict is to be carried out, taking also into account that the person may be held in the quarantine unit for up to 7 days;

**3)** stipulating that, in the presence of elements of torture or other forms of ill-treatment and in case of a verbal or written statement of the detained person or the convict, the detained person or the convict held in the penitentiary establishment must undergo a medical examination:

a. upon entering and leaving the penitentiary establishment;

b. during a scheduled or required medical examination;

c. in case of approaching a medical professional or psychologist in regard to torture or other forms of ill-treatment, or if symptoms of violence (physical or psychological) are found;

d. after taking to or from the punishment cell or solitary cell;

e. after planned or unscheduled searches;

f. after announcing or ending the hunger strike;

g. in other cases where the detained person or convict may have been subjected to torture or other forms of ill-treatment.

Moreover, the draft also suggests clarifying how the statement can be submitted — verbal or in writing.

**4)** providing that where the circumstances of the complaint of a bodily injury detected or state of health as a result of the medical examination are not clear and there is a need for additional examinations, the results of the additional examination shall be submitted to the competent authority in addition.

- 5) in order to ensure a more operative response to the cases in question, as well as based on the fact that the preliminary investigation on torture under Article 309.1 of the Criminal Code of the Republic of Armenia is carried out by the Special Investigation Service of the Republic of Armenia, providing that the protocol be immediately transferred to the Special Investigation Service of the Republic of Armenia instead of the Prosecutor General's Office of the Republic of Armenia (informing the Prosecutor General's Office of the Republic of Armenia), which will, in its turn, help to avoid extra workflow.
160. As for the medical examination carried out when accepting the prisoners, it should be stated that pursuant to point (13) of the Annex approved by Decree of the Government of the Republic of Armenia No 825-N of 26 May 2006, the medical examination is conducted out of earshot and, where the doctor conducting the medical examination does not require otherwise, out of sight of the officers not considered to be medical professionals of the detention facility and penitentiary establishment or officers carrying out transfer of a detained person or a convict.
161. Accordingly, the hypothetical presence of other persons during the medical examination of a person deprived of liberty could be due to a request of a doctor. Besides, the case in question may occur, given the building conditions of the penitentiary establishment.

➤ **With reference to paragraph 48 of the Report**

162. Within the framework of cooperation between the Ministry of Justice of the Republic of Armenia and the Ministry of Healthcare of the Republic of Armenia, the activities of the treatment process of the detained persons and convicts diagnosed with Hepatitis C virus in the penitentiary establishments of the Ministry of Justice of the Republic of Armenia were launched and have been underway since 2019.
163. In this context, it should be noted that rapid testing for Hepatitis C Virus was performed among the persons deprived of liberty held in the penitentiary establishments of the Ministry of Justice of the Republic of Armenia, the results of which were daily provided by the "Penitentiary Medicine Centre" SNCO to "NORK" Infection Clinical Hospital of the Ministry of Healthcare of the Republic of Armenia (in this paragraph hereinafter referred to as "the Hospital") electronically.
164. Thereafter, the "Penitentiary Medicine Centre" SNCO applied to the Ministry of Healthcare of the Republic of Armenia with a request to further organise

the process necessary for the treatment of persons deprived of their liberty and determining the Hepatitis C PCR and the genotype of the virus discovered in them through the rapid testing, in response to which the Ministry of Healthcare of the Republic of Armenia informed that the Hospital was ready to carry out the qualitative PCR and further genotyping of Hepatitis C virus of 291 persons (among whom Hepatitis C was detected by rapid testing) held in the penitentiary establishments of the Ministry of Justice of the Republic of Armenia.

- 165.** At the same time, the Ministry of Healthcare of the Republic of Armenia informed that 3 ml of venous blood with vaccines containing FDTA was needed for the examination. Blood samples were to be taken to the laboratory of the Hospital. Accordingly, the blood samples of the persons to be examined were duly transferred to the Hospital to determine the qualitative PCR and the genotype.
- 166.** It is noteworthy that in conditions of the state of emergency declared in the Republic of Armenia on the grounds of emergency situation due to COVID-19 epidemic, the above-mentioned activities were suspended and the Hospital was re-profiled. It is remarkable that as of 2020, the number of persons deprived of liberty held in the penitentiary institutions of the Ministry of Justice of the Republic of Armenia and diagnosed with Hepatitis C virus was significantly different from the statistical data of December 2019 (at that time it was estimated at 400-450 people).
- 167.** Activities are currently underway with the Ministry of Healthcare of the Republic of Armenia to organise the treatment of persons deprived of liberty, diagnosed with these diseases.

➤ **With reference to paragraph 49 of the Report**

- 168.** As of 12 January 2021, 11 out of 12 units of the "Penitentiary Medicine Center" SNCO were replenished with the position of a psychiatrist (including the "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia), the mentioned position was not filled only in the "Goris" Penitentiary Establishment. It should be noted that the lack of the position of a psychiatrist in the Establishment is conditioned by the fact that there is only one elderly psychiatrist in the whole Syunik marz, who is physically unable to regularly visit the "Goris" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia.
- 169.** As a temporary solution it has already been 2-3 months since no persons deprived of liberty with mental health problems, who need a psychiatrist, are

held in the mentioned penitentiary establishment. If necessary, the persons deprived of liberty in need can be examined by a psychiatrist sent to the "Goris" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia on a secondment, until the recruitment is completed; the activities in this direction are currently underway.

170. As for A.H. , a person deprived of liberty, by the decision of the director of "Penitentiary Medicine Center" SNCO, the latter was sent from the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia for forensic psychiatric expert examination on 22 September 2020, where he was until 15 October 2020. At present, A.H. is under the dynamic control of the staff of the "Hospital for Convicts" Unit of the "Penitentiary Medicine Center" SNCO under the Ministry of Justice of the Republic of Armenia and is receiving relevant treatment.
171. On the basis of the results of the forensic psychiatric expert examination, the court is currently considering the issue of prescribing the latter compulsory treatment in a psychiatric institution of a special type.

➤ **With reference to paragraph 50 of the Report**

172. By Order of the Minister of Justice of the Republic of Armenia No 513-L of 10 December 2020, the "2021-2022 Strategy for the Prevention of Suicide and Self-harm in Penitentiary Establishments of the Republic of Armenia and its Implementation Action Plan for the 2021-2022" was approved<sup>10</sup>, which envisages a number of basic and innovative solutions aimed at preventing self-harm and suicide by imprisoned persons. Among other measures, it is envisaged to provide optimal number of psychiatrists and psychologists and recruitment of professional staff in the penitentiary establishments, introduce psychological services outside penitentiary establishments, develop programmes on mental health state assessment, suicide and self-harm, and conduct relevant trainings for the penitentiary and medical staff.
173. Besides, point 42 of Annex 2 approved by Decree of the Government of the Republic of Armenia No 1717-L envisages "improvement of the quality of psychological services provided to persons deprived of liberty", within the scope of implementation of which positions of psychologists in the penitentiary establishments were reviewed and the activities on introducing new positions for psychologists on the basis of other staff reduction are currently underway.

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<sup>10</sup> <https://www.moj.am/legal/view/article/1366/>

174. A methodological guide is currently being developed to increase the effectiveness of psychological services in penitentiary establishments. It is noteworthy that psychological activities in penitentiary establishments are organised pursuant to Annex 1 approved by Order of the Minister of Justice of the Republic of Armenia No 279-N of 13 July 2016 "On approving the procedure of activity of structural units carrying out social, psychological and legal activities with detained persons and convicts and repealing Order of the Minister of Justice of the Republic of Armenia No 44-N of 30 May 2008".
175. After studying the social and psychological features, diagnosis and needs assessment, a programme of correctional process is developed for each convict. The programme is developed within 1-3 months after the convict is placed in a penitentiary institution. The programme shall specify the actions and/or the measures that are planned to be taken with regard to the convict while serving the sentence. Besides, a plan for preparation of the convict release is drawn up three months before the period of conditional release on parole, replacement of the unserved part of the sentence with a milder one, or the period of serving the sentence in full, and activities envisaged by the plan are carried out aimed at easy reintegration into the society after release.

➤ **With reference to paragraph 51 of the Report**

176. The penitentiary establishments of the Ministry of Justice of the Republic of Armenia implement the process of methadone substitution treatment programme for people suffering from drug addiction, which is considered a solution to the problem for those suffering from the mentioned diseases.
177. Referring to the anti-drug treatment, it should be noted that the mentioned treatment process is regulated by Article 97 of the Criminal Code of the Republic of Armenia and is assigned by the court. A person sentenced to imprisonment can be in the status of a detainee for many years, and compulsory anti-drug treatment is prescribed only by a final decision of the court. The treatment process is carried out in the conditions of a specialised narcology department in the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia. The average duration of treatment is 24 days, after the completion of which the Medical Commission files a motion with the court to stop the anti-drug treatment, which is conditioned by the recovery of the patient.
178. Pursuant to the motion of the mentioned Commission, the date of the court session is appointed, which can last for months. Accordingly, the treated

patients were to be kept in the mentioned department, received symptomatic treatment and were under the supervision of the staff of the department.

