



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Third periodic report submitted by Armenia  
under article 40 of the Covenant, due in 2016\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Third Periodic Report of the Republic of Armenia (hereinafter referred to as “the Report”) on the Implementation of the International Covenant on Civil and Political Rights (hereinafter referred to as “the Covenant”) is hereby submitted according to Article 40 of the Covenant.
2. The Report includes information covering the period from 1 January 2010 to 31 December 2017.
3. The information covered by the Report is a supplement to what has already been provided by the Republic of Armenia to the Human Rights Committee (hereinafter referred to as “the Committee) in its previous reports (CCPR/C/92/Add.2, CCPR/C/ARM/2-3), as well as in the Core document (HRI/CORE/ARM/2014). We hereby inform that the above-mentioned Core document is currently being amended and updated.
4. The Report has been prepared in accordance with the UN guidelines (CCPR/C/2009/1, HRI/GEN/2/Rev.6), General Comments of the Committee, by taking into consideration the Concluding observations adopted by the Committee (CCPR/C/ARM/CO/2) for the Republic of Armenia on the Second report.
5. The Report is submitted based on “article-by-article” principle with reference to the information required according to a given article.
6. For preparing the Report an interagency working group has been established, the activities of which have been coordinated by the Ministry of Foreign Affairs.
7. The delay in submitting the Report is due to the changes in the form of governance that have occurred as a result of constitutional amendments adopted through the referendum of 6 December 2015, which have led to large-scale transformations in legislative field, on which more comprehensive information was to be submitted.
8. On 2 August 2018, public hearing on the Draft Report were held in which representatives of NGOs and civil society participated. We should note that many comments made thereby on the Report have been considered and included in the text.
9. During preparation of the RA Third Report, peaceful non-violent transition of power took place in Armenia in April–May 2018, which led to drastic changes in RA politics. Peaceful transition enables to implement more deep and coordinated policy in human rights field by securing equality before the law, equal social opportunities, independent and efficient justice, fight against corruption and holding of fair elections. Currently the investigation of March 1, 2008 events has also been reopened. The country is preparing for new elections.

## **II. Information on the changes in the legal and political system of the country**

### **Constitutional reforms**

10. Amendments to the Constitution were made in the Republic of Armenia through the referendum of 6 December 2015.
11. The main purpose of the constitutional reforms was to establish a sustainable democratic system in the country, guarantee rule of law as the bedrock of a law-governed state, and to improve the constitutional mechanisms for the guarantee of fundamental human rights and freedoms.
12. Constitutional amendments led to a transition to a parliamentary republic, with a parliament elected through a proportional electoral system.
13. Constitutional amendments pertaining to the form of governance are targeted at shaping a more democratic and balanced system of governance within which the powers and responsibilities of the branches of government are clearly separated and balanced. As a

result, in April 2018, the transition to the parliamentary model of governance will end in the country with the indirect election of the President of the Republic, which will be a substantial progress and a major step for the ongoing development of democracy in Armenia and the strengthening of statehood hinged on European values.

14. When implementing the constitutional reforms, the authorities of the Republic of Armenia have co-operated with internationally recognized experts and specialized European institutions, including the European Commission for Democracy through Law (the Venice Commission).

15. The constitutional reforms led to the need for large-scale changes in the legislative field. In this regard, within the period from 2016 to 2017, the Parliament adopted several Constitutional laws, particularly the “Rules of Procedure of the National Assembly”, the Laws of the Republic of Armenia “On political parties”, “On the Human Rights Defender” and the new Electoral Code.

#### **New Electoral Code**

16. The need for adoption of the new Electoral Code of the Republic of Armenia directly stemmed from the requirements of Article 210 of the amended Constitution of the Republic of Armenia, pursuant to which, the Electoral Code should have been brought into compliance with the Constitution and have entered into force starting from 1 June 2016.

17. An attempt has been made to launch discussions of the Electoral Code in the most inclusive negotiating format possible, by engaging in the process opposition and non-opposition political forces and civil society representatives. Although the civil society representatives have in a constructive manner been engaged in the process of discussions, they have not eventually signed the letter of consent to the so called “4+4+4 format negotiations” (ruling authority, opposition, civil society organizations).

18. The main purpose of the new Electoral Code of the Republic of Armenia was to provide solutions to the issues that will arise in the stages of preparation, organisation, holding and summarisation of national elections. The proposals and recommendations submitted through OSCE/ODIHR Election Observation Mission Final Reports for the national elections have been taken into consideration in the Code.

19. During the development of the new Electoral Code of the Republic of Armenia, out of the 75 Recommendations received from the OSCE/ODIHR and the Venice Commission of the Council of Europe, 54 have been fully incorporated, while 7 have been partially incorporated.

20. For the first time in Armenia, the new Electoral Code provides for a specific number of mandates for representatives of national minorities in parliament, sets the improved requirement of 25 percent of representation of women in electoral lists, lays down effective guarantees for observers to exercise their rights and new instrumentation for ensuring public confidence in the elections, which was the demand of the political opposition of the country for a long time – publication of signed voter lists, videotaping and on-line broadcast of polling stations and the count on the day of the voting, introduction of efficient mechanisms for voter identification through devices.

#### **Elections of the National Assembly of the Republic of Armenia**

21. On 2 April 2017, the elections of the National Assembly were held in the Republic of Armenia. The elections of the National Assembly of 2 April 2017 were prepared and organised in accordance with the new Electoral Code.

22. In accordance with the rules and regulations of the Electoral Code, voters were for the first time registered through the application of technical equipment in the Republic of Armenia. There were 5 political parties and 4 blocks of political parties nominated for the elections of the National Assembly of 2 April 2017. With a view to holding the elections, 2,009 polling stations were set up in the territory of Armenia, of which 12 were set up within penitentiary institutions. The political parties and blocs of political parties participating in the elections had 22,416 proxies that followed the electoral process, a total

of 28,730 local and international observers and 1,244 mass media representatives visited polling stations.

23. The Final Report of the Election Observation Mission enshrines, that “Despite welcomed reforms of the legal framework and the introduction of new technologies to reduce the incidents of electoral irregularities, the elections were tainted by credible information about vote-buying, and pressure on civil servants and employees of private companies”.<sup>1</sup>

#### **National Action Plan for Human Rights Protection**

24. The amendments to the Constitution of the Republic of Armenia of 6 December 2015 enshrine that respect for and protection of the basic rights and freedoms of the human being and the citizen shall be the duties of the public power.

25. The National Strategy on Human Rights Protection – approved on 29 October 2012 by the President of the Republic of Armenia – enshrines that guaranteeing, ensuring and protecting human rights are the legal, political and moral priorities of a democratic and legal state and civil society – the axis of constitutional developments and the activities of state and public institutions.

26. The Government of the Republic of Armenia approved and implemented two Action Plans (2014–2016 and 2017–2019). Upon Decision No 483-N of 4 May 2017 the Government approved the 2017–2019 Action Plan for Human Rights Protection. The main purpose of the Action Plan is to design a single political document on human rights protection that will contribute to implementation of a more consistent and co-ordinated policy in the sphere of human rights protection. It should also be mentioned that the Action Plan has been developed in the most inclusive manner possible – with the active involvement of civil society representatives, representatives of the responsible state bodies, the Human Rights Defender and international advocacy organisations and accepting as a basis the recommendations thereof. When drawing up the National Plan for Human Rights Protection, the Government of the Republic of Armenia took into consideration the issues raised by various international monitoring bodies, as well as their proposals and recommendations for the country. Upon the Prime Minister’s Decision Action Plan Coordinating Council was established which implements co-ordination of and oversight over the process of implementation from the Government perspective. Although some CSOs insisted on ensuring participation of CSOs in this interagency co-ordination format, with the purpose of creating equal opportunities for all willing CSOs the Government established a compulsory periodicity of public consultations, which is aimed at ensuring public monitoring and evaluation. Moreover, there was a requirement for all agencies to discuss the process of implementation of their actions at the sectoral public council adjunct to each minister.

### **III. Articles of the Covenant (1–27)**

#### **Article 1**

27. The Republic of Armenia consistently supports the universal realization of the right of peoples to self-determination as a goal pursued by the United Nations and fundamental principle of the international law, which is enshrined in the UN Charter, two Covenants and other international documents (for more details see RA first and second reports – CCPR/C/92/Add.2 & CCPR/C/ARM/2-3).

28. The Republic of Armenia, as the guarantor of security of the Nagorno Karabakh Republic (hereinafter referred to as “the Republic of Artsakh”) pursues the recognition of the exercise of the right of peoples to self-determination and in any way assists in exercising its people’s inalienable political, civil, social, economic and cultural rights.

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<sup>1</sup> <https://www.osce.org/hy/odihr/elections/armenia/333491?download=true>. Ibid.

29. The fact that the Republic of Artsakh has never been and may not be in any status a part of Azerbaijan was reasserted by the large-scale military aggression unleashed by Azerbaijan in April 2016 against the Republic of Artsakh. During the four days in April 2016 Azerbaijan pursued the same aggressive actions and atrocities against the Republic of Artsakh as in the beginning of 90s, when Azerbaijani military forces made an attempt to suppress the exercise by the people of Artsakh of their right to self-determination and expression of the will for peacefully living in their homeland. The Azerbaijani aggression was accompanied by blatant violations of the international humanitarian law as well as massacres and tortures of civilians (for detailed information on cases see the Report of the Republic of Artsakh Human Rights Defender, which has been circulated during the 70th session of the UN General Assembly as an official document (<http://undocs.org/A/70/863>)).

30. It is restated in the amended Constitution that the Republic of Armenia is a sovereign, democratic, social state governed by the rule of law (Article 1).

31. In the Republic of Armenia, the power belongs to the people. The people shall exercise their power through free elections, referenda, as well as through state and local self-government bodies and officials provided for by the Constitution (Article 2).

32. Local self-governance shall be guaranteed in the Republic of Armenia as one of the fundamentals of democracy (Article 9). Chapter 9 of the Constitution is dedicated to local self-governance according to Article 181 of which local self-government bodies shall be the Council of Elders and the head of community, which shall be elected for a term of five years. Direct or indirect election of the head of community may be established by the Electoral Code. On 14 May 2017 the third elections to the Council of Elders of the City of Yerevan were held.

33. It is enshrined in the RA Constitution that the State shall promote the preservation, improvement and restoration of the environment, the reasonable utilisation of natural resources, guided by the principle of sustainable development and taking into account the responsibility before future generations. Everyone shall be obliged to take care of the preservation of the environment (Article 12). All forms of ownership shall be recognised and equally protected in the Republic of Armenia. The subsoil and water resources shall be the exclusive ownership of the State (Article 10).

## Article 2

34. Article 29 of the Constitution covers prohibition of discrimination. The Article particularly states: “Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.”

35. Article 30 of the Constitution sets the legal equality of women and men.

36. The reforms of the legal field in Armenia are in progress. One of the main goals of the constitutional amendments was to establish necessary and sufficient guarantees for the functional, structural, material and social independence of the judiciary.

37. The draft Judicial Code will enable to consistently implement the constitutional guarantees of the independence of courts, ensure transparency of and accountability for their activities.

38. With the purpose of ensuring strategic planning and sustainability of reforms in judicial and legal sector, the 2018–2023 Strategy for Judicial and Legal Reforms has been elaborated, which is expected to strengthen legal certainty, the predictability of the legal system and justice, access to justice and effectiveness, independence, impartiality of the judiciary, high quality justice, public accountability and transparency.

39. The new draft Criminal and Criminal Procedure Codes have been elaborated and the opinions by interested bodies thereon are in their final stage of summarisation despite the fact that the process of elaboration of the drafts is noted for delays due to the process of constitutional reform; however, the existing Government plans to finalize them during 2019.

40. Conditioned by the amendments to the RA Constitution, the Ministry of Justice elaborated and adopted on 16 December 2016 the Law “On non-governmental organizations”. The Law has substantially improved the legal framework of activities of NGOs. Thus, as regards the establishing of an NGO, the new Law enables to set up non-governmental organizations through association both natural persons and legal entities which from the perspective of liberalization of the field is another step forward. The non-governmental organizations, in compliance with their statutory goals, were enabled to engage in entrepreneurial activity, though the profit may be used solely for statutory purposes. The registration procedures and procedures for making changes to registration have been simplified, the administrative burden has been reduced, certain aspects of involving volunteers by non-governmental organizations have been established and defined for the first time.

41. The Law “On national minorities” is currently being elaborated, which aims at regulating the relations pertaining to the exercise of rights by persons belonging to national minorities, defining the problems of state and local self-government bodies related thereto, as well as regulating the organisational and legal grounds for establishment and operation of the National Minority Council.

