



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### 105th session

#### Summary record of the 2904th meeting

Held at the Palais Wilson, Geneva, on Monday, 16 July 2012, at 3 p.m.

*Chairperson:* Ms. Majodina

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Second and third periodic reports of Armenia (CCPR/C/ARM/2-3;  
CCPR/C/ARM/Q/2 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Armenia took places at the Committee table.*
2. **Mr. Hovakimian** (Armenia), introducing his country's second and third periodic reports (CCPR/C/ARM/2-3), said that Armenia had fulfilled all its reporting obligations to United Nations committees and currently had no reports overdue. The second and third periodic reports reflected all legislative and political changes and developments since the Committee's consideration of Armenia's initial report and had been drawn up by an inter-agency working group comprising representatives of relevant ministries and agencies. A round-table discussion had also been organized to hear observations and recommendations from NGOs.
3. In recent years his Government had taken significant steps to bring its legislation fully in line with its international obligations. On 2 July 2012, the President had signed a decree approving a strategic programme for the new phase of judicial reforms and its action plan for the period 2012–2016. The aim of the judicial reforms was to give effect to the independence of the judiciary. On 12 July 2012, the Action Plan for Armenia 2012–2014 had been launched in collaboration with the Council of Europe; it included priority actions in the areas of democracy, human rights and the rule of law.
4. Constitutional amendments adopted in 2005 had led to the establishment of an independent and efficient judicial system and new regulations on the composition of the Council of Justice. The amendments also clarified the status of the Court of Cassation, declaring it the highest judicial instance for matters other than constitutional justice. In February 2007, the Judicial Code had been adopted to supplement judicial system reforms. Through constitutional reforms, regulations governing the Constitutional Court had been revised to radically expand the scope of disputes settled by that Court and the range of persons entitled to bring cases before it. The principle of equal treatment had been further enhanced by article 14.1 of the Constitution.
5. The prosecution system had been decentralized under the Law on the Office of the Public Prosecutor. A new Code of Criminal Procedure was currently being drafted and would regulate the procedure to be followed following arrests ("arrest protocol"). As part of police reforms, there were plans to draw up an "electronic protocol" to be implemented immediately upon arrest, and to publish booklets in Armenian, Russian and English on the rights of persons brought to police stations. Guidelines on the rights and obligations of police officers during and after arrests had also been drafted and would soon be implemented. The Law on the Human Rights Defender recognized the latter as an independent national mechanism for the prevention of torture.
6. Recent amendments to the Law on Advocacy established new guarantees for advocates' independence and widened the scope of free legal aid. The Judicial Code stipulated that judicial acts must be published. Measures were being taken to expand cooperation with the public and enhance public control procedures, in particular through the Armenian legal information online search system (ARLIS).
7. The Electoral Code had been amended in 2011 with a view to further improving and increasing public confidence in the electoral process. The amendments included changes to regulations on the composition of the Central Electoral Commission. The Code also created

equal opportunities in election campaigns by providing conference halls for candidates free of charge and limiting the cost of political advertising on television and radio. All decisions of the Commission were made available to the public on the Commission's official website.

8. The parliamentary elections held on 6 May 2012 had been the first elections conducted under the new Electoral Code. The Central Electoral Commission had accredited 647 observers from 10 international organizations and about 28,000 observers from NGOs. While the Election Observation Mission sent by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) had commended the improved legal framework of the elections, the Joint Election Observation Mission had referred to certain deficiencies in the electoral process. The Government would take those comments into consideration and work to further improve legislation and practice in that area.

9. The new Electoral Code set out regulations on gender balance among candidates for public office. On 11 February 2010, the Government had approved a concept paper on a gender equality policy calling for the drafting of a strategic programme on the issue for the period 2011–2015. A bill on the equal rights of women and men had been submitted to parliament, as had a bill against domestic violence. The 2010–2012 National Action Plan on Combating Trafficking in Human Beings was currently being implemented. Armenia had co-sponsored Human Rights Council resolutions on accelerating efforts to eliminate all forms of violence against women and on the elimination of discrimination against women. The Government recognized that further measures were needed to guarantee an independent and accountable justice system, reduce corruption risks, and ensure access to justice and its effectiveness and transparency.