➤ **With reference to paragraph 52 of the Report**

- 179.** The fact that the persons deprived of liberty stayed in areas of poor living conditions in the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia was conditioned by the overload of the Penitentiary Institution during the visit of the HYE, which has been regulated now.
- 180.** The lack of building area for the infectious department of the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia and the problem of placing patients in different buildings have been and remain a recurring problem for years. It should be stated that this problem and a number of other problems would be addressed after the optimisation of the Penitentiary Establishment and construction of a new penitentiary establishment.
- 181.** The persons deprived of liberty whose treatment cannot be carried out in the main facilities of serving the sentence, receive treatment in the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia. The treatment of the mentioned persons is carried out in inpatient conditions, including in the "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia. Cases of exceeding the provided period of stay for treatment of the disease is currently excluded. After completion of the treatment in the above-mentioned penitentiary establishment, the persons deprived of liberty are transferred to the main facilities of serving the sentence, and if necessary, their treatment is continued on an outpatient basis.
- 182.** Referring to the inequality in the conditions of detainment of persons deprived of liberty, it should be stated that it is due to the fact that the latter have improved and furnished their cells during some years with means not prohibited by law.
- 183.** As it has already been mentioned, the Penitentiary Service has not encouraged the renovation works carried out at the expense of the personal funds of prisoners since 2018 by carrying out the repair and furnishing works of the cells exclusively with the funds provided by the state.
- 184.** As for the representatives of the higher levels of the informal hierarchy existing in the penitentiary establishment, it should be emphasised once more that in order to overcome the criminal subculture and to demonstrate zero

tolerance for it, the draft Laws "On making amendments and supplements to the Criminal Code of the Republic of Armenia" and "On making a supplement to the Criminal Procedure Code of the Republic of Armenia" entered into force on 22 February 2020, provide for a criminal liability for granting or obtaining or maintaining the highest status of criminal hierarchy, forming or leading a criminal subculture group, participating in a criminal subculture group or becoming involved in a criminal subculture group or addressing a member of a criminal subculture group or a person with the highest status of criminal hierarchy, which has already been addressed to above.

➤ **With reference to paragraph 53 of the Report**

**185.** The issue has already been addressed to within the scope of paragraph 27.

➤ **With reference to paragraph 54 of the Report**

**186.** It should be stated that in 2020, the Ministry of Healthcare of the Republic of Armenia already carried out monitoring of the quality of medical care and services provided in the departments of the SNCO. It is noteworthy that in order to ensure stable control over the process in question, the quality of medical care and services provided to the persons deprived of liberty by the SNCO, as well as the control thereover have been analysed within the scope of "Strengthening Healthcare and Human Rights Protection in the Prisons in Armenia" Project jointly carried out by the Ministry of Justice of the Republic of Armenia and the Council of Europe and relevant recommendations have been made. Accordingly, control mechanisms will be envisaged.

➤ **With reference to paragraph 55 of the Report**

**187.** The cases of death of persons deprived of liberty in the penitentiary establishments of the Ministry of Justice of the Republic of Armenia are recorded in medical documents, and no register for recording the cases of death is currently provided for by Decision No 825-N approved by the Government of the Republic of Armenia on 26 March 2006, which "Penitentiary Medicine Center" SNCO is guided by. Death certificates detailing the fact of death are provided by the heads of the units of SNCO to the bodies conducting criminal proceedings.

**188.** As a result of the activities aimed at the development of medical services provided within the "Penitentiary Medicine Center" SNCO, the cases of death

among persons deprived of liberty were significantly reduced during 2020, due to which an unprecedented figure of 5 deaths in total was recorded during the reporting year. This is 4 times less than in the previous year.

- 189.** During the discussions held by the administration of the "Penitentiary Medicine Center" SNCO to prevent the cases of death, as well as to find out the causes of the cases of death, relevant instructions were given to the heads of the medical units of the SNCO.
- 190.** It is noteworthy that part 1 of Article 432 of the Criminal Procedure Code of the Republic of Armenia prescribes: "1. Where a person convicted to imprisonment (...) suffered from other grave illness during the term of serving the sentence that prevents him or her from serving the sentence, the court shall — upon the motion of administration of criminal punishment execution institution that must be based on the conclusion of the medical commission — have the right to render a decision on releasing him or her from further serving the sentence". The cited regulation stated that no time limit was provided for the court, and the courts often did not consider the motion within a reasonable period of time, as a result of which the life and health of a person was endangered and a number of fundamental rights were restricted (2 cases of death were recorded).
- 191.** In this context, it should be noted that the Ministry of Justice of the Republic of Armenia developed the draft law "On making supplements to the Criminal Procedure Code of the Republic of Armenia" which was adopted in full by the National Assembly of the Republic of Armenia in the second reading. According to the existing legislative regulations:
- (1) The court or the prosecutor may change or cancel the detention chosen as a measure of restraint, if there is a serious illness that prevents serving the detention. In addressing the issue of detention chosen as a measure of restraint for a person suffering from a serious illness, the court or the prosecutor shall take into account the gravity of the crime attributed to him or her, the personality of the accused and other circumstances.
  - (2) In the mentioned case, where there is a serious illness that prevents serving the detention, the court or the prosecutor shall — upon the motion of administration of the place of detention which must be based on the conclusion of the medical commission — have the right to change or cancel the detention chosen as a measure of restraint. The court or the prosecutor shall examine the motion immediately, but not later than the day following its receipt. After completing examination of the motion, the court or the prosecutor shall decide whether to uphold or reject the motion, by stating the grounds for upholding or rejection.

(3) The decision of the prosecutor to reject the motion may be appealed against in court, and the decision of the court to reject the motion may be appealed against to a higher court. The court hears the appeal immediately, but not later than the day following its receipt. After completing examination of the appeal, the court shall decide whether to uphold or reject the appeal, by stating the grounds for upholding or rejection.

- 192.** It is noteworthy that as a result of the legislative amendments made, the regulations of the Criminal Procedure Code of the Republic of Armenia were brought in line with a number of legal positions expressed by the Court of Cassation of the Republic of Armenia and the European Court of Human Rights, as well as with a number of international legal documents.
- 193.** At the same time, it is envisaged to introduce programmes on assessment of the mental health of persons deprived of liberty when admitting them to a penitentiary establishment and prevention of its deterioration, as well as conducting of screening examinations in respect of them, as well as to improve the quality of psychological services provided to persons deprived of liberty. These are the minimum conditions that need to be guaranteed in terms of maintaining the mental health of a person. It is noteworthy that the structure of the above-mentioned reform has already been enshrined in the Strategy.
- 194.** On the basis of the mentioned decision, taking into account the existing international standards, as already mentioned above, "2021-2022 Strategy for the Prevention of Suicide and Self-Harm in Penitentiary Establishments of the Republic of Armenia and its Implementation Action Plan for the 2021-2022" (in this paragraph hereinafter referred to as "the Suicide and Self-Harm Strategy") was approved by Order of the Minister of Justice of the Republic of Armenia No 513-L of 10 December 2020 , which targeted the most important problems in the sector. In this regard, it should be mentioned that within the scope of the measures prescribed by the Suicide and Self-Harm Strategy, *inter alia*, it is envisaged to develop and introduce a statistical tool on cases of suicide and self-harm in the penitentiary establishments, including on attempts to commit them, conduct trainings of the penitentiary officers for proper investigation of such cases, develop guidelines for the assessment of mental health, detection, assessment and prevention of cases of self-harm and suicide by medical and non-medical staff.
- 195.** Consistent implementation of the measure of the Suicide and Self-Harm Strategy will enable to ensure the identification of causes and conditions of

suicide and self-harm in penitentiary establishments, as well as the systematic and effective fight against them. The necessary information on cases of death recorded in the penitentiary establishments of the Ministry of Justice of the Republic of Armenia during the second half of 2019 (the total number of cases of death in 2019 was 21 persons) and 2020 are provided below: During the 1st half of 2019, 13 cases of death were recorded, and during the 2nd half 8 cases of death were recorded, out of which 3 were suicide

1. On 23 August 2019, at around 14:00, Zh.H., detainee at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1955, male, committed suicide by hanging.
2. On 28 August 2019, A.S., detainee at "Goris" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1988, male, committed suicide by hanging with a sheet from the cell bars.
3. On 18 October 2019, at around 03:40, the death of N.H., detainee at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1965, male, was recorded by the emergency physician. The initial cause of death is "Sudden Death".
4. On 16 November 2019, at 22:45, the corpse of S.A., detainee at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1998, male, was found hanged in the cell. Suicide.
5. On 3 November 2019, at around 11, Kh.B., convict at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1972, male, was transferred to "Etchmiadzin" Medical Centre — promptly, by ambulance car — due to the sharp deterioration of health condition, and at around 16, he was transferred to "Erebuni" Medical Centre to determine the diagnosis. At "Erebuni" Medical Centre, the convict was transferred to the Intensive Care Unit (ICU) for establishing supervision and clarifying the diagnosis. On 4 November 2019, at around 02:20, the convict suddenly died in the ICU.
6. On 13 December 2019, at around 14:40, H.T., detainee at "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1969, male, died. The initial cause of death is "Myocardial Infarction".
7. On 26 December 2019, at around 00.00, A.K., convict at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of

Armenia, born in 1988, male, was transferred to "Vagharshapat" Medical Center — promptly, by ambulance car — due to the sharp deterioration of health condition, on the way whereof, at around 00:20, death of the latter was recorded. The initial cause of death is "Exogenous Poisoning".

