

Preliminary Observations

**on the periodic visit to Armenia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 12 to 22 September 2023

The Government of Armenia has requested the publication of these preliminary observations.

Strasbourg, 1st March 2024

Preliminary observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) at the end of its visit to Armenia (12-22 September 2023)

Dear Ministers, Dear Deputy Ministers, Ladies and Gentlemen,

We have now completed the 6th periodic visit of the CPT to Armenia and, in keeping with the Committee's standard practice, we would like to present to you the delegation's preliminary observations.

The visit provided an opportunity to assess the extent to which the CPT's previous recommendations have been implemented. To this end, the delegation examined the treatment and safeguards afforded to persons deprived of their liberty by the police and the military as well as the treatment and conditions of detention of persons in several prisons and at the Prison Hospital. Furthermore, we examined the situation of persons in residential care homes.

It is planned to transmit the full visit report to the Armenian Government by the end of March 2024.

A. Co-operation

We are pleased to state that the delegation has enjoyed excellent co-operation during this visit, both at the central level and locally in the establishments visited. The delegation had rapid access to all the places visited (including ones not notified in advance) as well as to documents requested and was able to speak in private with persons deprived of their liberty. The delegation would like to thank in particular Mr Levon Balyan, Deputy Minister of Justice (the CPT's Liaison Officer), as well as Ms Elina Geghamyan and Ms Rubina Mkhitarian, Advisers to the Minister of Justice, for their efficient assistance provided before and during the visit.

B. Police establishments

During the visit, the delegation visited several police stations and interviewed persons in police custody as well as recently arrived remand prisoners about their treatment by the police.

Most of the persons interviewed by the delegation, who were or had recently been in police custody, stated that they had been treated correctly by the police. However, the delegation did hear some allegations of recent physical ill-treatment of persons detained by the police. A few of the allegations heard referred to the excessive use of force at the time of apprehension (consisting essentially of punches and kicks) applied on persons who did not resist – or no longer resisted – arrest and who were sometimes handcuffed. Other allegations referred to physical ill-treatment (punches, slaps, and kicks) by operational plainclothes police officers during initial questioning in a police establishment or, in one case, physical ill-treatment by police officers in the holding cell on court premises.

Further, the delegation heard some allegations of physical ill-treatment inflicted during questioning by investigators from the Investigative Committee and from the National Security Service, reportedly with the aim of extracting a confession or obtaining other information. The ill-treatment alleged essentially consisted of slaps, punches, and kicks, but in one case the physical ill-treatment was more severe and included the use of an electric discharge weapon. It is noteworthy that, in a few cases, the delegation gathered documentary evidence corroborating the allegations received. The delegation is aware that criminal investigations were initiated into these allegations and, in its report on this visit, the Committee will request the Armenian authorities to be informed of the outcome of these investigations.

Regarding the legal safeguards against ill-treatment (information on rights, notification of custody, access to a lawyer and to a doctor), the delegation's preliminary findings suggest that the situation has generally improved as compared to the 2019 periodic visit. This is, no doubt, at least in part due to the entry into force of the new Criminal Procedure Code (2022).

In particular, the previous practice of “informal talks” seems to have been eliminated to a large extent, although police officers may still occasionally question apprehended persons on basic factual elements relating to the suspected criminal offence, without the presence of the person’s lawyer.

Further, it would seem that in most cases, persons in police custody are only informed of their rights and enabled to inform their relatives of their detention and to benefit from the assistance of an *ex officio* lawyer from the moment they are brought before an investigator. This may happen up to six hours after their *de facto* apprehension or at the time when the decision on arrest is taken by the investigators. Only those detained persons who already have their own lawyer (and who happen to have the lawyer’s number) can actually call him/her and have him/her present before the first official interview by the investigator. Moreover, the delegation again heard some allegations that criminal suspects had only been enabled to see the *ex officio* lawyer after the interview by the investigator, or only in court.

On a positive note, the delegation observed that whenever detained persons were brought to a police detention facility, an ambulance was called and detained persons were examined by a doctor who also described any injuries that the person might have. It is also a positive development that interviews carried out by the investigators are now systematically audio and video recorded and that patrol police officers use body cameras whenever they carry out an apprehension. However, such cameras are not used by plainclothes operational officers, and initial questioning in police stations (before bringing detained persons before an investigator) is not audio and video recorded. This is a gap that needs to be eliminated.