10. The Government firmly supported the will of the people of Nagorno Karabakh to fully exercise their right to self-determination. It was regrettable that Azerbaijan continued to violate the right to self-determination of the people of Nagorno Karabakh and the right to life of both Armenian citizens and the citizens of Nagorno Karabakh living in the border areas that were still being attacked by Azerbaijan. It was also unfortunate that abusive language and groundless accusations against Armenia had been published on the Committee's website in a so-called alternative report, and his Government deemed it important that the Committee should consider safeguards against such abuse of its procedures.

11. The Government supported most of the recommendations made during the universal periodic review of Armenia, and the majority were being implemented. An interministerial commission established by the Government had drafted a midterm progress report, which would soon be submitted to the United Nations. In addition, a comprehensive human rights strategic programme was currently being developed.

12. **Ms. Soudjian** (Armenia) presented a brief overview of the Government's written replies to the list of issues (CCPR/C/ARM/Q/2/Add.1).

13. **The Chairperson** invited Committee members to ask questions concerning issues 1–16 (CCPR/C/ARM/Q/2).

14. **Ms. Motoc** said that it was standard procedure for the Committee to upload to its website all alternative reports it received from NGOs so that they would be available to the public; it did not regard that practice as an abuse of procedure. She asked the delegation to provide examples of cases in which the Covenant had been invoked by individuals before the courts or by the courts themselves. She wished to know the relationship between the Covenant and the Constitution, and the Covenant's status within the Armenian legal order. She requested information on any new regulations concerning implementation of the Covenant.

15. According to information before the Committee, the Office of the Ombudsman was not sufficiently active and did not give due consideration to the complaints it received. It had been suggested that its lack of activity was due to insufficient funding. She asked the delegation to comment on that information and to indicate how many complaints the Office had received and, of those, how many it had addressed.

16. **Mr. Salvioli** said that while article 14.1 of the Constitution contained a comprehensive prohibition of discrimination, there were apparently no corresponding provisions in the country's legislation that could be invoked to prosecute offenders. There had been no complaints on racial discrimination, but a paucity of complaints could sometimes be attributable to a lack of familiarity with the respective mechanisms or to lack of faith in the procedure. He was concerned in that connection about the findings of a report by the European Commission against Racism and Intolerance on a visit to Armenia in 2010. He asked whether there was any law prohibiting organizations that promoted racial or other forms of discrimination.

17. The State party had taken important legislative steps to address discrimination against women. He was concerned, however, about the lack of progress towards enacting the bill on domestic violence, which had been under discussion for four years. Domestic and gender-based violence should be classified as a serious offence. Amnesty International had drawn attention to the issue in a report published in 2011. He also understood that there were only two shelters for women victims of violence and that they were funded by private contributions. He urged the State party to make available the necessary resources to address the issue. According to reliable information from NGOs, the courts also failed to give due attention to cases of domestic violence.

18. NGOs had also provided information concerning discrimination due to sexual orientation. He urged the Armenian authorities to take vigorous measures to combat such discrimination. Certain associations had allegedly engaged in hate speech against lesbian, gay, bisexual and transgender (LGBT) persons and put up aggressive posters in the streets. The authorities, invoking the right to freedom of expression, had taken no measures against them. He drew attention to article 20 of the Covenant, which stipulated that any advocacy of hatred that constituted incitement to discrimination, hostility or violence should be prohibited by law.

19. **Mr. Thelin**, noting that the second periodic report of Armenia had fallen due in October 2001, expressed regret at the delay in submission of the report before the Committee.

20. He appreciated the detailed reply to question 6 of the list of issues concerning action to investigate the casualties that had occurred as a result of the unjustified use of force during the events of March 2008, especially the 10 fatalities. The State party had also requested the assistance of external forensic experts and of the Council of Europe. He was therefore troubled at the lack of progress to date. Three of the eight civilian fatalities had been attributable to the use of a grenade or tear gas. Four non-commissioned officers had been charged but the reply failed to indicate whether they had been convicted and were serving sentences. Moreover, as the use of weapons by law enforcement officials to quell demonstrators raised a serious issue of command and control, the prosecution of four non-commissioned officers was inadequate. There should also have been an investigation of senior police officers who bore responsibility for the operation. Human Rights Watch had issued a lengthy report on the subject in February 2009. He asked what action was being taken to secure compliance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and to prevent the excessive use of force.