8. On 31 December 2019, at around 18:00, N.H., detainee at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1977, male, died on the way to "Saint Gregory the Illuminator" Medical Centre. The initial cause of death is "Acute cardiovascular insufficiency. Collapse".

**196. During 2020, 5 cases of death were recorded, out of which 1 was suicide**

1. On 7 January 2020, at around 21:20, **K.Ts.**, detainee at "Hospital for Convicts" Penitentiary Establishment, born in 1975, male, died. The initial cause of death — "Chronic kidney insufficiency, multisystem organ failure".

2. On 10 January 2020, at around 01:20, **V.M.**, convict at "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born in 1961, male, died at "Saint Gregory the Illuminator" Medical Centre. Diagnosis: "3rd stage of HIV infection with severe immunodeficiency; body weight loss of more than 10%; cachexia III °; widespread atopic dermatitis with complicated furunculosis; chronic gastritis; chronic toxic hepatitis "C", antibodies — positive; secondary anemia; hypoalbuminemia; gallstone disease, gallstones".

3. On 20 January 2020, at around 13:50, the corpse of **A.G.**, detainee held at "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia, born on 28 November 1975, male, was detected in the toilet facility of the institution.

4. On 1 May 2020, at 16:25, detainee **H.G.**, born in 1969, male, was transferred from "Hospital for Convicts" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia to "Erebuni" Medical Centre where, on 2 May 2020, at 13:00, the biological death of the detainee was recorded. Diagnosis: "Mixed liver cirrhosis of toxic and viral HBV etiology (HCV Ab (+), HCV PCR (=)), according to Child-Pew Class B. Varicose veins of the oesophagus. Erosive gastroduodenitis. Chronic colitis with a tendency to constipation. Mental and behavioural disorders caused by the use of opioid substances. Current use

exclusion (remission phase) (F11.20). Residual changes in the form of pulmonary fibrosis and bullous emphysema changes after clinical recovery from pulmonary tuberculosis”.

5. On 30 May 2020, at around 07:40, detainee **J.K.**, born on 14 April 1970, male, was found in the quarantine cell of "Armavir" Penitentiary Establishment of the Ministry of Justice of the Republic of Armenia in a state of having committed **suicide** by hanging with sheet from window bars.

In respect of all the above-mentioned cases, criminal cases were initiated to find out the actual circumstances of the death, to identify the alleged accused and prosecute them in the manner prescribed by the law.

**197.** The strategy of the Prosecutor's Office of the Republic of Armenia for the prevention of deaths at penitentiary establishments is as follows: until May 2018, as a rule, and starting from May 2018, indiscriminately, criminal cases are initiated under all cases of death recorded at penitentiary establishments of the Republic of Armenia, which ensure the implementation of all measures provided for by the Criminal Procedure Code for ensuring a comprehensive, full and objective examination of the circumstances of the case and revealing the circumstances contributing to the commission of the crime;

-where the duration of the hunger strike by the convicts and detained persons exceeds three days, the meeting of the competent prosecutor of the Department of Oversight over Legality of Punishments and Other Coercive Measures of the Prosecutor General's Office of the Republic of Armenia with the person on hunger strike are ensured, measures are taken to find out the reasons for the hunger strike and, where necessary, the person on hunger strike is interrogated;

- where the hunger strike is conditioned by the investigation of a criminal case, the record of the interrogation shall be sent to the relevant subdivision of the Prosecutor's Office.

**198.** The importance of the issue and the need to keep it in the spotlight was once more emphasised at the sitting of the Board of the Prosecutor's Office of the Republic of Armenia of 27 February 2019, following the results of which specific instructions were given to the relevant subdivisions of the Prosecutor's Office.

**199.** In particular, upon the decision of the Board of the Prosecutor's Office of the Republic of Armenia of 27 February 2019, the competent

prosecutors were instructed by the Prosecutor General of the Republic of Armenia to meet the persons on hunger strike and those who harmed themselves at penitentiary establishment as soon as they are informed thereof, initiate an interrogation of the above-mentioned persons in accordance with the established procedure to find out the reasons for resorting to such an extreme measure. Where the interrogation reveals that such behaviour is conditioned by the criminal proceedings being investigated or having been investigated against these persons, the copy of the record of the interrogation should immediately be sent to the prosecutor directly in charge of the prosecutorial oversight of the given case to make it a subject for detailed discussion and with a view to ensuring the proper protection of the rights of persons on hunger strike and those who harmed themselves, prescribed by law.

- 200.** Besides, the degree of implementation of the right to healthcare for persons held at facilities of deprivation of liberty is constantly in the centre of attention of the Prosecutor's office. Thus, pursuant to the operational plan of the Prosecutor General's Office of the Republic of Armenia for the first half of 2018, a study was conducted on the exercise of the right to health care of detained persons and convicts held at penitentiary establishments of the Ministry of Justice of the Republic of Armenia. As a result, 71 cases of violations were revealed, about which reports were submitted, drawing the attention of the relevant officers of the Penitentiary institutions of the Ministry of Justice of the Republic of Armenia to the recorded shortcomings, in order to exclude similar shortcomings and omissions in the future.
- 201.** With a view to enhancing the effectiveness of the mechanism for prosecutorial oversight envisaged by the Law of the Republic of Armenia "On Prosecutor's Office" for ensuring adequate medical care and assistance to the persons held at penitentiary establishments, the Department of Oversight over Legality of Punishments and Other Coercive Measures of the Prosecutor General's Office of the Republic of Armenia has prepared a guide-questionnaire for inspections, which has — upon the instruction of the Deputy Prosecutor General of the Republic of Armenia — been sent to the relevant subdivisions of the General Prosecutor's Office of the Republic of Armenia for execution.

➤ **With reference to paragraph 56 of the Report**

202. As, inter alia, it has been mentioned, according to Annex 10.1 of Decree of the Government of the Republic of Armenia No 712-N of 3 July 2014, the salary of 2062 penitentiary officers have been increased by 30% in average on the account of bonuses provided.

➤ **With reference to paragraph 57 of the Report**

203. As for introducing alternative mechanism for shift service, it should be stated that pursuant to Article 33 of the Law of the Republic of Armenia "On Penitentiary Service", working week of five days or shift service shall be established for penitentiary officers.

204. Pursuant to Article 139 of the Labour Code of the Republic of Armenia, (...) normal duration of the working time may not exceed 40 hours a week, and the maximum duration of working time, including overtime work, may not exceed 12 hours a day (including the break for rest and meal), and 48 hours — during the week.

205. Pursuant to Article 154 of the same Code, the duration of uninterrupted rest between working days/shifts may not be less than 11 hours, and pursuant to Article 155, in case of summarised calculation of working time, the rest days shall be granted to the employees, in accordance with the working schedule (shifts). Uninterrupted weekly rest should not be less than 35 hours, moreover, two rest days being granted shall follow each other. Therefore, the penitentiary service shall be guided by the above-mentioned legislation.

➤ **With reference to paragraph 58 of the Report**

206. It should also be noted that, pursuant to part 1 of Article 20 of the Law of the Republic of Armenia "On Penitentiary Service": "The penitentiary officers holding positions in the chief, leading, middle and junior groups of positions in the Penitentiary Service shall be subject to training as prescribed by the Law "On civil service"".

207. Training and special education courses for officers of the Penitentiary Service are held by "Centre for the Implementation of Legal Education and Rehabilitation Programme" SNCO in accordance with the schedule

approved by the Order of the Minister of Justice of the Republic of Armenia.

**208.** Training and special education courses are held in the training centre of "Centre for the Implementation of Legal Education and Rehabilitation Programme" SNCO, in the village of Karbi of Aragatsotn Marz of the Republic of Armenia. It should be noted that a list of topics for the courses to be held each year is drawn up and approved in advance.