42. Centre for the Implementation of Legal Education and Rehabilitation Programmes of the Ministry of Justice of the Republic of Armenia conducts training courses on the issue of human rights protection, in which 131 civil servants participated in 2015–2017. The Government of the Republic of Armenia envisages in 2017–2019 to implement a number of training programmes in the field of human rights protection, in particular for law-enforcement officers, advocates and police officers, officials engaged in juvenile justice, judges, prosecutors, investigators of the Investigative Committee of the Republic of Armenia and the Special Investigation Service of the Republic of Armenia.

43. Chapter 10 of the Constitution enshrines provisions regarding the functions and powers of the Human Rights Defender, as well as the election, guarantees for the activities of the Human Rights Defender. Pursuant to Article 210 of the Constitution, the Law “On the Human Rights Defender” shall be brought into compliance with the Constitution. The Constitutional Law “On the Human Rights Defender” was adopted on 16 December 2016 in line with the Paris Principles, which essentially enhanced the powers of the Human Rights Defender (to participate in the development of sectoral legislation, conduct training courses on the issues of human rights, to submit a budget request of its office to the National Assembly, engage experts through the funds from the State Budget, to be financed as a National Preventive Mechanism, etc.).

44. Improved regulations regarding the status and guarantees of the employees of the Staff to the Human Rights Defender have also been prescribed. It is envisaged to establish new bodies – expert boards – which will be remunerated from the State Budget.

45. Based on the requirement of Article 29 of the Constitution, the Ministry of Justice has developed the draft Law “On ensuring legal equality”. The draft Law is currently being considered.

46. It is envisaged by the draft Law to establish an advisory body adjunct to the Human Rights Defender – the Legal Equality Board – which aims to support the Human Rights Defender in ensuring legal equality and protection from any discrimination. The activities of elaboration of the draft are still to undergo a stage of discussions by interested parties. It’s worth mentioning that the adoption of the Law is also derived from HR National Action Plan.

47. It is envisaged by this Action Plan to develop – upon adoption of the Law – educational and informative materials related to enforcement of the national legislation on ensuring equality and prohibition of discrimination.

### **Article 3**

48. The amendments to the Constitution reaffirmed the constitutional guarantees of protection of women’s rights. The Constitution, particularly, enshrines the principle of legal

equality between men and women, as well as enshrines that one of the main objectives of state policy in the economic, social and cultural spheres is promotion of de facto equality between men and women.

49. The new Electoral Code establishes more explicit mechanisms of protection of women's rights, which will further contribute to their participation in country's political life.

50. The core instrument for achieving gender equality in the Republic of Armenia is the Gender Policy Concept Paper approved on 11 February 2010 and the Law "On ensuring equal rights and equal opportunities for men and women" adopted on 20 May 2013 by the National Assembly.

51. The Concept Paper aims at creating equal conditions, overcoming all forms of discrimination on the grounds of sex, ensuring equal opportunities for men and women in the labour market and employment sector as well as their equal access to economic resources.

52. The Gender Policy Concept Paper has in fact predetermined the activities for elaboration of the Law "On ensuring equal rights and equal opportunities for men and women" and two strategic programmes, namely the Gender Policy Strategic Programme 2011–2015 and 2011–2015 Strategic Action Plan to Combat Gender-Based Violence.

53. The Law of the Republic of Armenia "On ensuring equal rights and equal opportunities for men and women" is aimed at ensuring gender equality in all spheres of social life, legal protection of men and women from gender discrimination.

54. The Law defines a long list of concepts which enables not only to develop a gender-sensible policy for all spheres of social life, but also to ensure enforcement mechanisms.

55. Standing commissions on gender-related issues have been operating in all marzes (regions) of Armenia since 2011.

56. Health and educational programmes have been implemented – within the framework of Gender Policy Strategic Programme 2011–2015 and 2011–2015 Strategic Action Plan to Combat Gender-based Violence – by the state authorities with the support of NGOs and international organisations, mechanisms for monitoring and assessment of legal equality of men and women, as well as mechanisms for improvement of partnership relations have been introduced, examinations have been conducted, awareness raising activities have been carried out, training and professional development programmes have been introduced.

57. In fact all necessary grounds have been provided within the framework of these programmes to enable the analysis of the situation, obstacles, resources at each stage and to establish the priorities for the next stage with the purpose of implementing sectoral and inter-sectoral policies.

58. Significant progress in fight against domestic violence has been reported in the recent years. The legislation has been improved, mechanisms have been introduced, programmes have been implemented. With the purpose of organising and coordinating the activities:

- An Inter-Agency Commission on Fight against Gender Violence was established by Decision of the Prime Minister of the Republic of Armenia N213-A of 30 March 2010.
- The rules of procedure of the Interagency Commission on Combating Gender Violence was confirmed by the Decision of the Prime Minister of the Republic of Armenia N605-A of 30 July 2010.
- The 2011–2015 Strategic Programme on Combating Gender Violence was implemented, one of the objectives whereof was the establishment of main directions of the state policy targeted at reduction of gender violence. With the purpose of implementing the goals predetermined by the Strategic Programme every year an annual gender policy programme has been approved and implemented by the Government of Armenia, the measures covered by which were aimed at prevention of violence, in particular through elaboration and introduction of relevant mechanisms. Thus, multiple awareness raising programmes have been implemented

in Yerevan and marzes, in 2011 the topic on violence was included in the syllabus of training programme for civil servants.

59. The concept of “domestic violence” and relations associated with support provided to the victims of violence have for the first time been defined in the Law “On social support” adopted in 2014.

60. On 13 December 2017, the National Assembly adopted the Law “On prevention of domestic violence in the family, protection of persons having been subjected to violence in the family and restoration of solidarity in the family”. The mentioned draft Law has been elaborated by the working group established upon Decision of the Prime Minister of the Republic of Armenia No 567-A of 28 June 2016, comprised of representatives from all interested state authorities. The draft Law has undergone nearly dozens of public discussions. The Law regulates the organisational and legal grounds for prevention of violence in the family and protection of persons having been subjected to domestic violence, defines the concept of “domestic violence”, the powers of competent bodies in the field of prevention of violence in the family and protection of the persons having been subjected to violence, types of protection measures, grounds for their application, procedure for centralised registration of cases of domestic violence and specifics of legal protection of information about persons having been subjected to domestic violence. The Law also prescribes rigid regulations, particularly criminal liability for violation of protection measures by the person having committed violence. The Law was elaborated in compliance with the criteria prescribed by the Council of Europe Convention on preventing and combating violence against women and domestic violence. It is also worth mentioning that the interested NGOs of the field insisted on establishing in the Criminal Code of the Republic of Armenia a separate corpus delicti of committal of domestic violence, through taking, on one hand, into account the fact that certain types of domestic violence are already criminalised in the Criminal Code of the Republic of Armenia, on the other hand given the analysis of statistics of cases by law enforcement authorities, the level of public perception of the phenomenon, as well as the risk of having a high level of latency in case of criminalisation, the legislative body decided to provide for criminal liability for violation of protective measures by a person having committed violence.

61. Point 75 of the Human Rights Action Plan for 2017–2019 envisages that during 2018–2019 training courses on prevention of domestic violence and protection of persons having been subjected to domestic violence should be held for judges, prosecutors, investigators of the Investigative Committee and Special Investigation Service, as well as for social workers.

62. For eliminating gender stereotypes, ensuring knowledge on equal rights and equal opportunities of men and women, as well as enhancing the level of awareness of police officers, courses have been arranged and held for the trainees of the Police Educational Complex of the Republic of Armenia, and training courses for the police officers of the service in charge of minors’ affairs of the Republic of Armenia on equal rights and opportunities of men and women. Meetings and discussions on equal rights and equal opportunities of men and women were held at high schools by the school inspectors in charge of minors’ affairs.

63. The percentage of involvement of women in the Police is as follows: in 2010 – 16.3 %, in 2011 – 15.9 %, in 2012 – 16.2 %, in 2013 – 17.4 %, in 2015 – 18.2 %, in 2016 – 18.6 %, as of 11 September 2017 – 18.5 %.

64. Within the context of combating violence, particular attention is focused on children. The Concept Paper on Combating the Phenomenon of Violence Against Children and Measures Implementation Schedule was approved by the Decision adopted by the Government of Armenia on 4 December 2014. The objective of the Concept Paper is to define the main directions of the state policy aimed at the elimination and prevention of the phenomenon of violence against children, as well as the rehabilitation of a child exposed to violence. The activities already launched are aimed at solution of the following issues: detection of cases of violence, exchange of information, creation of mechanisms for guidance, support and protection of children, preparation/training of specialists, and establishment of new institutions.



65. During 2016–2017 two child care and protection boarding institutions functioning under the Ministry of Labour and Social Affairs were restructured into two child and family support centres, the functions whereof included support to persons having been subjected to domestic violence and the members of their families.
66. The Council of Courts' Chairmen of the Republic of Armenia on 29 August 2014 adopted Decision N 04-N "On promoting gender balance of the candidates for judges".
67. The amendments to the Law "On reproductive health and reproductive rights of the person" were elaborated upon the legislative initiative of the Government (Ministry of Healthcare) and in 2016 were approved by the National Assembly. In particular, the wording of Article 10 of the mentioned Law has been amended and prohibition of sex-selective abortion has been enshrined.
68. In addition to legislative amendments, considerably extensive public awareness raising activities aimed at reduction of selective abortions have been simultaneously carried out.
69. Point 76 of the 2017–2019 Human Rights Action Plan refers to the development of the Action Plan within the framework of implementation of UN Security Council Resolution 1325 on Women, Peace and Security.
70. Pursuant to Decision of the Prime Minister of Armenia N 1014-A of 13 September 2017 an interagency commission has been established with the purpose of development of National Action Plan on implementation of the provisions of UN SC Resolution 1325. The Commission is comprised of representatives from all interested agencies and ministries. NGOs should also be actively engaged in ensuring the implementation of the Action Plan together with the Government.
71. On 19 January 2017 the Report on implementation of the provisions of Resolution 1325 was put by Armenia into circulation as UN official document (S/2017/54).

#### **Article 4**

72. With the amendments of 2015 Article 120 of the Constitution of the Republic of Armenia establishes the constitutional provisions on state of emergency.
73. The legal regime of state of emergency shall be prescribed by a law adopted by majority of votes of the total number of Deputies.
74. The Law "On legal regime of state of emergency" establishes legal provisions on state of emergency, in particular measures applied during the state of emergency and temporary restrictions of rights and freedoms, means and forces ensuring legal regime of the state of emergency, conditions and framework of application of arms and combat equipment, effective period of the state of emergency. Pursuant to the Law "the state of emergency shall be declared only in case of imminent danger to the constitutional order of the Republic of Armenia, including any attempts of violent change or overthrow of the constitutional order of the Republic of Armenia, seizure of power, armed disturbances, mass disorder, national, racial, religious conflicts accompanied by violent actions, terrorist acts, seizure or blockage of objects of special significance, creation and operation of illegal armed groups. The state of emergency shall be declared solely in cases when the elimination of imminent danger to the constitutional order of the Republic of Armenia is otherwise impossible."
75. Pursuant to the Constitution of the Republic of Armenia in case of martial law or state of emergency basic rights and freedoms of human beings and citizens – with the exception of the rights to human dignity, physical and mental integrity, prohibition of torture, inhuman or degrading treatment or punishment, general equality before the law, prohibition of discrimination, legal equality of men and women, freedom to marry, rights and obligations of parents, rights of the child, right to education, freedom of thought, conscious and religion, right to apply to the Human Defender, rights pertaining extradition of the citizens of the Republic of Armenia, right to preserve national and ethnic identity, right to judicial protection and the right to apply to international bodies for the protection of

human rights, right to fair trial, right to receive legal aid, right to be exempt from the obligation to testify, rights pertaining presumption of innocence, right to be defended against a charge, prohibition of double jeopardy, right of a sentenced person to appeal, right to seek pardon prescribed by the Constitution may be temporarily suspended or subject to additional restrictions under the procedure prescribed by law, only to the extent required by the existing situation within the framework of international commitments undertaken with respect to derogations from obligations during state of emergency or martial law.

## **Article 5**

76. Pursuant to Article 81 of the Constitution of the Republic of Armenia restrictions on basic rights and freedoms may not exceed the restrictions prescribed by international treaties of the Republic of Armenia.

## **Article 6**

77. During years 2010–2017 Armenia continued implementing a consistent policy in combating genocide both as a country having survived one and incurred consequences thereof, and as a pioneer of prevention of recurrence of such a crime. Genocide committed against Armenians by the Ottoman Empire in the end of the 19th and beginning of 20th century, has reached its apogee in 1915–1923 by leading to physical extermination of more than 1.500.000 Armenians. Many states, international organizations and individuals enjoying high international reputation have recognized and condemned this crime (the list of states is available at <http://www.genocide-museum.am/eng/states.php>). In particular, within the framework of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Benjamin Whitaker, Special Rapporteur, addressed in his report the issue of crimes committed against Armenians (see document E/CN.4/Sub.2/1985/6, 2 July 1985).