21. Turning to the reply to question 7 of the list of issues concerning measures to prevent arbitrary arrests and detention during police investigations, he asked how the

existing laws and regulations governing arrestees and detainees were implemented and whether there had been any complaints of violations. LGBT persons seemed to be particularly vulnerable because of the general climate of hostility towards them, inter alia among members of political parties. The Committee had also requested information on the number of reported cases of ill-treatment and death of detainees.

22. He asked whether any independent body, apart from the Human Rights Defender, was tasked with receiving complaints regarding police conduct and, if not, whether there were any plans to establish such a body.

23. In its reply to question 9, the State party rejected the allegation that prosecutors and judges had refused to admit evidence of ill-treatment in court. The question was based on a 2011 report by the Working Group on Arbitrary Detention (A/HRC/16/47/Add.3), paragraph 61 of which stated that many detainees and prisoners interviewed by the Working Group had reported being subjected to ill-treatment and beatings at police stations. Police and National Security investigators had also allegedly used pressure, including ill-treatment, to obtain confessions as a central part of their investigations, and prosecutors and judges had refused to admit evidence of ill-treatment during court proceedings. The Working Group had also been informed that beatings during arrest and interrogation were not reported because of fear of retribution, and that individuals who had been beaten were detained by the police until they recovered, so that no medical examination would be carried out when they were sent to prison. According to the Working Group, interviews with NGOs and lawyers had provided support for the allegations. He invited the delegation to comment on the Working Group's findings.

24. According to the State party's reply, 20 applications or complaints had been received in 2011 from 5,215 persons held in police custody. No information had been provided, however, about the outcome. And the State party had not replied to the question about measures to address prisoners' grievances.

25. On question 10, he acknowledged the detailed description of laws and measures to address the problem of trafficking in persons. He doubted, however, whether the small number of cases mentioned reflected the full scale of the problem and enquired about procedures to assess the effectiveness of the 2010–2012 National Action Plan on Combating Trafficking in Human Beings. He would also welcome information about the achievements of the National Referral Mechanism for Victims. In particular, he wished to know whether the underlying social and economic factors were being addressed. He also asked whether action was confined to Armenian nationals or whether it extended to foreign nationals, both victims and perpetrators.

26. He noted that the agency involved in the fight against organized crime and trafficking now operated within the newly established Department for Action to Combat Crimes Committed in the sphere of High Technologies, Trafficking, Illegal Migration and Terrorism. He asked how action in those different fields was coordinated and what the implications were for the implementation of the National Action Plan on Combating Trafficking in Human Beings.

27. **Sir Nigel Rodley** said that the replies to questions 11–16 of the list of issues were very brief. As similar issues had been raised by the Committee against Torture and the Working Group on Arbitrary Detention, the State party might have been expected to devote special attention to the concerns expressed.

28. The reply to question 11 mentioned a bill that would bring the *corpus delicti* or definition of torture into line with international legal standards. Noting that the Committee against Torture had made such a recommendation as early as 2000, he wondered how much longer it would take to enact the law. The maximum penalty for torture under the existing legislation was just three years in the absence of "aggravating circumstances". As such a

penalty failed to reflect the gravity of the offence, he requested the State party to reassure the Committee that it intended to take speedy action regarding the definition of torture and the applicable penalties.

29. Turning to question 12, he pointed out that the issue of hazing in the armed forces had been raised by the Committee against Torture as early as 2000. The State party had replied that the Criminal Code provided for criminal liability and had referred to cases opened in 2011, none of which had yet reached the trial stage. The Committee would have appreciated information about action taken in earlier years, since the report covered the period since 1998. He therefore requested confirmation that serious criminal and other measures had been taken to deal with the problem of hazing and, in particular, with deaths or suicides that had been directly or indirectly attributable to such conduct.