**209.** Taking into account the features of the work carried out with the persons held in confinement in Penitentiary Service, including in penitentiary establishments, the following topics are included in the training courses:

- Features of working with vulnerable groups in the penitentiary system;
- Features of personal data protection in the Penitentiary service,
- The right to life (for the purpose of combating suicides among prisoners);
- International standards for combating torture, inhuman or degrading treatment;
- Psychological features of interpersonal relationships;
- Conflict management, etc.
- The topic "Corruption manifestations and combating them in the Penitentiary service" is also included in the training courses.

**210.** In addition, in order to provide special knowledge and skills for working with prisoners of vulnerable groups in penitentiary establishments, "Centre for the Implementation of Legal Education and Rehabilitation Programme" SNCO of the Ministry of Justice of the Republic of Armenia has included the courses on the topics "Features of working with vulnerable groups in the penitentiary system" and "Features of working with juvenile offenders in the penitentiary system" in the training programs of 2020 for penitentiary officers.

**211.** At the same time, in order to increase the level of dynamic security in penitentiary establishments, "Centre for the implementation of Legal Education and Rehabilitation Programme" SNCO of the Ministry of Justice

of the Republic of Armenia has included also the courses on the topics "Integrity of a Penitentiary Officer", "Conflict Management", "Organising the Process of Re-socialization of Convicts and Detainees", "Peculiarities of Combating Drug Addiction and Trafficking of Narcotic Drugs Among Convicts and Detainees" and "International Standards for Combating Torture, Inhuman or Degrading Treatment" in the training programs of 2020 for penitentiary officers.

➤ **With reference to paragraph 59 of the Report**

- 212.** Pursuant to part 3 of Article 52, part 2 of Article 59 and part 1 of Article 98 of the Penitentiary Code of the Republic of Armenia, part 4 of Article 36 of the Law of the Republic of Armenia "On custody of arrestees and detainees", during the term of being in the punishment cell, having visits, with the exception of cases provided for by law, using the telephone, receiving and sending cash remittances, deliveries and parcels, maintaining correspondence, making use of literature and the mass media, working, and participating in civil law transactions shall be prohibited.
- 213.** In connection with the above-mentioned restrictions, the Constitutional Court of the Republic of Armenia, based on the application of the Human Rights Defender of the Republic of Armenia, by the decision of 5 February 2019, concluded that by virtue of the fact of applying a penal measure in the form of transfer to a punishment cell restricts itself the rights of the detainee and the convict to privacy of private and family life and to freedom of communication; therefore, the above-mentioned legal provisions of the legislation of the Republic of Armenia, within the framework of the legal positions expressed in the decision, have been recognised as contradicting Articles 31, 33 and 78 of the Constitution of the Republic of Armenia.
- 214.** Thus, the Constitutional Court of the Republic of Armenia, first of all, stated that taking care of the conditions created for keeping detainees or convicts in punishment cells is under the jurisdiction of relevant bodies and officials, and the state, in its turn, is obliged to monitor their activities, especially in terms of maintaining due conditions for persons deprived of liberty.
- 215.** Subjecting to comparative analysis the regulations related to restrictions of rights of detainees and convicts while being in a punishment cell prescribed by the Law of the Republic of Armenia "On custody of arrestees

and detainees", the Penitentiary Code of the Republic of Armenia and Decree of the Government of the Republic of Armenia No 1543-N of 3 August 2006, the Constitutional Court of the Republic of Armenia concluded that their volume generally coincides. While being held in a punishment cell, they shall be prohibited from: visits (except for visits of the defence counsel or the attorney), correspondence, obtaining additional food and basic necessities, receiving parcels and deliveries, sending and receiving cash remittances, watching TV, using literature and the mass media, using board games. The detainee and the convict shall be allowed to keep religious literature and pictures in the punishment cell.

- 216.** Referring to the permission to keep religious literature and pictures, the Constitutional Court of the Republic of Armenia noted that it can contribute to the re-upbringing of a person transferred to the punishment cell and the reinterpretation of spiritual values by the latter, while other detainees and convicts transferred to the punishment cell who do not believe in any religion are actually ignored.
- 217.** The Constitutional Court of the Republic of Armenia has stated that being alone in a punishment cell, in his/her own inner world, with his/her own thoughts and fears, can cause a depressing situation, and the relevant educational and inspiring literature emphasising universal moral values can have a favourable effect on a person.
- 218.** Furthermore, the Constitutional Court of the Republic of Armenia has stated that the constitutional rights to "privacy of private and family life" (Article 31 of the Constitution) and to "freedom of communication" (Article 33 of the Constitution) are not absolute rights and can be limited only by law for the purpose of state security, economic prosperity of the country, prevention or detection of crimes, protection of public order, health and morals or the fundamental rights and freedoms of others.
- 219.** The right of a convict to having visits is an essential part of his/her right to respect for his/her family life, which is ensured by state bodies, which, if necessary, assist the convict in maintaining contact with family members. At the same time, it should be noted that, due to certain personal characteristics of the detainee, his/her connection with the outside world may be limited, including the reduction of the number of visits with the family, control over those visits, if those restrictions are reasonably necessary to achieve a legitimate purpose.
- 220.** According to the disputed legal regulations, the persons transferred to a punishment cell were also not allowed to maintain correspondence. A detainee or convict detained in a punishment cell may not have access to stationery (paper, pen, envelope, etc.) or other means to write down

his/her thoughts, which also makes it practically impossible to exercise the right to communication, while Article 75 of the Constitution requires to establish necessary organisational structures and procedures for the effective implementation of fundamental rights and freedoms of a person.

- 221.** The Constitutional Court of the Republic of Armenia, taking into account that detainees and convicts are deprived of the right to correspondence while of being held in the punishment cell, in a mandatory way, without the necessary justifications, found that the legal regulations under discussion are problematic from the point of view of compliance with Article 33 of the Constitution.
- 222.** The Constitutional Court has also stated that the transfer of a detainee or convict to a punishment cell as a penalty is also provided for by legislations of other democratic states, and is also permissible by the European Court of Human Rights (hereinafter, in this paragraph, referred to as “ECtHR”). The judicial practice of the latter proves that transferring to a punishment cell as an application of a penal measure is not the violation of fundamental rights and freedoms but the improper conditions created for the detainees while being in the punishment cell and the fact that to what extent the application of such a penalty is justified and legitimate.
- 223.** Moreover, ECtHR expressed a position on the issue under discussion that visits, correspondence of convicts may not be prohibited through the procedure of disciplinary sanction imposed for violating prison rules. The Court has considered that such restrictions constitute nothing but an interference by public authorities with the exercise of the right to respect for one’s private and family life, home and correspondence provided for by Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (*Poltoratskiy v. Ukraine* app. no. 38812/97, judgment 29.04.2003, §§152-153).
- 224.** On 28 June 2019, the National Assembly of the Republic of Armenia adopted — in the second reading — the Laws of the Republic of Armenia “On making amendments and supplements to the Penitentiary Code of the Republic of Armenia” and “On making amendments and supplements to the Law “On custody of arrestees and detainees”” (hereinafter, in this Directive, referred to as “the Package”) for the purpose of ensuring the implementation of requirements of Decision SDO-1442 adopted by the Constitutional Court on 5 February 2019.
- 225.** It has been stipulated by the package that in case of transferring a person to a punishment cell, a number of rights of the latter shall not be subjected to automatic restriction but may be restricted only in case sufficient grounds

exist. In particular, it has been provided that while being in a punishment cell, a convict may be prohibited from:

- receiving and sending cash remittances, except for cases of acquiring basic necessities;
- receiving and sending parcels, deliveries and packages, except for cases of acquiring basic necessities;
- participating in civil law transactions;
- visits, except for cases provided for by law;
- using the telephone.

**226.** Moreover, it has been clarified that the law enforcement entity, when applying each of the listed restrictions, must substantiate:

- the causal relationship between the violation committed and the restriction being applied;
- the reasonable need to achieve a legitimate aim pursued through the application of the restriction.

**227.** As for the proposal to reduce the maximum period of being held in the punishment cell, it should be noted that the draft of the new Penitentiary Code of the Republic of Armenia is currently being amended, within the framework whereof a reference will be made to the appropriateness of implementing the proposal submitted by the Committee.

➤ **With reference to paragraph 60 of the Report**

**228.** The procedures for subjecting the persons held in confinement at penitentiary establishments to disciplinary liability are clearly determined by relevant legal acts, in particular:

**229.** Article 35 of the Law "On custody of arrestees and detainees" envisages:

"The following penal measures may be imposed upon detainees for breaking internal regulations, not fulfilling their obligations or fulfilling those obligations improperly:

- 1) announcement of reprimand,

2) transfer to a disciplinary cell for up to ten days, or up to five days for minors. (...)"

Penal measures prescribed by the mentioned Article shall be imposed upon the reasoned decision of the head of the detention facility.