78. Armenia continues pursuing the steps towards the recognition and condemnation of Armenian Genocide by international community, aiming to establish the rule of international law and justice, to exclude the impunity and prevent repetition of such crimes.

79. The first genocide of the 20th century served as a ground for introducing the term genocide in the international law and characterizing the of this crime, by which genocide was qualified for the first time in international law as a crime against humanity.

80. Armenia persistently takes respective steps both in national and international formats towards prevention and punishment of crimes against humanity and the crime of genocide.

81. Among the events held in the Republic of Armenia in 2015 dedicated to the 100th commemoration of the Armenian Genocide, the first global socio-political forum “Against the Crime of Genocide” held in Yerevan on April 22–23 2015 and attended by more than 600 parliamentarians, politicians, diplomats, scientists, prominent genocide scholars from about fifty countries was distinguished by its importance and significance. In its two-day works the forum covered topics such as “Development of measures for the prevention of crimes against humanity in international law”, “The issues of elimination of the consequences of genocide and responsibility” etc. As a result of the first global forum “Against the Crime of Genocide” the participants of the forum adopted a Declaration which calls the international community to support at its best the enhancement of mechanisms of prevention of genocide and the continuous efforts towards their global recognition.

82. On 23 April 2016 the second global forum “Against the Crime of Genocide” was held in Yerevan. This time a wide scope of problems related to the protection of persons that had become refugees during the genocide and crimes against humanity, and the rights of the survived were discussed during the forum. As a result of the second global forum, the participants again adopted a Declaration which expresses deep concern about atrocities and acts of genocide committed by the so-called Islamic State and other terrorist groups widespread in the Near East and in other places of the world, and calls all the countries,

parliaments, international organizations, the civil society and other interested parties to combine efforts in the new commitment of fight against the evil of genocide and other crimes against humanity. It is stated in the Declaration that the next global forum must focus on the development of the role, mechanisms, measures and capacities of education as an essential tool for eliminating hatred, intolerance and xenophobia. With its continuity, scope of participants, importance of discussed questions and modernity and results the forum has become an important international format of fight towards prevention of genocides and crimes against humanity.

83. In 2015, Aurora Humanitarian Initiative was launched on behalf of the survivors of the Armenian Genocide and in gratitude to all those who have saved Armenians from the genocide disaster. The initiative is based on the real story of Aurora (Arshaluys Martikianian), a girl who survived Armenian genocide, who despite the hellish tortures could overcome them and start a new life after arriving in the USA. The aim of Aurora Humanitarian Initiative is that the modern heroes from different places of the world get the opportunity to save lives of people struggling for their lives, and, thus, continue the humanitarian chain all over the world. On behalf of the survivors of the Armenian Genocide and in gratitude, an Aurora Prize Laureate will be honoured each year from 2015 to 2023 (in commemoration of the eight years of the Armenian Genocide 1915–1923) with a USD 100,000 award and a USD 1,000,000 grant which the laureate will grant to organizations that inspired him or her to act. More detailed information on Aurora Humanitarian Initiative is available on the following website <https://aurorapize.com/hy/prize/detail/about>.

84. Armenia has continued its activities within the framework of the UN Human Rights Council, introducing the Resolution on prevention of genocide. At the 22th session of the UN Human Rights Council held in Geneva on 22 March 2013, the Resolution on prevention of genocide was adopted by consensus (A/HRC/RES/22/22). Since 2008 it is the second Resolution that addresses the necessity of preventing the crime of genocide. The text of the aforementioned Resolution provided all main developments that had taken place in the context of preventing genocide under auspices of the UN, which includes highlighting the importance of using new mechanisms, in particular, the procedure of Universal Periodic Review, the role of education, and especially education on human rights, contributing to the prevention of genocide. The adoption of the Resolution was also symbolic in the sense that the 65th anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide was in 2013.

85. In 2015 the Resolution on the prevention of genocide was once again presented by the initiative of the Republic of Armenia in the Human Rights Council and adopted thereby (A/HRC/RES/28/34). The updated and modernized version of the Resolution took into account the recent developments in the world – it condemned genocide as the most abhorrent crime committed against humanity, showing the causal relation between impunity and denial, which, becoming part of the state policy, ultimately hinders the process of reconciliation between peoples.

86. The consistent presentation of this Resolution by Armenia was also the contribution of our country to the coverage and dissemination of the Convention on the Prevention and Punishment of the Crime of Genocide.

87. On 11 September 2015, the Resolution entitled “International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime” was adopted by consensus at the 103rd plenary meeting of the 69th session of the UN General Assembly. The Resolution was co-authored by 84 UN member states. According to the Resolution, 9 December – the day of the adoption of the UN Convention on the Prevention and Punishment of the Crime of Genocide in 1948 – is declared as an international day. The Resolution reconfirms the responsibility of each state to protect its population from genocide and incitement to it.

88. The Republic of Armenia consistently raises the issue of protection of human rights and fundamental freedoms of the population of the conflict zones, first of all, the issue of protection of the right to life, in the UN platforms and that of other international institutions. It stems from the slogan of the UN Sustainable Development Goals – “No one will be left

behind”. The persons living in the conflict zone have suffered the most from the conflict, they are deprived of the protection of the international community and are vulnerable in the sense of the violation of human rights and danger of resettlement. Thus, the population of the conflict zone of Nagorno Karabakh and civil infrastructures periodically continue to be targeted by the armed forces of Azerbaijan, which leads to human deaths and injuries. So, the Armenian side highlights the UN and other international institutions unimpeded entry to conflict zones, including, the Nagorno Karabakh.

89. On the criminal case being examined in the Special Investigation Service of the Republic of Armenia with regard to the events occurred on 1 and 2 March 2008, 10 individual proceedings were separated based on the facts of death of 10 persons and of receiving bodily injuries of 3 persons by use of “KS-23” special means considered as a firearm by the police officers; a preliminary investigation on each of them is pending, all necessary investigative actions, operational search activities aimed at disclosing, detecting and subjecting to liability the perpetrators of crime are undertaken. See the answers provided by the Republic of Armenia in the document CCPR/C/ARM/CO/2/Add.1 and subsequent letters which are posted on the Human Rights Committee website.

90. For the purpose of protecting human rights within the armed forces, as well as resolving sector-specific systemic issues, pursuant to the Order of the Minister of Defence of the Republic of Armenia No 1091 of 15 September 2015, the Human Rights and Integrity Building Centre was established in the Defence Ministry of the Republic of Armenia. The purpose of the Centre is the enhancement of human rights in the system of the Defence Ministry. The main objective of the Centre is to coordinate and combine the process of enhancing human rights in different subunits of the army. To ensure a more effective implementation of this aim, as well as to ensure transparency and accountability, the Hot Line 1-28 service has been launched in Human Rights and Integrity Building Centre since 11 January 2017, which enables servicemen and civilians to present any issue related to the Armed Forces of the Republic of Armenia and the military service via a free call.

91. Starting from 2016, measures aimed at introduction of European human rights standards in the Armed Forces of the Republic of Armenia have been implemented jointly with the Council of Europe Office. With the participation of international experts and experts of the Defence Ministry and the General Staff of Armed Forces, seminars and discussions have been organized, reports have been elaborated in accordance with specific recommendations to review the legislation of the defence sector, by taking into account the ECHR case-law practice.

## Article 7

92. On 9 June 2015, the National Assembly adopted the draft laws “On Making Amendments and Supplements to the Criminal Code and Criminal Procedure Code of the Republic of Armenia”. The need to adopt these draft laws was preconditioned by the necessity to comply with the UN Convention against Torture (hereinafter referred to as “the Convention”) and to ensure compliance in the legislation of Armenia in terms of criminal liability for torture, to address the issues raised in the annual report for 2013<sup>2</sup> and 2014<sup>3</sup> of the Human Rights Defender, as well as to execute the judgments of the European Court of Human Rights (e.g. “*Virabyan v. Armenia*”, “*Nalbandyan v. Armenia*”). In particular, the ECHR judgments on the above-mentioned cases found a violation of Article 3 of the Convention according to which the Armenian authorities were recommended to ensure the compliance of the national legislation of the Republic of Armenia to the standards of ECHR, by specifying the precise definition for “torture”. Therefore, the Criminal Code of the Republic of Armenia is supplemented with Article 309<sup>1</sup>.

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<sup>2</sup> <http://pashtpan.am/resources/ombudsman/uploads/files/publications/afe1e423a8f465a4fba32ccc27ef913a.pdf>.

<sup>3</sup> <http://pashtpan.am/resources/ombudsman/uploads/files/publications/206d2af54f5149a560ed7a616830d107.pdf>.

93. After legislative amendments and supplements under consideration Article 119<sup>4</sup> of the Criminal Code of the Republic of Armenia was stated in such a way to refer also to a person not considered as an official, i.e. the cases of causing severe physical pain or mental suffering by an individual person. In addition, the mentioned corpus delicti was excluded from the scope of acts of the Criminal Code of the Republic of Armenia subject to prosecution under the private charges.

94. Therefore, as a result of considered legislative amendments full compliance between the national legislation and international commitments of the Republic of Armenia was ensured and corpus delicti of torture fully complies with Articles 1 and 4 of the Convention.

95. On 19 May 2014 the National Assembly adopted the Law “On making amendments and supplements to the Civil Code of the Republic of Armenia”, by which a mechanism of compensation for non-pecuniary damage for violation of the rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, was introduced. In 2015, the mechanism of compensation for non-pecuniary damage was improved and finalised, as a result of which the opportunities of citizens to demand pecuniary or monetary compensation were expanded in all the cases when non-pecuniary or, to put it otherwise, moral damage has been caused by a state or local self-government body or an official with the violation of their rights. This was conditioned by the necessity to enforce the judgements delivered by the European Court of Human Rights with regard to Armenia, comply with the requirements of the Decision of the Constitutional Court of the Republic of Armenia SDV-1121 of 5 November 2013, as well as implement the 2014–2016 Human Rights Action Plan. In particular, point 33 of the mentioned plan specifies that the legislation of Armenia should provide for fair and proportionate compensation to the victims of tortures for damages inflicted by the acts of tortures and rehabilitation in compliance of Article 14 of the Convention.

96. For the purpose of exercising the right to receive fair and proportionate compensation by the victims of torture, including fulfilling of international obligations assumed by the Republic of Armenia, in particular, the full application of Article 14 of the Convention, on 16 December 2016 the National Assembly adopted draft laws “On making amendments in the Civil Code of the Republic of Armenia” and “On making a supplement to the Law of the Republic of Armenia “On advocacy””. As a result, the legislation of Armenia currently guarantees the right for the victims of torture to fair and proportionate rehabilitation for the damage inflicted as a consequence of the act of torture, which includes the right to redress for pecuniary and non-pecuniary loss, the right to benefit from medical, legal and psychological services.

97. Referring to prohibition of taking evidence under torture it should be noted that Article 309 of the Criminal Code, *inter alia*, explicitly prohibits intentional infliction of severe physical pain or severe mental suffering to a person by or at the instigation, upon the order or with knowledge of an official or other person having the right to act on behalf of

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<sup>4</sup> Article 119. Causing severe physical pain or mental suffering

1. Intentionally causing severe physical pain or mental suffering to a person, where this has not caused the consequences provided for by Articles 112 and 113 of this Code, and where the elements of crime provided for by Article 309.1 of this Code are missing – shall be punished by imprisonment for a term of maximum three years.

2. The same actions that have been committed –;

(1) against two or more persons;

(2) against a person or his or her close relative in connection with performing his or her service or public duty by that person;

(3) against a minor or a person in material or other dependence from the criminal, as well as a person kidnapped or taken as a hostage;

(4) against an obviously pregnant woman;

(5) by a group of persons or an organised group;

(6) with particular cruelty;

(7) with motives of national, racial or religious hatred or religious fanaticism – shall be punished by imprisonment for a term of three to seven years.

the state body for the purpose of obtaining from that person or a third person information or confession. Moreover, Article 105 of the Criminal Procedure Code explicitly states that, materials, which were, *inter alia*, obtained through violence, threat, deception, ridicule of a person, as well as through other unlawful actions, may not serve as a basis for charges in criminal proceedings and used as evidence. Article 341 of the Criminal Code also contains a provision prohibiting obtaining evidence through torture. In particular, part 2 of the mentioned article prescribes liability for compelling – by use of violence or threat or by other unlawful actions – by a judge, prosecutor, investigator or inquest body persons on trial to testify or give an explanation or compelling the expert to issue a false opinion, as well as compelling a translator to provide an incorrect translation, which is accompanied by torture.