Regarding the material conditions in cells of police establishments visited, they continue to be generally satisfactory and do not call for any particular comment at this stage.

C. Military detention facilities

The delegation visited two military establishments, which could accommodate servicemen held under military disciplinary regulations - the Disciplinary Isolators of the Military Police in Martuni and Yerevan – and interviewed the detained servicemen held there.

The delegation also visited the Isolator of the Military Police Headquarters in Yerevan, which could accommodate servicemen held under criminal law, and reportedly was also serving as a backup while the main Isolator of the Military Police in Gyumri was undergoing renovation. The Isolator did not hold any detainees at the time of the visit.

There are no immediate concerns, which the delegation wishes to raise at the moment regarding these establishments. The findings will be described in detail in the visit report.

D. Prisons

During the visit, the delegation visited Nubarashen, Armavir, Artik and Abovyan Prisons as well as the Prison Hospital. The delegation is pleased to report that it did not receive any allegations of physical ill-treatment by staff in the penitentiary establishments visited. Further, staff-prisoner relations appeared generally free of tension (and were relaxed and even cordial in some cases). It is also noteworthy that “special means” (physical force, handcuffs, truncheons etc.) were hardly ever used in the prisons visited.

Likewise, the delegation did not receive any direct allegations of physical inter-prisoner violence, although there were indications that certain inmates (especially sex offenders and other so-called “untouchables”) continued to be subjected to exploitation and extortion by strong inmates, with prison staff knowing about it but not intervening (except in case of physical violence).

While it would indeed seem that, in part thanks to the recent criminalization of membership in prison sub-culture, the power of the informal prisoner hierarchy had greatly diminished, the delegation gained the impression that it had not yet been fully eradicated. This was particularly the case at

Nubarashen and Artik Prisons. More determined efforts are thus needed to ensure that no prisoner is in a position to exercise power over fellow inmates and to protect vulnerable prisoners from other inmates who might wish to harm them.

Turning to material conditions, the delegation noted that Abovyan Prison was undergoing comprehensive refurbishment (expected to be completed by the end of 2023), which is a positive development. The delegation also welcomes the installation of a ventilation and heating system in the main prisoner accommodation areas of Armavir Prison and hopes that the Armenian authorities' plans to fit the remaining areas (including the health-care unit) with ventilation will be implemented in the near future.

For the rest, the delegation's findings are very similar to those from the previous visits; in particular, conditions were generally very poor at Nubarashen Prison (and unacceptable on the first floor of the main detention building and in Block 6) and mediocre at best (and unacceptable in the quarantine unit) at Armavir and Artik Prisons, with the continuing discrepancy in material conditions between different cells (which, as the delegation was told, was the legacy of the past as prisoners are no longer permitted to refurbish cells using their own financial means).

Given the delegation's findings, we can only urge the Armenian authorities to proceed with the planned closing down of Nubarashen Prison as a matter of priority (to be replaced by a new prison in the course of 2024) and with the comprehensive refurbishment of Artik Prison (scheduled likewise for 2024). Urgent steps are also required to address the dilapidation, poor level of hygiene and vermin infestation of a major part of the prisoner accommodation at Armavir Prison.

Pending this, the delegation invokes **Article 8, paragraph 5**, of the Convention and requests the Armenian authorities to confirm, within one month, that the extremely dilapidated cells in the quarantine/kartzer block at Artik Prison have been taken out of service. Conditions in these cells are unfit for any human detention, never mind prolonged detention of prisoners segregated for their own safety (as is presently the case).

The delegation also hopes that, in the framework of the scheduled refurbishment of Abovyan and Artik Prisons, the existing small and oppressive, cage-like, outdoor exercise yards for remand prisoners will be enlarged so as to enable genuine physical exertion.

Further, the delegation must reiterate the CPT's minimum standard that prisoners should be allowed to take a warm shower at least twice a week (and more often if possible); this is even more important in the case of female prisoners and infants (at Abovyan Prison) for whom the current arrangements are clearly inadequate.

With the exception of juveniles and sentenced female prisoners on mild regime at Abovyan Prison, none of the prisons visited offered anything remotely resembling a regime of organized constructive out-of-cell activities. Only very few sentenced prisoners were employed on general prison services and very few had access to some courses (generally only those who haven't completed compulsory education). The bulk of the prisoner population (including virtually all remand prisoners, some of whom had already spent years in prison) had nothing to occupy their time but watching TV, reading, playing board games and occasionally (for some of them) using a gym.