The circumstances in which the violation was committed, the reasonable need to achieve a legitimate aim pursued through the application of the penal measure, the personality and conduct of the detainee prior to committing of the violation shall be taken into account when imposing a penal measure on him or her. The imposed penal measure shall be proportionate to the gravity and nature of the violation committed. The penal measure shall be applied exceptionally upon the person who committed the violation, immediately or no later than within ten days after the violation being revealed. It shall be prohibited to set more than one penal measure per one violation. The act constituting a disciplinary violation, the penal measure and its duration shall be mentioned, when penal measures are imposed; the detainee shall be informed about that.

- 230.** A written explanation shall be taken from the detainee prior to imposition of the penal measure, and if he or she refuses to provide it, a respective protocol shall be drawn up. (...)"Imposition of a penal measure upon the detainee may be appealed at bodies, which control and supervise detention facilities. Appealing shall not suspend imposition of the penal measure."
- 231.** Article 95 of the Penitentiary Code provides for the following:"1. In accordance with the prescribed procedure, the following penalties may be applied with respect to persons sentenced to imprisonment who violate the procedure for serving the punishment: reprimand; strict reprimand; transfer to a punishment cell for up to 15 days, or up to 10 days in case of juvenile convicts. (...)" Penal measures shall be applied in the cases and as provided for by the internal regulations."
- 232.** Article 97 of the same Code provides for the following: When applying penal measures with respect to a convict, the circumstances in which the violation was committed, the reasonable need to achieve a legitimate aim pursued through the application of the penal measure, the personality and conduct of the convict prior to the committing of the violation shall be taken into account. The penalty applied must correspond to the graveness and nature of the violation. A penalty shall be exclusively applied with respect to the person who committed the violation, no later than within fifteen days of revealing the violation and, as a rule, shall be executed immediately. No more than one penalty shall be imposed for a violation. All

penal measures shall be applied in writing, by the reasoned decision of the head of the correctional institution or the person who carries out his/her duties. (...)

- 233.** A convict shall be deemed to have no penalty, if he or she is not subjected to a new penalty within six months upon serving the penalty, or if the penalty imposed earlier is removed. The application of a penal measure with respect to the convict may be appealed to the authorities exercising control and supervision over the execution of punishments.
- 234.** The Annex approved by Decree of the Government of the Republic of Armenia No 1543-N of 3 August 2006 “On approving the internal regulations for detention facilities and correctional institutions of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia” provides for the following: “214. The penal measures provided for by the legislation of the Republic of Armenia towards the detainee and the convict shall be applied by the decision of the head of the remand facility or the correctional institution, respectively. For the purpose of recording the decisions on the imposition of penal measures on detainees and convicts, the administration of the remand facility or the correctional institution shall maintain a relevant registry. In case of transfer to a punishment cell as imposition of a penal measure, the beginning and the end of keeping the detainee or convict there shall also be registered in the given registry. A detainee or convict shall be required to submit a written explanation on the committed violation and in case of refusal to submit it, a respective protocol shall be drawn up.
- 235.** When considering the committed disciplinary violation and imposing a sanction, the head of detention facilities or correction institutions shall investigate the written materials submitted by the officer of detention facility or correction institution, adopts a relevant decision, which is attached to the personal file of the convict or the detainee.
- 236.** When choosing a type of a disciplinary sanction, the conditions in which the violation was committed, the reasonable need to achieve a legitimate aim pursued through the application of the penal measure, the personality, conduct and general characteristics of the convict or the detainee prior to the committing of the violation shall be taken into account. The penalty being imposed should be proportionate to the gravity and nature of the violation committed. The penalty should be fair and should be applied only on the basis of a reasoned decision made as a result of appropriate investigations.
- 237.** The penal measure shall be applied exceptionally upon the person who committed the violation immediately after the violation has been revealed or

no later than within 10 days in case of convicts or 15 days - in case of detainees. The decision to impose a penalty on a detainee or convict shall indicate the personal details of the detainee or convict, the nature and consequences of the violation, the results of the investigations made and the type of penalty. All the documents drawn up in connection with the violation committed by the detainee or the convict shall be attached to his/her personal file. The detainee or convict shall be notified about the decision on the imposition of the penalty [after...] within 3 days by getting the signature. An appeal by a detainee or convict against the penal measure shall not suspend the application of the penalty. (...).

Information on changes in the regulation of the disciplinary sanction "Punishment cell" is presented in detail in point 59.

- 238.** At the same time, it should be noted that a draft legal act envisaging amendments and supplements to the current Penitentiary Code and the Criminal Procedure Code of the Republic of Armenia is currently in process of elaboration, which regulates in detail the procedures for appealing — by way of superiority or through judicial procedure — the action, inaction of the administration of the penitentiary institution or the decision made by the latter.

➤ **With reference to paragraph 61 of the Report**

- 239.** As for the recommendation of the Committee on providing six square meters of living space for each person in the punishment cell, it should be noted that due to the specifics of constructive and bearing elements of current buildings and premises, it is not possible to carry out alterations and reconstruction works as a result whereof it would be possible to provide six square meters of space.
- 240.** As a result of the optimisation envisaged by the strategy, the issue of possibility of providing six square meters of space for each person in the punishment cell will be discussed during the implementation of design and estimate works of the newly designed penitentiary establishments.
- 241.** It should also be noted that the Ministry of Justice of the Republic of Armenia takes all possible measures within the limits of the funds allocated each year for the maintenance and repair of buildings and premises of the penitentiary system for the purpose of improving the conditions of keeping

the persons held in confinement, which is referred to in more detail in point 36.

➤ **With reference to paragraph 62 of the Report**

242. More detailed information on this Directive is provided in the response to paragraph 25. Persons deprived of liberty are being informed about their rights by penitentiary establishments.

➤ **With reference to paragraph 63 of the Report**

243. The elaboration works of the draft of the new Penitentiary Code of the Republic of Armenia (hereinafter, in this paragraph, referred to as “the Draft”) are currently underway. It should be noted that the Draft has been elaborated taking into account international standards and the CPT recommendations. In the mentioned context, the working group elaborating the Draft will make the issues related to the right to visit an object of discussion, envisaging arrangements in line with international standards.

➤ **With reference to paragraph 65 of the Report**

244. In the context of providing one of the means of communication with the outside world, that is telephone communication, it should be noted that as a result of negotiations with the Public Services Regulatory Commission, “VEON Armenia” Closed Joint-Stock Company has revised the issue of possibility of making the calls from card phones to public mobile communication networks available for persons imprisoned at the penitentiary institutions of the Ministry of Justice of the Republic of Armenia.

245. Due to the fact that the calls from card phones are made through special cards of different prices containing certain speaking time, and due to technical and software solutions, the company did not have an opportunity to change the amount of minutes included therein, so a decision was made to reduce the selling price of these cards by 50% leaving the amount of minutes included therein unchanged (the cost of 1 minute of an actual call to mobile connection networks is 32 AMD, to all phone numbers of Beeline fixed network - free of charge).

246. Moreover, persons held in confinement can make phone calls to the mobile networks of the Republic of Armenia from the card phones installed by "CrossNet" LLC (1 minute costs 19 AMD, and the calls made to fixed telephone numbers of the Republic of Armenia - 5 AMD).
247. It should also be noted that taking into account the ban on visits regularly established by Decree of the Government of the Republic of Armenia No 1514-N of 11 September 2020 "On establishing quarantine due to Coronavirus disease (COVID-19)", short-term visits of persons held in confinement are replaced by video calls at their request. Moreover, due to the epidemic situation, for the purpose of exercising the communication with the outside world more effectively, persons deprived of liberty have been provided with an opportunity to have an additional one video call.

### **C. PSYCHIATRIC ESTABLISHMENTS**

➤ **With reference to paragraph 68 of the Report**

248. The Ministry of Healthcare, by a circular letter, informed the institutions providing psychiatric assistance and care (hereinafter referred to as "the psychiatric establishment") about the necessity to exclude any ill-treatment or violence by the staff against patients. See the Circular in Appendix 2. In accordance with the Circular note the relevant institutions provides the information on the activities implemented.

➤ **With reference to paragraph 69 of the Report**

249. On 11 November 2019, on the occasion of intentionally causing a grave harm to the health of A. V. by L. D. at "Syunik Marz Neuropsychiatric Dispensary" CJSC, Criminal Case No 41164219 was instituted at the Kapan Division of the Police of the Republic of Armenia under the elements of crime provided for by part 1 of Article 112 of the Criminal Code of the Republic of Armenia; the Criminal Case was sent to the Syunik Regional Investigative Department of the Investigative Committee of the Republic of Armenia and investigation was conducted.

250. On 18 November 2019, A. V. was declared as a victim, on 18 December, recognisance not to leave was applied as a measure of restraint against L. D. and the latter was interrogated as a suspect; an outpatient forensic psychiatric expert examination was called for against him and he was

involved as an accused on 20 December.