98. In 2014 the Special Investigation Service of the Republic of Armenia published a booklet titled “A guideline on organising and conducting investigation on cases involving torture”, the scientific and methodological manual on “Protection of suffrage and the right to participate in the referendum by the criminal law in the Republic of Armenia in the context of the Convention on Standards of Democratic Election, Voting Rights and Freedoms in the CIS Member States”, and in 2015 the book titled “Peculiarities of methods for qualifying and investigating crimes committed by officials against the state service”, the guideline titled “Legal positions of the Court of Cassation of the Republic of Armenia on criminal cases for the years 2006–2014”, and the guideline on “Legal positions of the RA Constitutional Court in respect of cases related to deciding the issue of compliance of certain provisions of the Criminal Code and the Criminal Procedure Code to the Constitution of the Republic of Armenia”.

99. According to the Constitutional Law “On the Human Rights Defender”, the Defender shall reserve the status of the national preventive mechanism prescribed by the Optional Protocol – adopted on 18 December 2002 – to the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the National Preventive Mechanism”). As the National Preventive Mechanism, the Defender’s activities are targeted at the prevention of torture and other cruel, inhuman or degrading treatment in places of deprivation of liberty prescribed by part 4 of Article 28 of this Law.<sup>5</sup> For the purpose of ensuring the performance of the functions of the National Preventive Mechanism, a separated subdivision shall be established within the Staff to the Defender.

100. As the National Preventive Mechanism, the Defender shall maintain regular contact with the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as other relevant international organisations, including through the exchange of information and the meetings with them.<sup>6</sup>

101. Point 34 of the 2014–2016 Action Plan for the Human Rights Protection envisages study of the international practice in creation of an independent mechanism for acceptance of complaints regarding tortures and cases of ill-treatment in the places of imprisonment and for ensuring the further processing thereof, as well as submission of a recommendation. In this regard, the Ministry of Justice has conducted a study on international legal standards and international practice for establishment of an independent mechanism for acceptance of

<sup>5</sup> Within the meaning of this Law, the places of deprivation of liberty shall be:

- (1) places for holding of arrestees and detainees;
- (2) penitentiary institutions;
- (3) psychiatric organisations;
- (4) garrison disciplinary isolators;
- (5) vehicles envisaged for transferring persons deprived of liberty;
- (6) 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 arbitrarily leave without the decision or permission of the court, administrative or other body or official.

<sup>6</sup> The Institute of Human Rights Defender of Armenia has an “A” status, which indicates compliance with the Paris Principles, as well as being an accredited National Institute of the United Nations.

complaints regarding torture and cases of ill-treatment at places of imprisonment and enabling their further processing, which was submitted to the Government by the Ministry of Justice on 25 December 2015.

102. The Investigation Service conducted investigations on issues related to use of force by police officers during demonstrations, clashes that took place in recent years.

103. On 2 July 2015, a criminal case was instituted with the Special Investigation Service under part 2 of Article 309, part 2 of Article 164 and part 1 of Article 185 of the Criminal Code with regard to the events that, in accordance with the information published on the media, during the special measures implemented on 23 June 2015 aimed at suspending the gathering (demonstration), and then the sit-in strike organised at Baghramyan Avenue of Yerevan by the civil initiative “No to Plunder” against increasing the electricity tariff, as well as during the following days, persons carrying out special state service used violence against the participants of the demonstration and a number of journalists covering the events, caused bodily injuries, intentionally damaged or destroyed the video recording devices thereof, whereby obstructing the lawful professional activities of journalists, causing significant damage to the rights and lawful interests of persons, organisations, the lawful interests of the society and state.

104. By the evidence obtained during the preliminary investigation of the criminal case Officers of the Police, senior inspector of service of Troop of the Patrol Service, Captain Kostan Budaghyan, Sergeants of the 3rd special battalion of the same troop Tatchat Noratunyan, Arthur Ayvazyan were charged under part 2 of Article 164 of the Criminal Code of the Republic of Armenia, and officer of the Police Troops of the Republic of Armenia, Lieutenant Colonel Davit Perikhanyan was charged under part 1 of Article 164 and part 1 of Article 185 of the Criminal Code of the Republic of Armenia. Their term of office was temporarily suspended. Kostan Budaghyan was charged for the obstruction of the lawful professional activities of journalist of Armenia TV Company Khachatur Yesayan. Tatchat Noratunyan and Arthur Ayvazyan were charged for the obstruction of the lawful professional activities of photojournalist of Photolur News Agency Hayk Badalyan. Davit Perikhanyan was charged for the obstruction of the lawful professional activities of journalist of Radio Azatutyun/Free Europe Arthur Papyan, of the lawful professional activities of journalist of ACTV online television company of “Utopiana.am” creative-cultural NGO Ashot Boyajyan, as well as for intentionally damaging the photo camera belonging to the mentioned NGO and causing significant-scale property damage in the amount of AMD 485 000.

105. A Decision was made on 15 August 2016 on separating the case against the persons having participated in the crimes – Kostan Budaghyan, Tatchat Noratunyan, Artur Ayvazyan and Davit Perikhanyan – from the criminal case, which was forwarded to court with the indictment. Official investigation was conducted in the Police of Armenia with regard to the above-mentioned cases, based on the results whereof 13 police officers were subjected to disciplinary penalties. The preliminary investigation of the criminal case is in progress.

106. On 29 July 2016, during preliminary investigation of the criminal case investigated at the Special Investigation Service with regard to the facts of obstructing the lawful professional activities of journalists by way of using force against a number of journalists covering the events taken place in Sari Tagh (district) of the city of Yerevan, of damaging journalists’ equipment and by other ways, as well as with regard to the fact of excess of official powers by police officers, information was received that allegedly 76 citizens and 24 journalists suffered during the above-mentioned operations. Charges were brought against eight citizens.

107. Confrontations having taken place in Sari Tagh during the assembly aimed at assisting the “Sasna Tsrer” armed group. A criminal case has been initiated with regard to this event and charges have been brought against nearly 15 police officers.

108. With regard to the prohibition of torture and other cruel treatment, courses on “Human Rights in the Armed Forces” were held, with the participation of about 500 military servants.

109. With regard to the alternative service, matters concerning the organisation of alternative service have been reviewed by the Law of 2 May 2013 “On making amendments and supplements to the Law of the Republic of Armenia “On alternative service””; particularly, terms of service have been reduced by types, engagement of the Ministry of Defence has been minimised in relation to matters concerning both conscription and organisation of service. Criminal prosecution against persons who previously refused the service has been terminated. No complaints with regard to the alternative service have been recorded since the legislative amendments.

## **Article 8**

110. The prohibition of putting in slavery and subjecting to trafficking is enshrined in the Constitution, Criminal Code and other relevant legal acts.

111. On 17 December 2014 the Law “On identification of and support to persons subjected to trafficking in and exploitation of human beings” was adopted, which shall regulate the relations related to the process of guidance, gathering and exchange of information on persons suspected to have undergone trafficking in human beings and (or) exploitation from the moment of their detection, as well as the process of their identification, support and protection as victims or victims of special category, and provision of reflection period. For the purpose of ensuring proper compliance with the requirements of the law the Government has adopted a number of decisions regulating the sphere.

112. The Rules of Procedure of the Commission for Identification of Victims Subjected to Trafficking in and Exploitation of Human Beings in the Republic of Armenia was approved by the Decision of the Government N 1200-N of 15 October 2015, the main objective whereof shall be conducting – by the Ministry of Labour and Social Affairs and the Police, partner non-governmental organisations – the identification of potential victims being in pre-identification stage, giving them a status of a victim or a victim of special category and granting them the right to support and protection envisaged respectively for the victims or victims of special category irrespective of the circumstance of their participation in the criminal procedure process pertaining to the trafficking in human beings and their exploitation or their status in this process.

113. On 29 October 2015 the Government adopted the Decision N 1356-N “On approving the procedure for providing the potential victims, victims and special category victims of trafficking in and exploitation human beings and their lawful representatives with the protection envisaged under the Law “On Identification of and support to the persons subjected to trafficking in and exploitation of human beings”” which shall regulate the types of protection provided to the potential victims, victims, special category victims of trafficking in and exploitation of human beings and their lawful representatives, the grounds for providing protection, as well as relations pertaining to the protection procedure.

114. On 5 May 2016 the Government adopted the Decision N 492-N “On defining the procedure and amount of support to potential victims, victims and special category victims of trafficking in and exploitation of human beings provided for by the Law “On Identification and support to the victims of trafficking in and exploitation of human beings”, which shall regulate the relations pertaining to providing the victims of trafficking in and exploitation of human beings with the support envisaged by law. Pursuant to Article 46 of the mentioned Decision all victims shall be entitled to a lump-sum monetary compensation. Monetary compensation in the amount of AMD 250 000 shall be provided for partial recovery of damages incurred by a person during his or her subjection to trafficking and exploitation.

115. In 2017 4 victims have received monetary compensation. Furthermore, in 2017 the Ministry of Labour and Social Affairs proposed making a supplement in the above mentioned decision, substantiating that the regulations existing in the sphere lack guidance mechanisms for children and that the issue needs a legal resolution. A draft guidance mechanism for children subjected to trafficking in and exploitation of human beings was elaborated and put into inter-agency circulation, which establishes the scope of actors in



place to support children subjected to trafficking and exploitation, forms of their co-operation and actions taken in this context during the detection, pre-identification and identification, preliminary investigation, inquest, support, social-psychological rehabilitation of child victims.

116. The curriculum of the Academy of Justice includes courses on main problems in trafficking. The annual training programme of judges and persons – included in the list of candidates for judges – who have completed the relevant study at the Academy of Justice or have completed studies at the Academy of Justice includes a course dedicated to qualification as trafficking and exploitation, problems on detection of trafficking or exploitation, labour trafficking and sexual exploitation.

117. 1 person was sentenced to imprisonment during 2010, 6 persons were sentenced to imprisonment during 2011 and 1 person was subjected to penalty under Article 132 of the Criminal Code. Nine persons were sentenced to imprisonment during 2012, 13 persons during 2013, five persons during 2014 and two persons during 2015 by the courts of the Republic of Armenia under Articles 132 and 132.2, also a medical coercive measure was imposed on two persons, five persons were sentenced to imprisonment during 2016 and nobody was sentenced to imprisonment during the first half of 2017.

## Article 9

118. Article 27 of the Constitution states: “Everyone shall have the right to personal liberty. No one may be deprived of personal liberty otherwise than in the following cases and as prescribed by law”.

119. Everyone deprived of personal liberty shall be promptly informed, in a language which he or she understands, about the reasons for deprivation of liberty, whereas in case a criminal charge is brought – also about the charge. Everyone deprived of personal liberty shall be entitled to have the person of his or her choice be immediately informed thereon. The exercise of this right may be delayed only in the cases, under the procedure and within the time limits prescribed by law, for the purpose of preventing or disclosing crimes. Everyone deprived of personal liberty shall have the right to challenge the legitimacy of depriving him or her of liberty, whereon the court shall render a decision within a short time period and shall order his or her release if the deprivation of liberty is illegitimate. No one may be deprived of personal liberty merely on the ground of inability to fulfil civil-law obligations.

120. Every arrested and detained person shall be immediately informed of the grounds for arrest or detention, as well as of the factual circumstances and legal qualification of the crime he or she is suspected of or is charged with. Pursuant to part 2 of Article 65 of the Criminal Procedure Code: the accused shall have the right, in the manner prescribed by this Code, to have a defence counsel, waive the right to have a counsel, waive the right to counsel and conduct his or her defence from the moment charges are brought, to meet his or her counsel privately, in confidence and in an unimpeded manner, without restrictions on the number and duration of visits, be interrogated in the presence of the counsel, through the body conducting criminal proceedings to inform his or her close relatives and, in case of a military servant, also the commanders of the military unit about the place of and grounds for keeping him or her in custody, not later than 12 hours immediately after being taken into custody.

121. Norms on ensuring contact of arrested and detained persons with family and the outside world shall be regulated in a comprehensive way by the Law “On the custody of arrestees and detained persons”.

122. The Government has made amendments and supplements to the Decision N 1543-N “On approving the internal regulation of detention facilities and correctional institutions of the Penitentiary Service of the Ministry of Justice” by Decision No 1599-N of 14 December 2017. The Decision envisages provision of an opportunity for a video call lasting up to twenty minutes twice a month for foreign detained persons or convicts, whose close

relatives cannot visit them, as well as for those foreign detained persons or convicts whose close relatives may not avail of a short visit due to objective reasons.

123. On 21 June 2014 the National Assembly adopted the draft law “On making amendments and supplements in the Criminal Code of the Republic of Armenia” for the purpose of ruling out the possibility of holding seekers of political asylum liable on the ground of illegal entry into the country.

124. In accordance with rules of investigative jurisdiction enshrined in the Criminal Procedure Code control over the lawfulness of preliminary investigation of criminal cases examined under Article 329 shall be exercised by the prosecutors of the Department of Supervision over the Investigation of Crimes against Public safety under the Prosecutor General’s Office. In the context of legal regulations in effect no criminal liability shall be imposed on a natural person – having entered Armenia without documents prescribed or appropriate authorisation – in order to avail of the right to political asylum.