Individual risk and needs assessment had been introduced recently and concerned, for the time being, only the newly-arrived prisoners. There were still no individual sentence plans nor any real preparation for release. Furthermore, as in 2019, the lack of work opportunities for inmates meant that most of them could not qualify for early release.

The delegation must once again reiterate the CPT's standard that all inmates, irrespective of category, should be able to spend a reasonable part of the day (that is, 8 hours or more) out of their cells, engaged in meaningful activities including work, vocational training, education, sports, leisure and organized association.

The delegation has noted as a positive development that an increasing number of prisoners sentenced to life imprisonment had been allowed to move from the closed to semi-closed regime (and a few more had been transferred to the semi-open regime), and that those accommodated at Armavir and Artik Prisons were no longer segregated from the rest of prisoner population. This policy is to be welcomed and we encourage you to continue it and extend it to all lifers, including those who are still accommodated at Nubarashen Prison. Of course, everything we have said about the need for a constructive regime of activities applies with an even greater force to lifers (and other prisoners serving long sentences).

As regards prison health-care services, the delegation welcomes the recent transfer of responsibility from the Ministry of Justice to the Ministry of Health, which ensures professional independence of health-care staff working in prisons. However, the transfer could have been better prepared. Several important issues such as health-care staff's professional status, benefits and salaries, rights of access to and movement within prisons, ensuring confidentiality of medical consultations and requests to see a doctor, securing convoys for outside consultations and hospitalizations remained subject to tensions and difficulties, particularly so at Armavir Prison. Clearly, there is an urgent need for senior Prison Administration and Penitentiary Medicine Centre staff to sit down together and work out practical modalities of the operation of prison health-care services.

The same applies to the relevant documentation of medical screening and reporting of injuries upon arrival. Whilst the system as such seems to operate well, there is still the problem with access to the data server, which needs to be solved urgently.

In the prisons visited, access to primary health care seemed, on the whole, sufficient. However, this could not be said of access to specialists including dentists (in Artik) and, in particular, psychiatrists and clinical psychologists. Further, health-care units were poorly equipped (in particular, there was no wheelchair access and no essential life-saving equipment such as automated external defibrillators) and there were still problems with the supply of some of the prescribed medication, obliging prisoners to rely on their families (or on their own financial means) to purchase it.

As for the Prison Hospital, the delegation can only urge the Armenian authorities to close it as soon as possible, given the advanced degree of dilapidation of the whole establishment (apart from some of the rooms previously renovated using patients' own financial means). Pending this, the delegation invokes **Article 8, paragraph 5**, of the Convention and requests the Armenian authorities to confirm, within one month, that the three cells used to place agitated/aggressive patients or patients requiring protection (referred to as "isolator" or security cells) have been taken out of service. Given that the Prison Hospital currently operates well below its official capacity (and that two of the wards are in the process of being closed down), it must be possible to find suitable and safe accommodation for such patients elsewhere in the Hospital.

At the health-care unit of Armavir Prison, the delegation interviewed a transgender prisoner who had been held in *de facto* solitary confinement for over two and a half years, aggravated by communication difficulties (given that the prisoner concerned only spoke Spanish and no more than a few words in Armenian); this is totally unacceptable. The delegation invokes **Article 8, paragraph 5**, of the Convention and requests the Armenian authorities to confirm, within one month, that the prisoner concerned has been offered meaningful human contact (for example, association with other Spanish-speaking prisoners, if needed under appropriate supervision) for at least 2 hours per day.

The delegation examined several other issues, which will be commented upon in detail in the report on this visit. Just to mention briefly at this stage, most of the prisons (apart from Abovyan and, to some extent, Artik) were severely understaffed (both as regards custodial and other qualified personnel, including psychologists, social workers, work instructors, etc.) and even when the staff complement appeared sufficient for the current population (e.g. at the Prison Hospital and at Artik Prison), the actual attendance patterns (i.e. the number of staff present inside the prisoner accommodation areas at any given shift) were insufficient.

Regarding disciplinary sanctions, the delegation was pleased to observe that they were not applied excessively. However, there are still issues of concern with respect to disciplinary procedure (to be

discussed in detail in the report on this visit) and as already mentioned, conditions of detention in the “kartzet” cells varied from very poor (in Armavir) to totally unacceptable (in Artik and Nubarashen).