251. Employees of "Syunik Marz Neuropsychiatric Dispensary" CJSC S. M., V. H., S. H., A. M. and N. M. were interrogated during the investigation into Criminal Case No 41164219.
252. According to Opinion No 33/19 of the Outpatient Forensic-Psychiatric Expert Examination Commission, L. D. has been in a state of insanity when committing the act.
253. On 30 December 2019, a decision was made by the Investigator to refer the case to court for applying medical coercive measures against the person having committed, in the state of insanity, an act prohibited by the criminal law. On 8 January 2020, for the purpose of conducting additional investigation, the criminal case was returned to the Investigation Department by the Deputy Prosecutor of Syunik Marz.
254. On 18 January 2020, the Investigator filed a motion with the Court on placing in the psychiatric hospital a person having committed, in the state of insanity, an act prohibited by the criminal statute; the motion was rejected by the decision of the Court. The mentioned decision was appealed against by the Deputy Prosecutor of the Marz, which was granted.
255. Under the investigation into Criminal Case No 41164219, legal assessment was given to the acts of the employees of "Syunik Marz Neuropsychiatric Dispensary" CJSC, and on 19 March 2020, a decision was rendered on not conducting criminal prosecution against S. M., M. B., A. M. and N. M. on the ground of absence in the acts thereof of the corpus delicti provided for by Articles 214 and 334 of the Criminal Code of the Republic of Armenia.
256. Upon Decision No SD/0026/01/20 of the Court of General Jurisdiction of Syunik Marz, the commission by L. D. of an act presenting danger for the public and provided for by part 1 of Article 112 of the Criminal Code of the Republic of Armenia was deemed as established, and a medical coercive measure — compulsory treatment in a special psychiatric unit of a psychiatric hospital — was imposed on him.
257. Under Criminal Case No 41164219, as prescribed by Article 200 of the Criminal Procedure Code of the Republic of Armenia, a written motion was submitted by the Prosecutor of Syunik Marz to the Marzpet of Syunik on taking measures to ensure proper performance of the duties by the employees of "Syunik Marz Neuropsychiatric Dispensary" CJSC. Following a discussion of the motion submitted by the Prosecutor of the Marz, the letter of the Marzpet of Syunik and clarification of the Director of "Syunik Marz Neuropsychiatric Dispensary" CJSC were received at the Prosecutor's Office of the Marz, according to which the failures and omissions by each

employee were discussed and analysed, the employees undertook the obligation to be more cautious, immediately inform their superiors of any incident and violence, as well as report the Police of the Republic of Armenia.

➤ **With reference to paragraph 70 of the Report**

**258.** A new framework of initiatives is envisaged to implement by the Ministry of Healthcare in 2021, under which about AMD 3.7 billion will be allocated for the renovation works of the "National Centre for Mental Health Care" CJSC (hereinafter referred to as "the NCMHC"). As a result of the renovation, all the wards will be provided with sinks, renewed bed capacity. It is envisaged to purchase new bedding items, as well as personal lockers. Besides, large dormitories will be transformed into smaller ones, which will enable to offer personal living space for each psychiatric patient and to exclude the placement of beds too close to each other. Disabled patients are provided with wheelchairs, while adaptations with wheelchair ramps are envisaged to be carried out during the capital renovation.

**259.** With regard to the situation of war in Artsakh these planned renovation works will not be implemented in 2021 and these allocations will be transferred to very urgent needs of healthcare system.

➤ **With reference to paragraphs 71 and 73 of the Report**

**260.** In 2020, 30 bedside lockers were purchased by the Syunik Dispensary. Provision of patients with personal lockers will be continuous. Steps aimed at improvement of the living conditions are currently carried out in "Armash Health Centre after Academician A.Hayriyan" CJSC (hereinafter referred to as "the Armash HC"). In 2019, the Armash HC purchased a new TV set which is fixed in the hospital lobby.

**261.** The Ministry of Healthcare, by a circular letter, recommended the psychiatric organisations to provide all patients with personal lockable spaces. In addition, the draft Order of the Minister of Healthcare "On defining the necessary living conditions for psychiatric patients placed in psychiatric institutions" is being developed. The above-mentioned draft Order will define the specifics of accommodation (units, wards in a psychiatric institution), food, clothing, as well as treatment for the psychiatric patients.

➤ **With reference to paragraph 78 of the Report**

**262.** With regard to the number of staff in psychiatric establishments and the trainings thereof, we inform the following:

- In “Sevan mental health centre”(CJSC) 10 positions have been added: stokers, doctors on duty, specialist in art therapy, cardiologist, security workers.
- In “National centre for mental health care “(CJSC) 15 positions have been added: elder, average, junior medical workers.
- In March 2019, a seminar on the modern approaches to the fight against and prevention of healthcare-associated infections was organised at the NCMHC by the specialists of the "National Centre for Disease Control and Prevention" SNCO of the Ministry of Healthcare.
- It is planned to open a branch of the Chair of Psychiatry of "Yerevan State Medical University after Mkhitar Heratsi” at the NCMHC. It is envisaged to review, after the renovation, the number of the staff. An Academic Board was established upon the order of the Head, consisting of leading doctors of the Centre and relevant clinical pharmacologists. The Board is aimed at developing treatment schemes and methodology, as well as providing advisory assistance for the treatment of patients.
- The whole staff of the Armash HC participated in the seminar-courses organised by the Office of the Human Rights Defender. Once a year, middle-level medical staff undergoes trainings at the Chair of Psychiatry of "Yerevan State Medical University after Mkhitar Heratsi". It is planned to complete the staff of the Armash HC with an extra psychologist, social worker, as well as an ergotherapist.
- In September 2019, a Chair of Psychiatry was established at the " National Healthcare Institute after Academician S. Avdalbekyan" CJSC of the Ministry of Healthcare. The educational programmes for training courses of the senior- and middle-level medical staff was presented and approved by the Chair. About 40 specialists from different medical establishments of the Republic of Armenia have participated in the training courses since the establishment of the Chair. Around 90 family physicians also participated in the "Psychiatry for Family Physicians and General Practitioners" course.
- The duration of 24 hours of work a day of specific category of employees, in particular employees of healthcare establishments working on an uninterrupted shift basis, is enshrined in Article 139 of the Labour Code of the Republic of Armenia.
- The salaries of the staffs of psychiatric establishments were increased during 2018.

➤ **With reference to paragraph 80 of the Report**

263. Adjunctive therapies are provided in the Syunik Dispensary, a woodworking-furniture-making shop is available, small-scale agriculture, bee-keeping activities are provided, as well as sports, music and art events are held. Adjunctive therapies are provided in the Syunik Dispensary, a woodworking-furniture-making shop is available, small-scale agriculture, bee-keeping activities are provided, as well as sports, music and art events are held.
264. There is an art therapy course available at the NCMHC, where patients are engaged in painting. In addition, board games are available at the Centre, competitions are held, there is a library.
265. The Ministry of Healthcare, by a circular letter, recommended the psychiatric organisations to more frequently involve patients in psycho-social rehabilitation activities through group therapy, individual psychotherapy, art therapy and ergotherapy. According to the information received from the psychiatric organisations, outdoor walk of patients is organised in compliance with the procedure approved by Order of the Minister of Healthcare No 2612-L of 16 October 2018, taking into account the wish of patients.
266. Besides, in 2021, the Ministry of Healthcare also envisages to develop and approve the procedure for organising the rest, including outdoor walk and exercise of psychiatric patients placed in psychiatric establishments.

➤ **With reference to paragraph 81 of the Report**

267. Psychiatric patients, based on their mental and somatic condition, are provided with individualised medical assistance and care in psychiatric establishments. Pharmacotherapy, as well as psycho-social treatment being provided are recorded in medical records of disease and prescription sheets.
268. At the same time, in 2021, the Ministry of Healthcare envisages to revise and approve the standard describing and regulating the process of organisation and provision of psychiatric assistance and care free of charge and under privileged conditions, guaranteed by the state.

➤ **With reference to paragraph 83 of the Report**

269. The psychiatric organisations were recommended to regularly conduct, whenever Clozapine is administered to a patient, general blood tests with

the periodicity indicated in the instruction sheet of drugs, for the purpose of avoiding possible complications.

➤ **With reference to paragraph 84 of the Report**

**270.** According to the information received from the psychiatric institutions, application of physical restraint measures, chemical restraint measures and seclusion against patients is carried out in compliance with the procedure approved by Order of the Minister of Healthcare No 2210-L of 29 August 2018. However, the Ministry of Healthcare once again, by a circular letter, informed the psychiatric organisations about the necessity to strictly ensure the application of the above-mentioned procedure.

**271.** In addition, the form of the registry on application of physical restraint measures, chemical restraint measures and seclusion, wherein the results of the examination of psychiatric patients against whom physical restraint measures and chemical restraint measures have been applied, as well as the periodicity of the examinations are clearly recorded, was developed by the Ministry of Healthcare and is currently in the stage of approval. The list of medication used to calm down psychiatric patients has been developed by the Ministry of Healthcare and is currently in the stage of approval.