125. The term “apprehended person” has been incorporated and the rights of the person apprehended have been prescribed by the Court of Cassation. In particular, Decision of the Court of Cassation No EADD/0085/06/09 of 18 December 2009 on the case of Gagik Mikaelyan defines:

126. The Court of Cassation states that the criminal procedural mechanisms for depriving a person of liberty – on the ground of reasonable suspicion of having committed a crime – are not limited to the institutes of “arrest” and “detention”, but also include the mechanism for taking into custody and apprehend before the body conducting criminal proceedings. Therefore, during pre-trial proceedings a person, who was deprived of liberty and obtained the status of “arrestee” and “detainee”, may also have preliminary legal status, which may be conditionally called the status of “apprehended person”.

127. Irrespective of the fact that the status of an “apprehended person” is effective for a short period of time, the apprehended person should be endowed with relevant constitutional guarantees and those provided for by the Convention.

128. Based on the legal positions of the European Court of Human Rights, the Court of Cassation finds that the legal status of the apprehended person complies with the requirement of the Convention for bringing “a criminal charge” upon the substantive interpretation of the European Court.

## **Article 10**

129. Since 14 October 2014 the official website of the Penitentiary Service of the Ministry of Justice ([www.ced.am](http://www.ced.am)) has been launched, in which around 60 official and operative publications covering the activities of the relevant department were placed before 2017. One of the main goals of launching the website is providing objective information on the activities of the Service to the public at large, proper awareness raising on the implemented reforms, ensuring the transparency of activities of the Penitentiary Service.

130. Since January 2016 the relatives of detained persons and convicts were provided with an opportunity of on-line transfer of parcels, deliveries and packages, through the official website of the Penitentiary Service ([www.ced.am](http://www.ced.am)) without visiting penitentiary institutions, excluding direct contacts with penitentiary servants. In case of absence of legal obstacles stipulated by the penitentiary legislation, goods obtained through an on-line order are transferred to the detained person or the convict within one working day. On-line store services are currently available only at the “Armavir” and “Artik” Penitentiary Institutions of the Ministry of Justice. The fact that an opportunity has been provided to transfer deliveries to detained persons and convicts kept at penitentiary institutions from anywhere, including abroad, deserves attention.

131. The last report on deaths in penitentiary institutions published in Council of Europe website<sup>7</sup> includes statistical data of 2015–2016, in particular Table 13 of the mentioned

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<sup>7</sup> See <http://wp.unil.ch/space/files/2018/03/SPACE-I-2016-Final-Report-180315.pdf>.

report (page 115) contains information on the number of deaths, according to which 28 deaths in 2015 were recorded at the penitentiary institutions of Armenia.

132. In 2017 the number of deaths decreased to 17 (about twice) (28 cases in 2015, 29 cases in 2016). Therefore, the percentage ratio of deaths in the penitentiary institutions of the Ministry of Justice calculated by the formula prescribed by the Council of Europe totals to 48% in 2017.

133. The activities related to introduction of e-governance information system launched on the initiative of the Penitentiary Service over a year ago have been completed. The Information Register for Detained Persons and Convicts has been designed and developed. The system includes, in full, information on all functions performed pursuant to the legislation with respect to detained persons and convicts, necessary documents, the system of conditional early release from further serving of the punishment, changing the regimes of serving the punishment, visits, education, work, as well as other information of significant importance. Moreover, the whole process of taking photos, fingerprinting, as well as video-taping shall be carried out in digitised form and shall be archived in the personal folder of each person.

134. For the purpose of strengthening control over the proper fulfilment of the requirements of the legislation, as well as paying unscheduled inspection visits, the procedure for and conditions of paying inspection visits to the structural subdivisions of the central body of the Penitentiary Department and penitentiary institutions, summarising of the results and archiving of materials have been prescribed by Order of the Head of the Penitentiary Service No 143-L of 8 June 2015.

135. Specific legal regulations are envisaged by the amendments made in 2006 in the Internal regulation of detention facilities and correctional institutions of the Penitentiary Service of the Ministry of Justice, regarding the move at daytime of convicts serving punishment at open correctional institutions, work outside of the administrative premises of the institution, the list of required documents, as well as types of control being carried out.

136. Pursuant to the specified legal acts a number of inspections have been carried out in the penitentiary institutions of the Ministry of Justice by the Department of Supervision over the Lawfulness of Applying Punishments and Other Coercive Measures, relevant protocols on violations detected as a result of the inspections have been drawn up and written motions on conducting official investigations have been submitted, as a result whereof the penitentiary servants having committed violations have been subjected to disciplinary penalties. Particularly, 105 inspections were carried out and 386 violations were detected during the first half of 2016 and 2017. 38 written motions on conducting official investigation of the violations detected were filed, on the basis whereof disciplinary penalties were imposed over officials having committed those violations.

137. The energy efficiency project has been completed within the scope of the contract signed between the Ministry of Justice and Armenia Renewable Resources and Energy Efficiency Fund, as a result whereof the issues related to lighting, heating of the rooms, water isolation of roofs, as well as proper sanitary and hygienic conditions in residential areas of detained persons and convicts have been resolved in penitentiary institutions.

138. The penitentiary institutions of the Ministry of Justice have been provided with heating and hygienic conditions: in particular, heating, domestic hot water by means of solar water heaters has been provided, thermal isolation of walls and ceilings has been carried out, gas pipelines and boilers have been constructed and re-equipped, internal and external heating networks have been constructed, external light bulbs have been replaced with energy-saving light bulbs.

139. To improve living conditions of persons held in confinement, manifold construction works have been carried out in the residential areas (cells and living areas) of penitentiary institutions, quarantine blocks, rooms for short-term and long-term visits, delivery reception rooms, medical units and wards, cafeterias, toilet facilities and other infrastructures.

140. Training courses on healthcare, human rights and medical ethics meeting European standards have been organised for the personnel of the penitentiary institutions of the Ministry of Justice. Courses under the titles “Medical ethics and human rights” and “Health

promotion and prevention measures” have been developed within the framework of the above-mentioned programme, based on which training courses have been held for nearly 800 employees of the Penitentiary Service. Meanwhile, one-week vocational courses have been held for 14 psychologists of all penitentiary institutions for the purpose of improving professional knowledge and skills.

141. The procedure for submitting recommendations, applications and complaints by the detained persons and convicts is prescribed by points 169–173 of Decision of the Government No 1563-N of 3 August 2006.

142. Pursuant to point 2 of part 1 of Article 68 of the Penitentiary Code juveniles shall be held separately from adults in correctional institutions. Pursuant to part 3 of Article 56 of the Penitentiary Code “Once a month, juvenile convicts shall be granted an up to four-hour short visit by parents or other legal representatives”.

143. Decision of the Government 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” comprehensively regulates issues related to general education, primary vocational (handicraft) and secondary vocational education of detained persons or convicts, including juveniles. Pursuant to part 2 of Article 90 of the Penitentiary Code “Primary vocational education of a juvenile convict shall be provided during the working day”.

144. Legal relations pertaining to education of convicts, engaging them in the cultural, religious, enlightenment and sports activities for the purpose of their correction, as well as the competences of the administrative staff of the correctional institution in preparing the convict for release shall be prescribed by the Penitentiary Code and a number of legal acts regulating the sphere.

145. Sports activities are regularly organised at penitentiary institutions. Chess, draughts, tennis, domino, football and billiard tournaments are being held at institutions. To ensure proper conditions for development of physical culture and sport, healthy lifestyle, as well as occupational, personal, cultural, educational development among convicts, a range of events, including rapid chess championships, tree planting and landscaping, charitable concerts, demonstration of feature films, vocational course on computer usage for convicts are being carried out in cooperation with various organisations. Courses titled “Pottery and the technology of pottery firing and painting”, “Contemporary applied arts and crafts”, “Woodworking and artistic wood engraving”, “Training of computer skills”, “Basic knowledge of Russian language” and other courses have been carried out.

146. On 17 May 2016 the National Assembly adopted the law “On probation”, based on which the State Probation Service of the Ministry of Justice was established by Decision of the Government No 555-N of 26 May 2016, founded on Division for Execution of Alternative Punishments of the Penitentiary Department of the Ministry of Justice. The goal of the State Probation Service is shifting from the traditional ideology of imprisonment to the ideology of re-socialisation and restorative justice, the essence of which is achieving the objectives of the punishment via alternative sanctions to imprisonment, as well as contributing to re-socialisation of persons having committed a crime and promoting their social reintegration, which shall in its turn contribute to reduction of recidivism.

147. The distribution of detained persons and convicts is being carried out in compliance with the requirements prescribed by the legislation on holding the convicts and detained persons separately. For the purpose of solving the problem of overcrowding in penitentiary institutions “Armavir” penitentiary institution has been constructed in Armenia, which meets the international standards, and after its operation (fully put into operation on 15 December 2015) the problem of overcrowding in terms of occupancy rate in the penitentiary institutions of Armenia on the whole ceased to be actual.

148. Since October 2014 the Penitentiary Service has launched the “Hot Line” fast response service. As a result, 1652 calls were received during the first half of 2014–2017 (255 in 2014, 588 in 2015, 543 in 2016, 266 in the first half of 2017), by the results of examination whereof official investigations were conducted, examination materials were drawn up, necessary clarifications were given (1341 were of informative nature).

149. 35 official investigations, 21 examinations were conducted during 2014, 141 official investigations, 46 examinations were conducted during 2015, 231 official investigations, 96 examinations in 2015 and 141 official investigations and 55 examinations during the first half of 2017.

150. Aimed at exclusion of arbitrary treatment of requests of citizens by administrations of penitentiary institutions of the Ministry of Justice, the issues pertaining to the requests for receiving parcels, deliveries and packages addressed to detained persons and convicts, as well as those pertaining to ensuring uniform administration, have been regulated by Instruction of the Head of the Penitentiary Service No E40/7-4042 of 29 September 2015.

## Article 11

151. Article 27 of the Constitution guarantees that “no one may be deprived of personal liberty merely on the ground of inability to fulfil civil-law obligations”.

152. Pursuant to Article 353 of the Criminal Code, intentional non-execution of a criminal or civil judgement or another judicial act, (hereinafter referred to as “judicial act”) having entered into legal force, by officials of state and local self-government bodies within the time limit prescribed by the judicial act, or where no time limit is prescribed – within a period of one month following the entry into force of the judicial act, is punished by a fine in the amount of four-hundred-fold to six-hundred-fold of the minimum salary, or by detention for a term of one to three months, or by imprisonment for a term of maximum two years, with deprivation of the right to hold certain positions for a term of maximum two years. 2. Intentional non-compliance with a judicial act having entered into legal force (except for the claim for levy of amounts, and obligations arising from civil-law contracts), by officials of organisations, within the time limit prescribed by the judicial act, or where no time limit is prescribed – within a period of one month following the entry into force of the judicial act, is punished by a fine in the amount of three-hundred-fold to five-hundred-fold of the minimum salary, or by detention for a term of one to three months, or by imprisonment for a term of maximum two years, with deprivation of the right to hold certain positions for a term of maximum one year. 3. Non-compliance by a citizen with a judicial act having entered into legal force (except for the claim for levy of amounts, and obligations arising from civil-law contracts), within one month following the imposition of an administrative penalty for the same act, is punished by a fine in the amount of three-hundred-fold to five-hundred-fold of the minimum salary, or by detention for a term of one to three months.

## Article 12

153. Article 40 of the Constitution stipulates that everyone lawfully staying in the territory of Armenia has the right to freedom of movement and right to choose a place of residence, everyone has the right to leave Armenia, every citizen and everyone entitled to lawfully reside in Armenia has the right to enter the Republic of Armenia. The right to freedom of movement may be restricted only by law for the purpose of ensuring state security, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others. The right of a citizen to enter the Republic of Armenia is not a subject to restriction.

154. Article 21 of the Civil Code stipulates that the citizens of the Republic of Armenia may choose their place of residence.

155. The procedure for carrying out record-registrations in Armenia has undergone considerable changes, in particular, the record-registration of citizens of Armenia is currently carried out according to the place of permanent residence – only one address. For the purpose of being record-registered in the SRP an inhabitant of the Republic of Armenia provides the local register with the address of his or her place of permanent residence (accommodation), stipulated by the Law of the Republic of Armenia “On state register of population”. The place of permanent residence of an inhabitant is the place (accommodation) where the inhabitant has the right to reside, and which he or she declares

as the place of his or her permanent residence (accommodation). The record-registration of persons is carried out by the territorial passport service of the Passport and Visa Department of the Police of Armenia. The address of the place of permanent residence (accommodation) of a person is changed in the register in case of changing by the inhabitant the place of residence, undergoing thereby consular record-registration in order to reside for more than 183 days outside the territory of the Republic of Armenia, being conscripted thereby to military service, serving thereby the punishment in a penitentiary institution for the reason of having been sentenced to imprisonment.