Finally, concerning contact with the outside world, while the existing legislation was duly applied (and conditions in visiting facilities were overall acceptable), the delegation must reiterate the CPT’s standard that all prisoners, irrespective of the regime, must be allowed at least one visit of at least one hour per week.

E. Social care establishments

The delegation visited, for the first time, Nork Residential Care Home for the elderly and/or persons with disabilities in Yerevan, and Vardenis Neuropsychiatric Residential Care Home for persons with psychiatric disorders and learning disabilities, which was last visited by the Committee in 2010.

As regards the deliberate ill-treatment of residents by staff in the establishments visited, the delegation received no credible allegations, and found no other indications, of such behaviour. Although orderlies sometimes shouted at residents in Nork Home, this seemed to be the exception rather than the rule.

Indeed, many residents spoke positively about staff, and the atmosphere in the two homes appeared generally relaxed which is especially commendable considering the challenges faced by the low numbers of staff caring for so many residents. The caring attitude and the commitment of staff were particularly visible in Vardenis Home. Staff in Nork Home should be reminded to always treat residents with respect and not to resort to shouting.

As regards inter-resident violence, some quarrels and physical conflicts allegedly occurred between residents in both homes. However, the delegation noted that staff intervened very quickly and adequately to calm such situations down and prevent further escalation.

Turning to living conditions, in both homes visited, residents were accommodated in dormitories which were generally clean, well-lit, and ventilated; however, the accommodation buildings, with the exception of Block A in Nork Home, were considerably dilapidated and cramped, not providing 5 m² per person, as required by the Armenian law. Further, the rooms were generally bare and austere, with no lockable personal space and lacking privacy and personalization. Significant improvements to residents’ living environments are required as a matter of priority.

Regarding staffing, the delegation noted sufficient provision of somatic, including dental, treatment for residents. The presence of a range of multi-disciplinary clinical staff, including psychologists and social workers seemed to be appropriate. However, as in the past, there were not enough psychiatrists in Vardenis Home. In an institution holding 450 residents with serious mental disorders and disabilities, the presence of only two part-time psychiatrists is totally inadequate; efforts need to be made to rectify this without further delay.

Furthermore, the delegation noted that Nork Home was experiencing a serious shortage of orderlies – 21 out of 30 positions were vacant, placing a very heavy workload on the remaining staff. For example, in the unit with 32 bedridden residents, there were only four staff members (one nurse and three orderlies) during the day and only two during the night. Such staffing deficiencies need to be addressed, including by further increasing the salaries and improving other terms and conditions of employment.

Regarding the daily regime, occupational and recreational activities offered to residents were very limited in both homes, and most residents spent their days in the rooms, wandering the corridors or staring at a television in noisy day rooms. This is a further area that requires increased attention.

The delegation was pleased to note that the seclusion and mechanical restraint of residents was not practiced in the homes visited, with seriously disturbed and agitated residents being promptly transferred to psychiatric hospital.

The delegation has serious concerns about the lack of legal safeguards relating to the placement of persons in social care homes. In particular, residents do not have the right to a court review of the lawfulness of their placement and stay (implying the possibility for them to be heard in person by the judge and to be represented by a lawyer). These issues will be discussed in further detail in the report.

Finally, as frequently emphasized by the CPT in its reports, for persons without family support, social care accommodation in the community should consist of more personal, small group home living units, ideally in urban areas where all the relevant facilities are close at hand. Such accommodation should be appropriately intensively staffed with well trained personnel who can entirely fulfil the care needs of their clients in a decent environment.

The delegation is aware of ongoing reforms in Armenia regarding de-institutionalisation and of plans to open ten more small group homes (with a maximum capacity of 14 residents) in addition to the existing five. The delegation hopes that genuine de-institutionalization will continue, with proper community facilities and care being provided for service users, so that continued residence in large institutions can cease.

The delegation invites the Ministry of Labour and Social Affairs to work closely with the Ministry of Health in jointly developing a full and appropriate range of residential, day and out-patient care to support the continued residence of persons with psychiatric disorders in the community and avoid their need for hospital or institutional care.

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This concludes the delegation's preliminary observations, which as always are made in a constructive spirit. Of course, the information provided by the Armenian authorities in response to the above-mentioned immediate observations, as well as any other remarks they may make in reaction to the delegation's observations, will be taken fully into account when the visit report is drafted.