30. He noted from the reply to question 13 that violence was a crime, whether committed in the home or elsewhere. The Committee was particularly interested in hearing about the type of action taken when violence occurred in State-run institutions.

31. The reply to question 14 failed to indicate clearly the proportion of cases in which pretrial detention was applied. He requested the State party to provide more explicit information regarding the relevant ratios.

32. He was unable to find a reply to question 15, which referred to alleged cases in which material witnesses had had their status changed from witness to suspect without being given access to a lawyer or being informed of their rights. The Working Group on Arbitrary Detention and a number of NGOs had drawn attention to the practice.

33. The State party claimed, in response to question 16, that no cases of migrants being held for more than 72 hours at Zvartnots airport had been recorded. The Working Group on Arbitrary Detention had referred to such cases in paragraph 91 of its report (A/HRC/16/47/Add.3).

*The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.*

34. **Mr. Hovakimian** (Armenia) said that Armenia welcomed NGO “shadow reports” as an important source of information and was not complaining about their quantity or inclusion on the Committee’s website. It was sceptical, however, about the content of one report, which politicized the situation and conveyed false information. His Government had sent a letter to the Committee stating the grounds for its complaint.

35. **Mr. Sahakyan** (Armenia), referring to question 1 of the list of issues, said that both the criminal and civil courts had referred in their judgements to the provisions of the Covenant, for instance, in connection with juvenile justice and freedom from criminal responsibility in respect of contractual obligations. In one criminal case the court had applied a law that was more favourable to the accused, invoking the Covenant in support of its conclusion. Moreover, Covenant standards were reflected in the Constitution, the Criminal Procedure Code, the Judicial Code and other legislation.

36. **Mr. Demirtshyan** (Armenia) cited article 6 of the Constitution, which stipulated that international treaties were a constituent part of the Armenian legal system and that in cases where a ratified international treaty established norms other than those set forth in Armenian legislation, the norms of the treaty would prevail. Any court or person could therefore invoke a provision of an international treaty even where there was no corresponding domestic provision.

37. Referring to question 2 of the list of issues, he said that a 2009 amendment had led to increased funding for the Office of the Human Rights Defender, resulting in a significant rise in salary for the Office staff. That had boosted the independence of the Office and its

ability to fulfil all the functions of the national preventive mechanism under the Optional Protocol to the Convention against Torture.

38. **Ms. Soudjian** (Armenia) said that the Government condemned all forms of discrimination. Domestic legislation promoted equality in all spheres of life, without any discrimination, exclusion, restriction or preference based on race, colour or national or ethnic origin. The Government's policy of prohibiting discrimination against individuals and groups aimed to fully implement the provisions of the Covenant. There was no specific domestic instrument on non-discrimination, since the issue was covered by different pieces of legislation including several articles of the Constitution, as described in paragraphs 608 and 609 of the periodic report. Under the Criminal Code, ethnic, racial or religious hatred was considered an aggravating circumstance. Since so few complaints of acts of racial discrimination were brought before the courts, data were not gathered on their number.

39. The Office of the Human Rights Defender had been set up in 2003. Since then, it had become a truly independent entity which was now credited with "A" status by the International Coordinating Committee of National Human Rights Institutions. Six regional defenders' offices had been opened, giving people easier access to advice if they felt their human rights had been violated. The Government attached great importance to human rights education, from preschool to university level. It had become a compulsory part of the school curriculum in 2001. Textbooks for use in secondary schools had been prepared by experts in the field of equality, non-discrimination and minority rights. Special vocational training courses in human rights education had been organized for teachers. In addition, human rights seminars were conducted for lawyers, judges, police officers and representatives of vulnerable groups, including refugees and national minorities.

40. In order to strengthen the protection of women's rights, several institutional and legal steps had been taken, including the adoption of a comprehensive gender policy strategic action plan 2011–2015. In 2003, homosexuality had been decriminalized. The Office of the Human Rights Defender had an explicit mandate to investigate all complaints concerning discrimination against LGBT persons. There were no restrictions on the access of such persons to health care, education or employment, or on their enjoyment of civil and political rights. Armenia was a party to many international and regional human rights instruments, including Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. It had signed the European Union statement of 17 May 2012 on the occasion of the International Day against Homophobia and Transphobia. The few isolated cases of discrimination against LGBT persons had been condemned by the Government and were under investigation, in accordance with the Criminal Code.