156. A person is removed from record-registration on the basis of the application of the owner or civil judgement of the court, in case of his or her death or being declared as dead by a civil judgement of the court, departure from the Republic of Armenia for the purpose of permanent residence of a person not holding the citizenship of the Republic of Armenia, provided that the local register of the place of his or her record-registration is informed about it in writing, as well as in case of expiry of the validity period of the residence status. When changing the place of permanent residence (accommodation), the citizen applies to the local register of the new place of residence for being record-registered in the new place of residence. The record-registration of children is carried out as of the registration address of parents, regardless of the consent of the owner.

157. No substantial changes have been made in respect of the grounds for receiving residence status and the record-registration of foreigners in the Republic of Armenia; the record-registration of foreigners is carried out for a period equivalent to the validity period of the residence status. It is also worth mentioning that the new Draft Law of the Republic of Armenia “On foreigners and stateless persons” which seeks to expand the framework of the types of residence status and to clarify the relations pertaining to the legal status of foreigners and stateless persons, is currently put in circulation.

158. Pursuant to Article 7 of the Law of the Republic of Armenia “On foreigners”, citizens of the States, where for a regime for entry into the Republic of Armenia without an entry visa is established, may stay in the territory of the Republic of Armenia for a term of maximum 180 days during one year, unless another term is prescribed by international treaties of the Republic of Armenia.

### **Article 13**

159. On 16 December 2015 the National Assembly of the Republic of Armenia adopted the Draft Law “On making amendments and supplements to the Law “On refugees and asylum” developed by the State Migration Service of the Ministry of Territorial Administration. The Draft is aimed at ensuring the implementation of policy adopted by the Government of the Republic of Armenia in the field of asylum and bring of national legislation on the rights of asylum seekers and refugees in conformity with international standards, having regard to the international obligations assumed by the Republic of Armenia.

160. In the course of development of the Draft Law account was taken of the conclusions and recommendations made as a result of a number of studies carried out in Armenia in the field of asylum by separate projects of the Armenian Office of the United Nations High Commissioner for Refugees, as well as account was taken of the gaps and controversies detected by the State Migration Service during practical application of the Law. The provisions of the Law have been brought in line with the international treaties in force in the field of asylum seekers and refugees, separate regulations (directives) adopted by the EU, as well as the EU practice. The Draft has undergone international expert examination by the UNHCR, in terms of compliance of the proposed amendments and supplements with international standards.

161. For the purpose of ensuring the implementation of the Law, drafts of a number of regulatory legal acts have been developed, adopted and entered into force.

162. Since 2012, five cases of deportation of foreigners have been recorded. Deportation has been carried out on the basis of the criminal judgement of the court.

## Article 14

163. Pursuant to Article 163 of the Constitution, the Constitutional Court, the Court of Cassation, courts of appeal, courts of first instance of general jurisdiction, as well as the Administrative Court shall operate in the Republic of Armenia. Other specialised courts may be established in the cases provided for by law. Establishment of extraordinary courts shall be prohibited.

164. Article 19 of the Judicial Code prescribes that “In the Republic of Armenia the court proceedings shall be conducted in Armenian. Persons taking part in the case shall have the right to act in the court in the language preferred thereby, where they provide with interpretation into Armenian. The court shall provide the persons taking part in the criminal case, who do not know Armenian, with services of an interpreter at the expense of the Republic of Armenia”.

165. The opportunity of providing a free translation/interpretation service and the regulations regarding the language used during a legal case shall be prescribed by the Criminal, Civil, Administrative Proceedings and Judicial Codes of the Republic of Armenia. In particular: Article 15 of the Criminal Procedure Code of the Republic of Armenia, part 2 of Article 46 of the Civil Procedure Code of the Republic of Armenia, Article 9 of the Administrative Procedure Code of the Republic of Armenia, Article 19 of the Judicial Code of the Republic of Armenia.

166. It is also worth mentioning that in 2013<sup>8</sup> in his report on the fair trial, the Human Rights Defender touched upon the existing corruption mechanisms in the area, the pressure of judges, the activities of the Council of Justice and the dual standards in the Court of Cassation, as well as the need for actions aimed at increasing the independence of the courts.

167. Pursuant to the Constitutional reforms, independence of courts and judges shall be guaranteed by the Supreme Judicial Council, which is an independent state body. Article 174 of the Constitution establishes the composition and procedure for the formation of the Supreme Judicial Council.

168. In cases of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court. The Supreme Judicial Council shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code, according to which the Supreme Judicial Council shall be formed after the entry into force of the relevant provisions of the Judicial Code – not later than one month prior to expiry of the powers of the President of the Republic (April 2018).

169. The Constitution stipulates the procedure for election and appointment of judges (Article 166).

170. Chapter 17 of Judicial Code of Armenia in force defines the details of the disciplinary liability of a judge and the termination of his or her powers.

171. The draft Judicial Code was sent to the Venice Commission for expertise, which in its opinion approved in October 2017 considered a progressive step, in particular, the formation of the Supreme Judicial Council and other collegial bodies with some of the peculiarities presented in the Opinion. At the same time, the Commission has presented some recommendations, a part of which has been addressed as a result of subsequent discussions of the draft Code (for example, concerning the rules of ethics, clarification of rules of conduct, etc.), while the other part – not. In particular, the non-addressed recommendations related in general to the complexity and the scope of the Code, the generalisation of the results of written qualification examinations of judges, the compliance by the subordinate court with the approaches of a higher court, the mechanisms for appealing against decisions on applying disciplinary measures to the judge, etc.

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<sup>8</sup> <http://pashtpan.am/resources/ombudsman/uploads/files/publications/8c6abc664ac32d0042d7476a67b4b899.pdf>.

172. The draft Decision of the Government “On approving the 2018–2023 Strategy for Judicial and Legal Reforms of the Republic of Armenia and the Action Plan arising therefrom” has been currently developed by the Ministry of Justice. The Draft Strategy shall rely on the principles of legal certainty and predictability of the legal system, access to justice, independence, impartiality, efficiency, accountability of the judiciary. The general objective of the Strategy shall be the enhancement of the rule of law and guaranteeing the legal safety in the Republic of Armenia, through enhancement of legal certainty, establishment of legal acts, the mechanisms for effective application thereof and effective judiciary, improvement of access to justice, raising and enhancing the efficiency and accountability of the judiciary and the public confidence thereto. As a result of implementation of the actions envisaged by the Strategy, it is planned to introduce an automatic system for assessing the performance of judges. The above-mentioned document is scheduled to be adopted during 2018.

173. A number of substantial steps have been taken to prevent and reduce corruption in recent years. The Government has adopted policy aimed at comprehensive prevention and elimination of corruption.

174. In 2015, the Government approved the Anti-Corruption Strategy and its Implementation Action Plan for 2015–2018. The main objective of Anti-Corruption Strategy is to ensure the integrated application of measures targeted at corruption prevention in the area of public service, imposition of adequate sanctions for corrupt conduct, effective investigation of practices of corrupt conduct and enhancement of public confidence. The Anti-Corruption Strategy shall attain this objective in four target areas: healthcare, education, state revenue collection, provision of services rendered to citizens by the Police. At the same time, it is worth mentioning that the Anti-Corruption Strategy for 2019–2022 and the Action Plan arising therefrom is in the stage of development.

175. On 19 February 2015 an Anti-Corruption Council was established and the rules of procedure for activities of the Council, the Expert Task Force and the Anti-corruption Programmes Monitoring Division of the Staff of the Government of Armenia were approved by the Decision of the Government No165-N. On 25 September 2015 the Anti-Corruption Strategy and its Implementation Action Plan for 2015–2018 was approved by the Decision of Government No1141-N. The list of corruption crimes has been amended by the Order of the Prosecutor General No3 of 19 January 2017.

176. In December 2016 the National Assembly adopted the draft law criminalising illicit enrichment.

177. In 2016 the Department for Combating Corruption and Economic Crimes of the General Department for Combating Organised Crime of the Police carried out efficient works aimed at combating corruption crimes.

178. During the period from 1 January 2017 to 30 April 2017 the Department for Combating Corruption and Economic Crimes of the General Department for Combating Organised Crime of the Police, due to the operative intelligence measures undertaken and personal investigations of the employees, disclosed 208 criminal acts, from which: bribery – 6, commercial bribe – 4, abuse of power and excess of power – 25, official forgery and official negligence – 12, embezzlement or peculation – 47, failure to pay levied taxes – 17, abuse of powers by officers of commercial organisation – 4, preparing, keeping or sales of counterfeit money – 1, usury – 5, illegal entrepreneurial activity – 4, trading of foreign currency without a licence – 2, arbitrariness – 2, forgery, sales or use of documents – 7, intentional bankruptcy – 5 and 67 criminal acts on other grounds.

179. The rules of ethics for police officers are laid down by the Law of the Republic of Armenia “On approving the Discipline Code of the Police of the Republic of Armenia”, adopted in 2005.

180. This law defines the disciplinary rules of service in the Police of the Republic Armenia, the procedure and the terms for instituting and conducting an official investigation, imposing disciplinary penalties, the rules of ethics for police officers, as well as regulates other relations regarding the strengthening of service discipline.



181. Within the framework of the reforms, “one-stop shop” principle of service provision has been introduced in a number of risk-oriented police departments to provide citizens with more accurate and appropriate services, which is also monitored by means of video recording devices. Examples of the above are the Records and Examinations divisions of, Passport and Visa Department of the Traffic Police, etc.

182. In case of revealing a violation of rules of ethics or other disciplinary offences, the police officers are subject to disciplinary liability by means of imposing penalties defined by the Law “On police service” (even by dismissal from service in the Police), while in case of revealing elements of a crime, the relevant materials of the official investigation are forwarded to the Special Investigation Service to give a criminal-legal assessment of the police officer’s (officers’) act.

183. Thus for instance: Based on the results of the official investigation for 2014, 846 officers of the Internal Security Department were subjected to disciplinary penalties (of which 32 – for violation of the rules of ethics).

184. Based on the results of the official investigation for 2015, 920 officers were subjected to disciplinary penalties (of which 35 – for violation of the rules of ethics).

185. It should be also noted that in 2014 the Special Investigation Service brought charges against 14 police officers, while in 2015 – against 4 police officers.

186. Since 2013 the Disciplinary Commission has been functioning within the police system as a guarantee of public control and an effective mechanism for investigation of gross violations by the police officers. Five from eleven members of the Commission are representatives of non-governmental organisations. The Commission examined materials relating to about 25 officers, made decisions on them and submitted the relevant decisions to the Head of the Police.

187. In order to prevent disciplinary violations and to eliminate the causes and conditions that contribute to them, the management of the Police, with support of international organisations, elaborated a number of methodological manuals for police officers.

188. Officers of different subdivisions of the Police of the Republic of Armenia (in 2014 – 434 officers, while in 2015 – 379 officers) participated in trainings held at the Training and Attestation Faculty of the Police Education Complex on the following topics: “Corruption crimes and peculiarities of their detection”, “Main directions of international cooperation of the RA in the sphere of fight against corruption and money laundering”, “Rules of ethics for police officers”, “Criminal law policy in the field of anti-corruption policy” and others.

189. On 3 and 26 of November 2016 the investigators of the Special Investigative Service participated in training courses on the topic “Examination of cases relating to torture and ill treatment, as well as right to life”.

190. During 2016 the Ministry of Justice of the Republic of Armenia developed the draft laws “On making supplements to the Code on Administrative Offences”, “On making supplements to the Criminal Code”, “On making supplements to the Law “On public service””, “On making amendments to the Law “On the prosecutor’s office””, “On the protection of whistle-blowers”, “On making supplements to the Criminal Procedure Code”, “On making a supplement to the Law “On police””, “On making a supplement to the law “On fundamentals of administrative action and administrative proceedings”” and the proposal on separating the investigative jurisdiction over corruption crimes.

## Article 15

191. Pursuant to Article 73 of the Constitution, laws and other legal acts deteriorating the legal condition of a person shall not have retroactive effect. Laws and other legal acts improving the legal condition of a person shall have retroactive effect where these acts so provide for.

## Article 16

192. Article 20 of the Civil Code of the Republic of Armenia prescribes that the capacity of holding civil rights and bearing obligations (civil passive legal capacity) is recognised equally for all the citizens. The passive legal capacity of a citizen arises from the moment of birth and shall terminate by death.