➤ **With reference to paragraph 85 of the Report**

**272.** New regulations for admission of a person for compulsory outpatient surveillance or treatment or inpatient treatment have been provided under the Law "On Psychiatric Assistance and Care" of 18 June 2020 (hereinafter referred to as "the Law").

**273.** Article 26 of the Law prescribes that the court decision on subjecting a person to a medical coercive measure shall serve as a ground for admission of a person for compulsory outpatient surveillance or treatment or inpatient treatment. The procedure for continuing or terminating to subject a person to medical coercive measures or changing the medical coercive measure has also been regulated. In particular, it has been prescribed that the doctor-psychiatrist implementing compulsory outpatient surveillance or providing treatment or inpatient treatment shall, at least once every six months, submit a written expert opinion on the mental status of the psychiatric patient to the Psychiatric Commission of a psychiatric institution for the purpose of deciding on the issue of continuing, changing or terminating application of medical coercive measures against the patient. The Psychiatric Commission shall, within ten working days upon receipt of the expert opinion, examine it and deliver a conclusion on continuing, changing or terminating the application of medical coercive measures.

274. Where the Psychiatric Commission delivers a conclusion on changing or terminating the medical coercive measures, the governing body of the given psychiatric institution shall, within ten working days, attaching the conclusion of the Psychiatric Commission, file a motion with the court on changing or terminating the medical coercive measures.
275. In case of changing or terminating the coercive measure, the governing body of the given psychiatric institution shall, within a two-day period, notify thereon the territorial police department of the place of residence of the person in writing.
276. Besides, it has been prescribed that when being admitted for compulsory outpatient surveillance or treatment or inpatient treatment, the psychiatric patient shall be informed about his or her rights, freedoms, the restrictions thereon, the aim of and reasons for compulsory surveillance or treatment, as prescribed by this Law.

➤ **With reference to paragraph 86 of the Report**

277. The Law "On Psychiatric Assistance and Care" of 18 June 2020 has prescribed specific regulations for involuntary treatment as well. In particular, the requirement for revision [of the court decision on involuntary hospitalisation of a person] by a court at least once every six months in case of involuntary hospitalisation of persons has been prescribed by Article 24. It has been prescribed that the doctor-psychiatrist providing involuntary inpatient treatment shall, at least once a month, submit a written expert opinion on the condition of the psychiatric patient to the Psychiatric Commission of the psychiatric institution for the purpose of deciding on the issues of continuing or terminating the involuntary treatment of the person. The Psychiatric Commission shall, within five working days upon receipt of the expert opinion, examine it and deliver a conclusion on continuing or terminating the involuntary treatment. The duration of the involuntary treatment may not exceed six months. Where the grounds for involuntary treatment of a psychiatric patient prescribed by the Law still exist after expiration of six months, the governing body of the psychiatric institution shall, within 72 hours upon expiry of the six-month period, file a motion with the court on subjecting a person to involuntary inpatient treatment as prescribed by the Civil Procedure Code of the Republic of Armenia. The psychiatric institution, prior to entry into legal force of the court judgment on subjecting a person to treatment with regard to involuntary hospitalisation, may provide only immediate and emergency psychiatric assistance and care to a psychiatric patient without

his or her informed consent.

**278.** It has also been prescribed that, in case the grounds prescribed by the Law for involuntary treatment of a psychiatric patient terminate prior to the expiry of the six-month period, the governing body of the psychiatric institution shall file a motion with the court on abolishing the court judgement on subjecting the person to involuntary hospitalisation.

**279.** Administrative liability for a doctor, the Psychiatric Commission, or director of the psychiatric establishment for violation of these rules has been prescribed by Article 47.27 of the Code on Administrative Offences.

➤ **With reference to paragraph 87 of the Report**

**280.** The Law "On Psychiatric Assistance and Care" of 18 June 2020 has prescribed the concept of "informed consent", as well as has prescribed the right of a psychiatric patient to give informed consent in the case of psychiatric indication, psychiatric check-up, treatment, as well as the right to refuse, at any moment, any psychiatric assistance and care. Besides, for the first time, it has been prescribed by law the preference for receiving (according to the degree of capability of understanding and predicting the possible consequences of medical intervention or the absence thereof), the consent of a mentally ill child and a person declared as having no active legal capacity over the consent of their legal representatives. The possibility of giving an informed consent by a mentally ill child having attained the age of 16, as well as the person declared as having no active legal capacity as prescribed by law has been prescribed for the cases when the nature of mental disorder allows for the child or person to express his or her will and realise the nature and consequences of the medical intervention being conducted against him or her. In case of absence of the mentioned conditions, the psychiatric assistance and care for the child having attained the age of 16 or the person declared as having no active legal capacity as prescribed by law shall be implemented on the basis of a court judgment. In case of the child not having attained the age of 16, the informed consent will be given by his or her legal representative. The draft for making supplements to the Code on Administrative Offences prescribing administrative liability for violating these rules is being circulated.

➤ **With reference to paragraph 88 of the Report**

**281.** The Ministry of Healthcare has informed psychiatric institutions about the necessity to inform involuntarily hospitalised patients about their right to refuse, at any moment, any psychiatric assistance and care.

**282.** Also, in 2021, the Ministry of Healthcare envisages developing and approving the form of an awareness sheet at psychiatric establishments, as well as the procedure and periods for informing the psychiatric patients about the possible consequences of scientific, medical or other experiments.

➤ **With reference to paragraph 89 of the Report**

**283.** The provision of telephone connection and correspondence are carried out in accordance with the Appendix of Law which affirms the procedure of the implementation the rights of people having psychic health problems.

➤ **With reference to paragraph 91 of the Report**

**284.** Pursuant to point 18 of Annex 2 to Decision of the Government of the Republic of Armenia No 1978-L of 26 December 2019 "On approving the National Strategy on Human Rights Protection and the 2020-2022 Action Plan arising therefrom", prior to the first half of the year 2022, it is envisaged to introduce mechanisms at psychiatric institutions for submitting anonymous reports on torture, inhumane or degrading treatment, and pursuant to sub-point 2 of point 24, prior to the second half of the year 2021, it is necessary to develop and disseminate 2 informational materials regarding human rights within psychiatric institutions, including measures of protection of rights.

**285.** Nevertheless, psychiatric institutions have been informed about the necessity of placing in the premises of the institution of at least one telephone and a complaints box at a place accessible for psychiatric patients. There are complaint boxes, as well as payphones available at psychiatric institutions, which can be used by patients.

**286.** Also, the organizations have been informed by the Ministry of Health about the importance of availability of the boxes designed for the statement of complaint in proper place of the establishment area for people having psychic health problems.

**287.** In accordance with the Law in the organizations the patients are informed about the petitions concerning with the violation of their rights and freedoms, complaints as in person, as through the advocate or representative or legal representative to the executive body of psychiatric organizations, state or local self-governmental bodies, court, ombudsman for human rights, the mass media, also the organizations specialized in the defence of human rights and freedoms or about the right to appeal to the international bodies.

➤ **With reference to paragraph 92 of the Report**

**288.** The adoption of the Draft Decree of the Government “On approving the 2020-2024 Action Plan for transformation of services for care for persons with disabilities and the timetable for implementation of the Action Plan” was postponed upon the recommendation of the Office of the Prime Minister of the Republic of Armenia due to the epidemic and military operations, deterioration of socio-economic situation in the republic and, therefore, measures provided for by the Draft (particularly protected apartments and small houses) have not been implemented.

**289.** As for the provision of home care for people with mental health problems, since 2020, this service has been provided to 60 people in Yerevan by providing a grant, by "Khnamk", [“Care”] non-governmental organisation which won the tender.

➤ **With reference to paragraphs 93 and 94 of the Report**

**290.** The Ministry of Labour and Social Affairs of the Republic of Armenia has developed and placed into circulation the Draft Decision of the Government of the Republic of Armenia "On approving the 2020-2024 Action Plan for transformation of services for care for persons with disabilities and the timetable for implementation of the Action Plan" (hereinafter referred to as "the Draft"), which is aimed at ensuring the right of persons with disabilities to live independently, the provision of alternative services for persons living at round-the-clock care facilities, as well as to prevent the entry of persons with disabilities into large round-the-clock care facilities. The services envisaged for persons with disabilities to exercise their rights to live independently and be included in the community must be available for every disabled person, regardless of the type of his or her disability, place of residence, gender, etc. The Draft has been placed into circulation between stakeholder government agencies and non-governmental organisations in the prescribed manner. The received recommendations have been considered, as a result of which the revised Draft has been submitted to the Ministry of Justice of the Republic of Armenia.

**291.** At the same time, taking into account the difficult socio-economic situation having emerged as a result of COVID-19 and the war unleashed by Azerbaijan on 27 September 2020, the future course of implementation of the aforementioned Action Plan is currently being additionally

considered.