41. **Mr. Hovakimian** (Armenia) apologized for the late submission of the joint second and third periodic reports and said that every effort would be made to ensure that the fourth periodic report reached the Committee on time. The human rights situation was evolving rapidly in his country, which meant that some of the information in the current periodic report and even in the written replies was already outdated.

42. **Ms. Harutyunyan** (Armenia) said that the judicial authorities were committed to finding and punishing the security officers guilty of using excessive force during the clashes in Yerevan on 1 and 2 March 2008, and to learning the requisite lessons from that incident. In total, 8 civilians, 1 police officer and 1 soldier had died as a result of injuries received during the mass disorder, and a further 35 civilians and 187 police officers and soldiers had been injured. Almost 100 vehicles had been damaged. Numerous forensic and ballistic examinations had been carried out to ascertain who had fired the fatal shots during the clashes. Despite substantial efforts, including expert investigations in the Russian Federation and others conducted by an international ballistics specialist, it had not been possible to identify who had fired all the fatal shots. In 2011, the President had ordered

fresh investigations into the clashes, and the 10 fatalities in particular; several criminal cases were pending.

43. **Mr. Petrosyan** (Armenia) said that a programme to modernize the police had been implemented in 2010 and 2011 and had resulted in restructuring, the establishment of a special civilian service and the introduction of municipal police forces. As of March 2012, there were several new police units, including 61 officers responsible for upholding order by using modern methods during mass demonstrations and public meetings. Most of those officers were educated to university level, had knowledge of foreign languages, and had received special training in negotiation and extraordinary situations. They were acting as role models for the future of Armenian policing. Some 25 per cent of police officers were women. The police authorities had studied examples of best practice from abroad on the use of force and integrated them into the reforms that had been introduced. The new rules included a list of weapons police officers could use in their work, and the requirements for the storage and registration of those weapons. A special police unit had been set up to investigate complaints about the police from the public and other Government entities. Police officers found guilty of criminal acts were liable to criminal investigation. In 2010, four police officers had been subjected to disciplinary proceedings for inappropriate treatment of citizens. A further 23 had been disciplined on the basis of other charges.

44. **Ms. Soudjian** (Armenia) said that the main legislative instruments prohibiting violence against women did not specify the gender of the victim and domestic legislation did not currently contain a definition of domestic violence. An interdepartmental working group had been set up to draft a separate law on domestic violence, including violence against women, in cooperation with NGOs working in that field. That bill was currently before the Government. In June 2011, the Government had adopted a strategic programme on the prevention of gender-based violence, which aimed to improve the protection of victims, introduce a referral mechanism and set up shelters for them, and establish alert mechanisms in health-care, police and social-service facilities. Hotlines, shelters and social support for victims of domestic violence were currently provided by NGOs. A working group had been set up within the police force to improve the police response to domestic violence, and police officers received special training. In 2011, approximately 528 cases of domestic violence had been reported.

45. **Mr. Petrosyan** (Armenia) said that detention was governed by various domestic laws, as detailed in paragraphs 216 et seq. of the periodic report. Pursuant to those provisions, there could be no physical violence or inhumane or degrading treatment. Persons could be detained only on the basis of an “arrest protocol” drawn up in accordance with the Code of Criminal Procedure, a warrant issued by the criminal prosecution authority or a court order. Detainees retained the rights and freedoms enjoyed by all Armenian citizens, and their security while in custody was guaranteed.

46. Since the new legislation had been implemented, there had been significant changes in detention conditions. For example, detainees were henceforth entitled to receive information about their rights and freedoms in their own language and to challenge violations of those rights and freedoms, either personally or through a representative, the prison administration, the courts, the Prosecutor’s Office, central or local government authorities, NGOs or international human rights bodies. They also enjoyed the right to adequate health care and sufficient food, the right to see a doctor of their choice and the right to have contact with the outside world. The new legislation also provided for improved conditions of detention, introducing an increase in living space per person from 2.5 square metres to 4 square metres. To date a total of 35 detention facilities had been renovated pursuant to those provisions.