193. Article 24 of the Civil Code prescribes the provisions pertaining to the active legal capacity of a citizen.

194. In the Republic of Armenia relations pertaining to registration of civil status acts are regulated by the Law of 8 December 2004 “On Civil Status Acts”. Chapter 2 of the Law specifies the details related to the state registration of birth, including the grounds of the state registration of birth, the place of the state registration of birth, filling out information on parents in the birth record, making records of the name, patronymic and surname of the child during state registration of birth, the contents of the birth record, etc.

## Article 17

195. According to Article 33 of the Constitution everyone shall have the right to freedom and secrecy of correspondence, telephone conversations and other means of communication. Freedom and secrecy of communication may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others. The secrecy of communication may be restricted only upon court decision, except where it is necessary for the protection of state security and is conditioned by the particular status of communicators prescribed by law. A similar regulation is envisaged also by Article 14 of the Criminal Procedure Code.

196. According to Article 34 of the Constitution: 1. Everyone shall have the right to protection of data concerning him or her.

197. Relations pertaining to the processing of personal data shall be regulated by the Constitution, international treaties of the Republic of Armenia, the Law of the Republic of Armenia “On protection of personal data” and other laws.

198. The Constitution enshrines the inviolability of private and family life, honour and good reputation of citizens (Article 31), inviolability of the home (Article 32), the right to freedom and secrecy of correspondence, telephone conversations and other means of communication (Article 33), the right to protection of personal data (Article 34).

199. The right to inviolability of private and family life may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others.

## Article 18

200. Article 41 of the Constitution prescribes that everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to change religion or beliefs and, either alone or in community with others and in public or in private, the freedom to manifest them in preaching, church ceremonies, other rites of worship or in other forms. The expression of freedom of thought, conscience and religion may be restricted only by law for the purpose of state security, protection of public order, health and morals or the basic rights and freedoms of others. Every citizen shall have the right to replace military service with alternative service, as prescribed by law, if it contradicts the religious faith or belief thereof. Religious organisations shall enjoy legal equality and shall be vested with autonomy. The procedure for the establishment and operation of religious organisations shall be prescribed by law.

201. According to Article 17 of the Constitution the freedom of activities of religious organisations shall be guaranteed in the Republic of Armenia.

202. The Law “On freedom of conscience and religious organisations” prescribes that the freedom of conscience and religion is guaranteed in Armenia.

203. The Law “On freedom of conscience and religious organisations” envisages that the religious community or organisation is a legal entity and is recognised from the moment of being granted state registration by the Central Body of the State Register as prescribed by law. The expert opinion of the state authorised body for religious affairs together with the documents necessary for registration of a religious organisation shall be submitted to the State Register of Legal Entities. The decision on granting registration or rejection of registration of a religious organisation, by specifying the grounds for the rejection, shall be delivered to the applicant in writing within a period of one month. The registration of a religious organisation may be rejected in case it contradicts the legislation in force. Rejection or violation of the time period for rendering a decision, provided for by the referred Law, may be appealed against through judicial procedure. Proselytism shall be prohibited in the territory of Armenia, and this is prescribed by Article 8 of the Law “On freedom of conscience and religious organisations”.

204. The Draft Law “On making amendments to the Law of the Republic of Armenia ‘On freedom of conscience and religious organisations’” is currently under development, by which additional guarantees for ensuring freedom of thought, conscience and religion have been prescribed. The Draft Law “On making amendments to the Law of the Republic of Armenia ‘On freedom of conscience and religious organisations’” provides definitions of the notions of “religious association” and “religious organisation”. In particular, one of them is subject to state registration, while the other one is not, one has the status of a legal entity while the other one does not have such status. The Draft also specifies the procedure for state registration of religious organisations, the requirements for registration, the documents to be submitted to the registration body, the requirements to the Charter of a religious organisation, as well as the grounds for the rejection of state registration.

205. The Draft has been submitted for the opinion of OSCE/ODIHR and the Venice Commission, and the Government has committed itself to implement the recommendations contained therein during the works on amendment of the Draft.

## **Article 19**

206. Article 42 of the Constitution envisages the right to freedom of expression of opinion. Thus, everyone shall have the right to freely express his or her opinion. This right shall include freedom to hold own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers.

207. The freedom of the press, radio, television and other means of information shall be guaranteed. The State shall guarantee the activities of independent public television and radio offering diversity of informational, educational, cultural and entertainment programmes.

208. Freedom of expression of opinion may be restricted only by law, for the purpose of state security, protecting public order, health and morals or the honour and good reputation of others and other basic rights and freedoms thereof.

209. The legal term of “defamation” and legal regulations of relations stemming therefrom are enshrined in Article 19 of the Civil Code, entitled “Protection of honour, dignity and business reputation”, and in Article 1087.1, entitled “Procedure for and conditions of compensation for the damage caused to honour, dignity or business reputation”. The institute of defamation as a legal category has been enshrined in the Law HO-97-N of 18 May 2010 “On making amendments and supplements to the Civil Code of the Republic of Armenia”, according to which within the meaning of the Civil Code, defamation is the public statement of fact regarding a person, which does not correspond to the reality and disgraces his or her honour, dignity or business reputation. Thus, a person, whose honour, dignity or business reputation have been disgraced through defamation, may apply to court against the person having defamed.

- In 2010, 55 civil cases regarding honour, dignity, business reputation were pending in the courts of general jurisdiction of first instance of the Republic of Armenia, in 2011 – 122 civil cases, in 2012 – 125 civil cases, in 2013 – 125 civil cases, in 2014 – 116 civil cases, in 2015 – 139 civil cases, in 2016 – 179 civil cases, and in the first semester of 2017 – 150 civil cases.

## **Article 20**

210. Provisions prohibiting advocacy of violence and war are enshrined in part 2 of Article 5 of the Law HO-72 of 14 April 2011 “On freedom of assemblies”, according to which the use of the freedom of assemblies for the purpose of incitement of national, racial and religious hatred, advocacy of violence or war shall be prohibited. Apart from that, provisions prohibiting advocacy of war are also prescribed by Article 29 of the Law HO-59 of 29 May 1996 “On the rights of the child”, entitled “Prohibition of participation of a child in military operations”, according to which it is prohibited to engage a child in military operations, armed conflicts, as well as to carry out advocacy of war and violence among children, to create militarised child associations. Article 226 of the Criminal Code of the Republic of Armenia envisages criminal liability for incitement of national, racial or religious hostility, and Article 385 – for public calls for aggressive war.

211. According to Article 77 of the Constitution: “The use of basic rights and freedoms for the purpose of violent overthrow of the constitutional order, incitement of national, racial or religious hatred or advocacy of violence or war shall be prohibited”. According to Article 63 of the Criminal Code, among others, the circumstances aggravating liability and punishment are the commission of a criminal offence with motives of national, racial or religious hatred, religious fanaticism, revenge for other persons’ lawful actions. According to Article 226 of the Criminal Code, actions targeted at incitement of national, racial, or religious hostility, at racial superiority or humiliation of national dignity – shall be punished by a fine in the amount of two-hundred-fold to five-hundred-fold of the minimum salary or by imprisonment for a term of two to four years. The acts envisaged by part 1 of this Article, which have been committed: 1. publicly or by use of mass media; 2. by use of violence or threat thereof; 3. by use of official position; 4. by an organised group – shall be punished by imprisonment for a term of three to six years.

## **Article 21**

212. Article 44 of the Constitution guarantees the right to hold peaceful assemblies. Pursuant to Constitution, everyone has the right to freely participate and organise peaceful, unarmed assemblies. Outdoor assemblies are held in the cases prescribed by law on the basis of a notification given within reasonable time period. Notification is not required for holding spontaneous assemblies. The conditions of and procedure for the exercise and protection of the freedom of assemblies are prescribed by law.

213. The Law “On freedom of assemblies” regulates the conditions of and procedure for the exercise and protection of freedom of assemblies, as well as guarantees the freedom of holding assemblies.

214. In October 2017 the Law “On making amendments and a supplement to the Law “On freedom of assemblies” was adopted by the National Assembly, which regulates issues of core significance such as definition of outdoor assemblies as a separate form of an assembly, provision of grounds for restricting the right to freedom of assemblies as the main right enshrined in Constitution, which are aimed at establishing necessary procedural precondition for effective exercise and implementation of this main right. The principles on the exercise and protection of the freedom of assemblies have been extended, particularly principles of key importance such as prohibition of discrimination, lawfulness, presumption of permissibility of holding assemblies, due administration have been enshrined in legislation. It should be noted that new legal regulations provided for by the Draft derive also from the requirements provided for by international legal acts. Particularly, in international legal documents, including Covenant on Political and Civil Rights, reference

has been repeatedly made to the right to freedom of assemblies, as well as guarantees that must be provided for by the State for ensuring effective exercise and protection of the right to freedom of assemblies have been established.

215. Cooperation of administrative bodies plays a significant role in ensuring unimpeded exercise of the right to assemblies. The above-mentioned particularly concerns the cooperation between the Police and the authorised body (local self-government bodies). The authorised body, upon receipt of the notification on holding an assembly, immediately forwards it to the Police of the Republic of Armenia for consideration. After having considered the notification the Police provides an opinion on permissibility of holding an assembly. The right to assemblies has been granted a possible brief legal regulation in the Republic of Armenia which stems from norm-principles and practice of international law.

216. In the course of staff training the Educational Complex of the Police provides the latter with theoretical knowledge on the right to peaceful assemblies and practical skills on supporting the assembly. Courses on the right to peaceful assemblies permanently appear in the curricula provided for the police officers of the Republic of Armenia. In subdivisions of the Police monitoring of assemblies held within the reporting period is conducted on a semi-annual basis and the made mistakes are analysed therein.

217. The duties of the Police referred to in Article 32 of the Law “On freedom of assemblies” include removal of persons from the place of assembly who seriously disturb the peaceful and normal course of the assembly where it may not be otherwise ensured. Pursuant to the same Article, where the assembly is held in violation of notification requirements provided for by law, the Police is obliged to announce on a loudspeaker that the assembly is unlawful and that the participants will be subject to liability as prescribed by law. Where the assembly has peaceful nature, the Police is obliged to assist the assembly within the scope of the competences thereof.

218. By virtue of part 3 of Article 14 of the Law “On police troops” intervention of the police troops for the purpose of preventing peaceful, unarmed public events is prohibited.

219. Pursuant to Article 33 of the Law “On freedom of assemblies”, the Police may terminate the assembly only in the case where disproportionate restriction of constitutional rights of other persons or public interests may not be otherwise prevented. The Police applies, with a request of terminating the assembly, to the leader of the assembly who is obliged to immediately inform thereof the participants of the assembly. In case of absence of a leader of assembly or failure to follow by the leader of assembly the demand of the Police, the representative of the Police requires, not less than twice and on a loudspeaker, from the participants to terminate the assembly, by establishing a reasonable time limit. At the same time, the representative of the Police gives a warning to the participants related to his or her power of dispersing the assembly in case they do not terminate the assembly voluntarily within the time limit prescribed, including his or her power of applying special means prescribed by the Law “On the Police”.

220. The procedure and conditions for submitting and considering the notification on assemblies and leaving the notification without consideration have been established by law. Pursuant to the general rule, the organiser of the assembly submits prior to holding the assembly a notification to the local self-government body, which includes information on the nature of the assembly, participants, venue thereof, etc. After having received the notification the authorised body forwards it to the respective bodies for consideration (the Police and the Ministry of Culture where the assembly is going to be held within the territory of historical and cultural monuments). In the course of consideration of the notification hearings may be held. Upon the results of consideration of the notification the authorised body takes one the following decisions: on taking the notification on assembly for acknowledgement, on holding the assembly with restrictions, on prohibiting the assembly. It is worth mentioning that in the Republic of Armenia it is not necessary to obtain the permission of the authorised body to hold an assembly. Notifying the latter on holding the assembly proves to be sufficient.

221. Police officers hold tolerant attitude towards assembly. The latter do not apply any kind of restrictions in respect of the assembly unless the right to assembly entails

disproportionate restrictions. Similar conduct is maintained even in the cases where legislative requirements with regard to holding the assemblies are not complied with.

222. In city of Yerevan after the assemblies are held nearly 100 judicial cases are instituted on an annual basis, 90% out of which constitute statements of claim submitted by the Police with a request of subjecting to liability the persons having committed an offence during the assemblies. It should be noted that with regard to almost all judicial cases counterclaims are submitted with a request of declaring the actions of the Police as unlawful. Ultimately, nearly 30% of these requests are granted.

## **Article 22**

223. Article 45 of the Constitution states that:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of labour interests. No one may be compelled to join any private association.

224. According to Article 21 of the Labour Code, for the purpose of protection and representation of their rights and interests, employers and employees may freely and voluntarily join and establish trade unions and associations of employers as prescribed by law. According to Article 3 of the Law “On trade unions” the main principles of activities of a trade union are as follows:

- (a) Independence from state bodies, local self-government bodies, employers, political, non-governmental and other organisations;
- (b) Voluntary participation (membership) in trade unions;
- (c) Legal equality of trade unions;
- (d) Prohibition of restriction of rights of an employee on the ground of being a participant (member) of a trade union.