➤ **With reference to paragraph 96 of the Report**

**292.** In the first block of "Dzorak" Care Centre for persons with mental health problems" State Non-Commercial Organisation (hereinafter referred to as "the Establishment", there are very few beds placed in the rooms designed for daytime rest of patients, as there is not enough space for ensuring the minimum necessary space for every patient as it is prescribed by criteria. Due to the building conditions, the territory is used maximally. At the same time, it is necessary to mention that the patients spend very little time in the rooms designed for daytime rest. They spend their leisure and most of the day in the rooms designed for work therapy located on the third floor of the second block, in activity groups, while in hot weather — in the yard where different events, sportlandias (sport competitions) are held, as well as in booths (conversations, different games).

**293.** Before COVID-19, repair works were partially carried out in the first block, as a result of which certain parts of the wooden floor were repaired and tiled. The Establishment has also submitted the following proposition, the implementation of which is conditioned by the allocation of financial resources, which is impossible at this stage; in particular, it is proposed to rebuild, accommodate, capitally renovate and put into operation the second and third floors of the first administrative-bedroom block (it is currently impossible to use them) and use them for improving the living conditions of patients, as a result of which it will be possible to increase the number of patients (there is a demand).

**294.** The two-storey building referred to in the report is alienated. The territory has been purchased by another organisation located next to the Establishment, which has expressed commitment to fence the territory, but due to the coronavirus, the territory has not been fenced yet.

**295.** A number of steps have been taken to provide the patients at Establishment with personal lockable space to keep their personal items, as well as to ensure larger visual stimulation and individualisation in their rooms. In particular, compared to the number of patients, their living conditions have been improved as much as possible, within the limits that ensure the residential area and resources of the buildings, in accordance with the established criteria; all patients who can serve themselves, have a bed table; if the patients happen to have expensive items, they are kept in the fireproof cabinet of the Establishment.

➤ **With reference to paragraph 98 of the Report**

296. The staff units of the Establishment and the working hours of a psychiatrist have been reviewed. From 1 January 2020, the Establishment granted another 0,5 staff units for psychiatrist; currently there are two psychiatrists working at the Establishment. All members of the staff working at the Establishment have either vocational education or have taken professional training courses and have relevant certificates.
297. In 2020, the care-taking personnel has also been replenished, and the number of staff units of the personnel has been brought into compliance with the criteria established by Annex No 2 to Decision of the Government of the Republic of Armenia No 1292-N of 29 October 2015. ]
298. According to the staff list of "Vardenis Neuropsychiatric Residential Care Home" operating within the system of the Ministry of Labour and Social Affairs (number of persons in care - 450), the Residential Care Home has:
- doctors (of different specialisations) – 8,0 staff units;
  - doctor-dentists – 2,0 staff units;
  - psychiatrist – 4,0 staff units;
  - social worker – 5,25 staff units;
  - social pedagogue – 1,0 staff units;
  - physical education instructor – 0,5 staff units;
  - specialist of work therapy - 16,0 staff units.

➤ **With reference to paragraphs 102 and 104 of the Report**

299. Pursuant to point 7 of part 1 of Article 236 of **the Civil Procedure Code** (hereinafter referred to as "the Code"), the court shall examine cases on subjecting a person to hospitalisation in a psychiatric organisation against his/her will under special proceedings.
300. **Pursuant to Article 360 of the Code**, the following shall have the right to lodge an appeal against the judgments of the Court of First Instance and (...): (1) persons participating in the case, persons not involved in the case as participants, with regard to whose rights and responsibilities a judicial act has been delivered.
301. Pursuant to Article 24 of the Law "On Psychiatric Care and Service", 1. A person with a mental health problem may be involuntarily hospitalised without his/her consent, and in case of a legal representative, without the

consent of the legal representative upon the result of the psychiatric certification, in order to prevent the danger posed by a person with a mental health problem (including for the life or health of himself/herself or others), where without the hospitalisation, the treatment of the person cannot be organised effectively, and the delay in psychiatric help can endanger the life, health of the person, or the environment.

Within 72 hours after hospitalisation in the case provided for in part 1 of this Article:

(1) the person with a mental health problem shall be examined, on a mandatory basis, by the psychiatric commission and

(2) in case of confirmation of the justification of involuntary hospitalisation by the conclusion of the professional psychiatric commission, the executive body of the psychiatric organisation applies to **the court** to subject the person to involuntary psychiatric in-patient treatment in the manner prescribed by the Civil Procedure Code of the Republic of Armenia. In cases provided for by this part, the psychiatric organisation, prior to entry into legal force of the court judgment on subjecting to treatment with regard to involuntary hospitalisation, only immediate and emergency psychiatric care and service shall be provided to the person with a mental health problem without his/her informed consent.

**302.** The doctor-psychiatrist providing involuntary inpatient treatment shall, at least once a month, submit a written expert opinion on the condition of the person with a mental health problem to the psychiatric commission of a psychiatric organisation for the purpose of solving the issues connected with continuing or terminating the involuntary treatment of the person. The psychiatric commission shall, within five working days upon receipt of the expert opinion, examine it and deliver a conclusion on continuing or terminating the involuntary treatment.

**303.** The duration of involuntary treatment may not exceed six months. Where after expiry of six months there are still grounds for involuntary treatment for a person with a mental health problem prescribed by part 1 of this Article, the executive body of the psychiatric organisation shall, within 72 hours upon expiry of the six-month period, submit an application to the court with the request to subject a person to involuntary inpatient treatment as prescribed by the Civil Procedure Code of the Republic of Armenia. In cases provided for by this part, the psychiatric organisation, prior to entry into legal force of the court judgment on subjecting to treatment with regard to involuntary hospitalisation, only immediate and

emergency psychiatric care and service shall be provided to the person with a mental health problem without his/her informed consent.

**304.** In case the grounds prescribed by the Law for involuntary treatment of a person with a mental health problem do not exist before expiry of the six-month period prescribed by part 4 of this Article, the executive body of the psychiatric organisation shall apply to the court with the request to annul the court judgement on subjecting the person to involuntary hospitalisation at the psychiatric organisation.

**305.** Information about the working conditions within the Establishment, rules for admission and discharge of patients, provision of care services, the rights and social guarantees of the patients is provided to the patients and their family members by the social workers and legal consultants of the Establishment, through individual consultations. Due to COVID-19, visits by relatives and friends to patients are temporarily suspended. At the same time, the Establishment plans to prepare a leaflet about its activities, the services provided and the rights of patients, which will be distributed to each patient and his or her family as the patient is admitted to the Establishment. This action is planned to carry out starting from 1 January 2021.

CIRCULAR  
OF THE MINISTER OF HEALTHCARE OF THE REPUBLIC OF ARMENIA

I would like to inform that during the visit to Armenia from 2-12 December 2019, the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment carried out follow-up visits to institutions providing psychiatric medical assistance and care (hereinafter referred to as “the psychiatric establishment”) and recorded a number of issues that were submitted to the Ministry of Healthcare and psychiatric establishments.

Appropriate measures should be taken to seek solutions to the issues raised in the above-mentioned report and to exclude their recurrence within psychiatric establishments, in particular:

1. Exclude any ill-treatment or violence against patients by the staff and regularly carry out awareness raising activities for the staff on the approach of a polite, humane and non-degrading treatment towards patients;
2. Provide patients with personal lockable places;
3. Involve patients in psychological-social rehabilitation activities, carrying out group therapy, individual psychotherapy, art therapy, as well as ergotherapy;
4. Organise outdoor walk of patients in compliance with the procedure approved by Order of the Minister of Healthcare No 2612-L of 16 October 2018;
5. Inform patients about the goals, methodology, duration, as well as side effects and expected outcomes of treatment, about consequences of refusing to undergo psychiatric assistance and care;
6. Organise the application of physical restraint measures, chemical restraint measures and seclusion against patients in compliance with the procedure approved by Order of the Minister of Healthcare No 2210-L of 29 August 2018;
7. Regularly conduct, whenever Clozapine is administered to a patient, general blood tests with the periodicity indicated in the instruction sheet of drugs, for the purpose of avoiding possible complications;
8. Inform patients voluntarily hospitalised to the general psychiatric ward, and in case of existence of a legal representative — also the legal representative about the right to refusing, any time, to undergo psychiatric assistance and care;
9. ensure availability in the premises of the psychiatric establishments of at least one telephone in a place accessible to persons with mental health problems;

10. ensure availability in the premises of the psychiatric establishments of complaint boxes in a place accessible to persons with mental health problems;
11. inform patients about their right to submit applications and complaints, in person or through an advocate, representative or a legal representative, to the executive body of the psychiatric institution, to state or local self-government bodies, to the court, to the Human Rights Defender, the media, as well as human rights and freedoms protection organisations and international organisations about the violation of their rights and freedoms.