47. **Mr. Sahakyan** (Armenia) said that the courts never refused to hear complaints of ill-treatment. The Court of Cassation had adopted an unambiguous position in its ruling on

the Arayik Gzoyan case, stipulating that all reliable reports of torture must be referred to the prosecutor with a view to the initiation of criminal proceedings. The interpretation of “reliable” was not subject to any specific limiting criteria.

48. **Mr. Demirtshyan** (Armenia) said that, with a total population of around 4,800, the prison system was beset by severe overcrowding, which the authorities were taking urgent action to reduce. The 2011 amnesty to mark the twentieth anniversary of Armenia’s independence had allowed a considerable number of releases, and new criminal legislation in the pipeline would encourage judges to avoid maximum terms of imprisonment wherever possible and to use pretrial detention as a last resort only. A draft of the new Code of Criminal Procedure that provided for the use of alternative forms of restraint, such as house arrest and police monitoring, was currently before parliament and should be approved in the near future.

49. As envisaged in the recently adopted 2012–2016 judicial reform plan, the next step would be to create a discrete probation service with responsibility for alternative punishments, conditional release and rehabilitation issues. Its main goal would be to ensure that alternative punishments and measures were used properly, effectively and with increasing frequency through cooperation with OSCE and various local NGOs.

50. Other measures adopted with a view to reducing prison overcrowding included an overhaul of the early conditional release system and a review of the criteria used to determine whether or not offenders should be permitted to serve their sentences in open correctional establishments. A new prison with a capacity of more than 1,000 was under construction; once operational, it should eliminate the overcrowding problem.

51. **Ms. Soudjian** (Armenia) said that her Government’s approach to combating trafficking in human beings rested on close cooperation between all relevant agencies and stakeholders and targeted use of resources. An inter-agency commission composed of Government and NGO experts had been formed to investigate trafficking issues and formulate relevant recommendations in 2002. To ensure the efficiency of the measures and action plans developed as a result of the commission’s work, the Council on Trafficking Issues had been established in 2007. Its responsibilities included implementing the third National Action Plan for Combating Trafficking in Human Beings approved in 2010, which established strategies and actions encompassing six key areas: legislation and law enforcement, prevention, protection and victim support, cooperation, monitoring and assessment, and coordination.

52. The Government had adopted all international and regional instruments relating to trafficking in human beings, including the United Nations Convention against Transnational Organized Crime and its two Optional Protocols and the ILO conventions concerning forced labour and child labour.

53. Significant legislative advances had been achieved as part of the 2011 criminal law amendment package, including an increase in the minimum time trafficking offenders should serve before being eligible for parole, administrative sanctions that excluded them from certain activities and occupations for up to three years, and provisions dealing specifically with trafficking in children and persons with mental disabilities.

54. Victim support and assistance were provided by both specialist NGOs and the Ministry of Labour and Social Affairs, and covered medical aid, legal advice, social integration programmes and the provision of shelter. Additional services, including support throughout the different phases of trial proceedings, rehabilitation, vocational training, employment support, written and oral translation services and education for children, were also available through the NGO sector.

55. The principal body responsible for investigating and prosecuting trafficking offences was the anti-trafficking division of the organized crime department. Its duties were preventive as well as investigative. Responsibility for ensuring the legality of preliminary investigations and for bringing cases to court lay with the Prosecutor-General's Office.

56. **Mr. Demirtshyan** (Armenia) said that in the revised text of the Criminal Code currently before parliament all torture provisions had been amended to bring them into line with his country's obligations under international instruments. Punishments had been significantly increased in the draft, which was expected to be approved during parliament's next session. Torture offences would henceforth carry custodial sentences of up to 8 years, and up to 12 years where aggravating circumstances were involved.