225. Membership in a trade union is held on a voluntary basis. Particularly, pursuant to Article 3 of the Law “On trade unions” a participant (member) of a trade union is the person who became a participant (member) of the trade union on a voluntary basis in accordance with the statute of the trade union. According to Article 6 of the Law “On trade unions”, employees having concluded an employment contract with the employer concerned and operating within or outside the territory of Armenia, including foreign citizens and stateless persons, may become participants (members) of a trade union organisation. At the same time, Article 6 of the Law “On trade unions” prescribes that officers of the Armed Forces, the Police, national security bodies and prosecutor’s office, as well as judges and members of the Constitutional Court of the Republic of Armenia may not be participants (members) of a trade union organisation.

226. Article 23 of the Labour Code prescribes that the representatives of an employee, *i.e.* trade unions, the representatives (body) elected by the meeting (assembly) of employees are entitled to represent the rights and interests of employees and to protect these rights and interests in labour relations. Where there is (are) no trade union(s) in the organisation or none of the existing trade unions unites more than half of the employees of the organisation, representatives (body) may be elected by the staff meeting (conference). The existence of representatives (body) elected by the staff meeting (conference) in the organisation must not impede the performance of functions of trade unions. Where there are no representatives of employees in the organisation, the functions of representation of employees and protection of interests may be delegated to relevant branch or territorial trade union by the staff meeting (conference). In this case, the staff meeting (conference) elects a representative(s) who participate(s) in collective bargaining conducted with the given employer within the delegation of branch or territorial trade union. The same person may not simultaneously represent and protect the interests of both employees and employers. Rights of the representatives of employees are prescribed by Article 25 of the Labour Code, and pursuant to point 3 of part 2 thereof trade unions are entitled to organise and lead strikes.

227. After the constitutional amendments the Ministry of Justice has developed new Draft constitutional law on political parties which has been forwarded to OSCE/ODIHR and Venice Commission for providing an opinion thereby. The Joint Opinion, published in December 2016, notes that the Draft addresses also several recommendations submitted previously and in case of being adopted it will liberalise the legal framework. At the same time, a number of recommendations have been provided in the Joint Opinion, the most of which have been adopted in the result of further considerations of the Draft. As of July 2017, 81 political parties have been registered in the Republic of Armenia.

### **Article 23**

228. According to Article 34 of the Constitution, a woman and a man having attained the marriageable age have the right to marry and form a family with free expression of their will. The marriageable age and the procedure for marriage and divorce are prescribed by law. A woman and a man are entitled to equal rights as to marriage, during marriage and at its dissolution. Freedom to marry may be restricted only by law with the aim of protecting health and morals.

229. The Family Code of the Republic of Armenia prescribes the conditions and procedure for marriage, termination of marriage and invalidation thereof, regulates the personal non-property and property relations between family members – spouses, parents and children (adopters and adoptees), and in the cases provided for by and within the framework of family legislation – between other relatives and persons, as well as determines the forms and procedure for placing children left without parental care in families.

230. In the process of exercise and protection the rights of a child the Republic of Armenia is obliged to take into consideration the best interests of a child, provide care to a child necessary for his or her well-being (decision of the Court of Cassation of the Republic of Armenia of 1 April 2011 on the civil case No YeADD/1513/02/08 as of the statement of claim of Margarit Hovhannisyan v. Arthur Torosyan, relating to the claim of guardianship and curatorship body of Davtashen administrative district of the city of Yerevan on establishing procedure for visiting a child, acting as third person, and as of the counterclaim of Arthur Torosyan v. Margarit Hovhannisyan, relating to the claim on restricting parental rights).<sup>9</sup>

### **Article 24**

231. Pursuant to Article 3 of the Law of the Republic of Armenia “On civil status acts registration”, civil status acts shall be those actions of citizens or cases which create, change or terminate their rights and responsibilities, as well as describe the legal status of citizens. The following acts of civil status shall be subject to state registration, as prescribed by this law: (a) birth; (b) marriage; (c) divorce; (d) adoption; (e) paternity establishment; (f) change of name; (g) death.

232. Pursuant to the Law “On civil status acts”, upon submission of the application for a birth certificate to CSAR authority the name, patronymic and surname of the child shall be indicated. The child’s name shall be entered on the birth record by the consent of the parents. The father’s name of the child shall be entered on the birth record by the name of the father. The child’s surname shall be entered on the birth record by his or her parents’ surname. In case of different surnames of parents, the child’s surname shall be entered by his or her father’s or mother’s surname by the consent of the parents. The information about

<sup>9</sup> By virtue of part 4 of Article 15 of the Judicial Code of the Republic of Armenia, justifications of a judicial act of the Court of Cassation under the case with certain factual circumstances (including interpretations of law) are mandatory for the court during consideration of a case with similar factual circumstances, except for the cases where the court provides justification, based on strong arguments, to the effect that they are not applicable to the given factual circumstances.

the father, at the wish of the mother not being in marriage with the child's father, shall be filled out in the birth record of the child by the instruction of the mother.

233. Relations pertaining to the citizenship of a child shall be regulated by articles 11, 12 and 16 of the Law "On the citizenship" (adopted on 6 November 1995). It should be noted that as a result of amendments to Article 12, as well as taking as a basis the requirements of the Convention of 1961 "On reduction of statelessness", several norms have been established to exclude the possibility of making a child a stateless person in cases when the parents are stateless persons or their citizenship is unknown or the parents may not transfer their citizenship to the child pursuant to the legislation of the country (countries) of citizenship thereof.

234. Pursuant to Article 24 of the Criminal Code "1. A person who has attained the age of sixteen before committing a criminal offence shall be subject to criminal liability.

235. Pursuant to Article 24 of the Civil Code, a child is deemed to be an adult upon attaining the age of eighteen.

236. Legal provisions that guarantee a child's rights shall be established by the Constitution, the Family Code and other legal acts. Pursuant to Article 37 of the Constitution of the Republic of Armenia, a child shall have the right to freely express his or her opinion which, in accordance with the age and maturity of the child, shall be taken into consideration in matters concerning him or her. In matters concerning the child, primary attention must be given to the interests of the child.

237. Pursuant to Article 43 of the Family Code, a child shall have the right to the protection of his or her rights and legitimate interests. The protection of the rights and legitimate interests of the child shall be carried out by the parents (legal representatives), and in cases provided for by this Code – by the custody and guardianship body. A minor, who is recognized as having full active legal capacity as prescribed by law, shall have the right to exercise his or her rights (including the right for defence) and obligations independently. The child shall have the right to be protected from the abuse by his or her parents (legal representatives). In case of violation of the rights and interests of a child (including the cases of failure to perform or improper performance by parents or one of them of the duty to rear, provide education to the child or abusing parental rights) the child shall have the right to apply, on his or her own, for protection to the guardianship and curatorship body. Officials and other citizens, who have become aware of cases of threatening the life and health of the child, violations of his or her rights and interests, shall report on this to the guardianship and curatorship body of the actual place of location of the child. Upon receipt of such information, the guardianship and curatorship body must undertake necessary measures for the protection of the rights and interests of the child.

238. Juvenile justice sector reforms shall be aimed at establishment and development of mechanisms ensuring the accessibility of justice for children, protection of rights of children who are offenders, victims and witnesses of crime, and reflection of required hallmarks in the legislation of the RA and in the practice thereof.

239. Point 43 of the 2017–2019 Action Plan of Human Rights Protection envisages to carry out training courses complying with international standards for juvenile justice sector officials during 2018–2019.

240. In the Republic of Armenia criminal liability for child trafficking or exploitation is prescribed by articles 132, 1322 of the Criminal Code. Guarantees for the protection of minor victims of trafficking, the types of, the procedure for and the extent of support provided thereto are prescribed by the Law "On identification of and support to persons subjected to trafficking in and exploitation of human beings" and a number of secondary legislation acts deriving therefrom.

241. On 7 July 2016, the Government of Armenia approved the 2016–2018 National Programme for fight against trafficking in human beings or exploitation and the schedule thereof. Within the framework of the mentioned programme great importance is attached to implementation of measures aimed at prevention of trafficking and exploitation, as well as labour exploitation among both overall population and vulnerable groups of population.



## Article 25

242. Legislation on citizenship of the Republic of Armenia consists of the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, the Law “On citizenship of the Republic of Armenia” and other legislative acts of the Republic of Armenia. Article 47 of the Constitution guarantees the right to citizenship of the Republic of Armenia, in particular, “A child born to citizens of the Republic of Armenia shall be a citizen of the Republic of Armenia. Every child with one of the parents holding citizenship of the Republic of Armenia shall have the right to acquire citizenship of the Republic of Armenia. Armenians by national origin shall have the right to acquire citizenship of the Republic of Armenia upon settling in the territory of the Republic Armenia. Armenians by national origin shall acquire citizenship of the Republic of Armenia through a simplified procedure prescribed by law. A citizen of the Republic of Armenia may not be deprived of citizenship and the right to change citizenship. The procedure for exercising the rights prescribed in this Article, the other grounds for acquiring citizenship of the Republic of Armenia and the grounds for termination thereof shall be prescribed by law. Citizens of the Republic of Armenia, while beyond borders of the Republic of Armenia, shall be under the protection of the Republic of Armenia on the basis of international law”.

243. The procedure for acquisition and termination of the citizenship of the Republic of Armenia shall be prescribed by the Law “On citizenship of the Republic of Armenia”.

244. Pursuant to the Constitution, every citizen shall have the right to join public service on general grounds. Details shall be prescribed by law. The principles of, the procedure for organising, the rules of ethics, the restrictions applied, the procedures for removal from office and other principles of public service in the Republic of Armenia are prescribed by the Law “On public service”. In view of the peculiarities of state or community service, grounds for removal of a public servant from office shall be prescribed by laws of the Republic of Armenia regulating individual types of state service, as well as community service. Violation of restrictions prescribed by this Law and the Electoral Code of the Republic of Armenia shall also be deemed as a ground for removal of a public servant from office.

## Article 26

245. On 29 June 2016 the National Assembly adopted the Law HO-134-N “On making an amendment to the Law of the Republic of Armenia “On Human Reproductive Health and Reproductive Rights”, which fully revised and provided for more stringent requirements for induced termination of pregnancy, moreover, the prohibition of induced termination of pregnancy conditioned by sex was enshrined for the first time. In particular, part 2 of Article 8 of the Law prescribes: “In any other cases not prescribed by the list of medical or social instructions given by the doctor, which is adopted under the procedure provided for by part 8 of this Article, termination of pregnancy, including that of 12 to 22 week pregnancy conditioned by sex, shall be prohibited”. On the basis of the Law the Government of the Republic of Armenia approved the procedure and the conditions for induced termination of pregnancy.

246. Article 122 of the Criminal Code provides for criminal liability for performing illegal induced termination of pregnancy, *i.e.* termination of pregnancy in violation of law, in particular in case of performing it both by a person with respective higher education and a person without respective higher education.

## Article 27

247. The constitutional amendments of 2015 for the first time enshrined the principle of allocating seats for the representatives of national minorities in the parliament. In the result, the new Electoral Code prescribed that four mandates of Deputies of the National Assembly are distributed among representatives of national minorities according to the principle of 1

mandate to each of the first 4 national minorities with greater number of resident population according to the data of the latest census preceding the elections.<sup>10</sup>

248. In the national electoral list of a political party a special *second* part is designed for candidate-representatives of national minorities. After summarising the results of voting these four mandates are distributed among political parties (alliances of political parties) having overcome the electoral threshold according to special coefficient got for each mandate (for coefficient calculation method see Electoral Code of the Republic of Armenia, Article 95.9). Where the political party (alliances of political parties) does (do) not possess a candidate-representative of relevant national minority, the turn for distribution is taken by the political party (alliance of political parties) possessing the next major coefficient. In case of impossibility of distributing, in such process, mandates to the representatives of national minorities, any longer, the relevant mandate remains vacant.

249. Part 2 of Article 56 of the Constitution of the Republic of Armenia guarantees the right of the national minorities to preserve and develop their traditions, religion, language and culture.

250. The Law of the Republic of Armenia “On Television and Radio” prescribes the provision of airtime for broadcasting special programmes and television programmes in the languages of national minorities of the Republic of Armenia. The total number of hours for these programmes must not exceed 2 hours a week on television and 1 hour a day on radio. Special programmes and television programmes in the languages of national minorities of the Republic of Armenia must be accompanied by Armenian subtitles.

251. Currently, the Ministry of Justice of the Republic of Armenia initiated a process for drafting a separate comprehensive law on national minorities.

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<sup>10</sup> Pursuant to the results of the census of 2011, these four minorities are Yazidis, Russians, Assyrians and Kurds.