57. Hazing as practised by the Soviet army — i.e. the use of violence by senior officers against new recruits — did not exist in the Armenian army, but some negligence and misconduct inevitably occurred. Around 300 offences against military order or involving violence between superiors and subordinates had been reported in 2011. Although a considerable number of those accused had been pardoned in the amnesty adopted that year, over 200 cases had gone to court and nearly 250 officers had been convicted. Violations of military discipline had caused 6 fatalities and there had been a total of 36 fatalities in military service in 2011, including 10 caused by Azerbaijani forces operating on the border and 9 suicides.

58. A series of measures had been adopted to prevent violence between officers and to ensure the prompt investigation of incidents and restoration of order. The Ministry of Defence published a prevention plan on a yearly basis and worked closely with the Military Prosecutor and the army Chief of Staff to strengthen discipline and ensure appropriate punishment for offences, applying a zero-tolerance policy irrespective of rank.

59. A standing commission led by a representative of the Ministry of Defence had been established in 2011 to examine disciplinary offences within the armed forces; by the end of the year it had contributed to reductions in both the overall number of offences and the number of service-related fatalities. New regulations governing disciplinary proceedings in the armed forces, drafted by the Ministry of Defence and the Military Prosecutor, had entered into force in 2012.

60. Corporal punishment of children was prohibited by law and aggravating circumstances were considered to apply when the victim was a minor in all offences against life, health, liberty, honour, dignity and sexual integrity. A specific section of the Criminal Code devoted to crimes against the interests of the family and the child established that any person responsible for a child's upbringing who failed in their duty of care was liable to penalties ranging from a fine to 2 years' imprisonment. Where cruelty was involved, the maximum prison term rose to 3 years. Abusing guardianship rights and intentionally neglecting a ward were also offences, subject to maximum sentences of 2 years' imprisonment.

61. A complaints mechanism was available to prisoners and grievances could be freely submitted through a variety of channels, including the courts, the Prosecutor-General's Office, the Ministry of Justice and civil society organizations. An independent public monitoring group with unlimited access to all detention facilities and the right to meet confidentially with prisoners had been set up in 2003 and prepared a yearly report, which was published together with comments from the Ministry of Justice.

62. **Mr. Sahakyan** (Armenia) said that the vast majority of prisoner complaints processed in 2010 and 2011 had been resolved satisfactorily.

63. **Mr. Petrosyan** (Armenia) said that cases in which the status of a witness was changed to that of suspect were rare and were not a deliberate practice. However, the Code

of Criminal Procedure provided that, if a person being interviewed as a witness came to be suspected of committing a crime, the investigating officer was under a legal obligation to change that person's status.

64. **Ms. Chanet** said that house arrest and electronic tagging could be highly effective in reducing prison overcrowding both before and after trial. In accordance with article 9, paragraph 3, of the Covenant, pretrial detention should be the exception and not the rule, and she urged the State party to move in that direction as quickly as possible. She would appreciate clarification as to the precise point in detention at which detainees had the right of access to counsel. Was it immediately upon arrest or, as she had understood, only after 72 hours, even if the offence was a minor one?

65. Noting that in its report the State party appeared to make little distinction between the role of the prosecutor and the role of the judge, she wished to emphasize that there should be a very clear distinction; article 9, paragraph 3, clearly attributed responsibility for detention decisions to a judge. Clarification of the respective powers and responsibilities of each within the Armenian judicial system was therefore needed. She would also like to know in what circumstances search warrants could be issued, whether such decisions must be made by a judge or whether investigating officers could conduct searches without a judge's approval.

66. **Mr. Thelin** said that a number of questions regarding the March 2008 incidents remained unanswered. For example, why had no senior officers been targeted? Had the non-commissioned officers charged been convicted and, if so, had they been pardoned under the amnesty? He would also like to know whether or not the new rules on the use of firearms by the police had been designed specifically with the 2008 incidents in mind, whether the use of AK-47s was still permitted and whether there had been any change in the use of KS-23 carbines.

67. Noting that a special police unit had been established to deal with citizens' complaints, he asked whether that unit enjoyed operational autonomy or followed the normal chain of police command. He also wished to query the figures quoted for the number of disciplinary cases handled, since they appeared extremely low, and sought details of the outcomes. He also sought clarification regarding the autonomy and efficacy of the prison complaints mechanisms.

*The meeting rose at 6 p.m.*