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Follow-up information to the concluding observations (CCPR/C/ARM/CO/3)

Violence against women

Follow-up information related to paragraph 16 a)

1. In the context of preventing and combating domestic violence, the Government of Armenia, together with international and local organizations is constantly working to improve the legislative framework and develop strategic plans and measures.

2. Since 2017, the Government of the Republic of Armenia has adopted the Law on the Prevention of Domestic Violence, Protection of Victims of Domestic Violence and Restoration of Family Solidarity. After the adoption of the law, the state has been taking action against domestic violence in 3 main directions:

- Improving the legal framework, developing new by-laws arising from the Law.
- Implementing protection procedures aimed at providing social support.
- Conducting public awareness campaigns and trainings.

3. Starting from 2020, guided by the above-mentioned law, the Ministry of Labor and Social Affairs of the Republic of Armenia, at the expense of the state budget, provides the following support to persons who have been subjected to domestic violence and who are recognized as winners of the grant competition:

(a) services of support centers for persons who have been subjected to domestic violence operate in all regions of the Republic of Armenia and in the city of Yerevan. The centers provide information on the procedure for using the available services, provide social, psychological, legal assistance, and assistance in employment;

(b) shelter services that provide safe, secure housing, food, hygiene items, necessary items for children's education, social, psychological and legal support;

(c) one-time financial compensation of up to 150,000 drams.

4. In addition to the above programs, the Ministry of Labor and Social Affairs develops and implements programs aimed at the economic empowerment of persons-victims of domestic violence.

5. Starting from 2023, the types of services aimed at women's economic empowerment and independent organization of their own lives have been expanded. The latter includes the provision of knowledge on training and education tools. Based on the assessed need, the beneficiary can choose a course in accordance with their preferences. In 2024, the program was implemented in 6 regions of the Republic of Armenia.

6. On July 1, 2024, new amendments to the "Law on Prevention of Family and Domestic Violence and Protection of Persons Subjected to Family and Domestic Violence" entered into force, which included changes to 11 of 23 articles. In particular:

- the title of the law was revised as follows: "Law on Prevention of Family and Domestic Violence and Protection of Persons Subjected to Family and Domestic Violence";
- the existing definitions and the main concepts of the law were clarified, they were brought into line with the definitions of the Criminal Code of the Republic of Armenia, a new concept of "partner" was added;
- the definition of domestic violence was changed: definitions included violence regardless of cohabitation and included partners, former family members, or ex-partners; "Family and domestic violence is considered physical, sexual, psychological or economic violence or negligence, committed between family members or partners or former family members or former partners, regardless of the circumstances of their cohabitation". The definition of the concept of "family members": "family members, regardless of the circumstances of cohabitation: spouse (also a person in a de facto

marital relationship), parent (also stepparent, adoptive parent, foster parent, guardian), child (also adopted, stepchild, foster child), adopter's spouse, spouse parents, grandmother, grandfather, sister, brother (also co-mother or co-father), husband's sister, husband's brother, as well as husband's parents, sister and brother, son-in-law and daughter-in-law";

- a child who witnessed the use of violence and/or suffered the negative consequences of that violence (indirect victims) is also considered a victim of violence;
- the deadlines for the implementation of urgent intervention and protection-oriented decision, their entry into force and notification have been revised;
- the definition of the conciliation procedure has been repealed;
- instead of primary medical care, the law established free and preferential medical care and service for persons subjected to domestic violence in order to solve the health problems of the person, caused by violence;
- a requirement for the accessibility of shelters for persons subjected to violence has been established.

7. These changes are aimed at increasing the effectiveness of the fight against domestic violence in the country, raising public awareness, and improving social and psychological support services provided to victims of violence.

8. In order to enrich the policy on combating and preventing domestic violence with more data and to centralize it at the regulation of the needs, in 2024, as a result of the cooperation of the Ministry of Labor and Social Affairs of the Republic of Armenia and the United Nations Population Fund, a centralized for registrering cases of domestic violence was created and launched in Armenia.

9. The purpose of the system implementation is to have a single database and streamline the activities of the bodies responsible for protecting persons subjected to domestic violence. Quantitative and qualitative data obtained with the help of the system will serve as a basis for developing further strategic plans and activities.

Follow-up information related to paragraph 16 b)

10. In order to respond more quickly to cases of domestic violence, work is underway to introduce the online mobile application "SAFE YOU" to the Police within the framework of cooperation with the United Nations Population Fund and the Police. The application installed on a mobile phone will allow victims of violence to promptly call the police using the "Call" button and receive appropriate support.

11. At the same time, in order to raise the level of awareness of citizens and refer them to the appropriate structures in cases of domestic violence, information corners have been set up in police units, which present literature on domestic violence, data of non-governmental organizations operating and providing services in the field of domestic violence in Armenia, support centers, hotlines. phone numbers, as well as information leaflets and "SAFE YOU" application posters.

Follow-up information related to paragraph 16 c)

12. Since 2017, the Investigative Committee of the Republic of Armenia has introduced and continues to maintain semi-annual and annual reports on cases of domestic violence, which allow for the analysis of the quantitative picture of the cases under review, trends, and, if necessary, to take measures within the existing tools (the investigator's duty to identify the circumstances contributing to the commission of the crime and submit a motion under Article 185 of the Criminal Procedure Code).

13. In 2023, 1 848 criminal proceedings related to domestic violence were investigated by the RA Investigative Committee of Armenia (in 2020 – 730 proceedings, in 2021 – 556 proceedings, in 2022 – 960 proceedings). Out of 1 848 criminal proceedings, 338 proceedings (in 2020 – 144 proceedings, in 2021 – 129 proceedings, in 2022 – 122 proceedings) were completed with indictments, and involving 349 persons (in 2020 – 342 as an accused, in 2021 – 135 as an accused, in 2022 – 126 as an accused) were sent to court, 8 proceedings (in

2020 – 5 proceedings, in 2021 – 3 proceedings) were completed with final acts (proceedings of medical coercion) and sent to court, and 557 proceedings (in 2020 – 358 proceedings, in 2021 – 252 proceedings, 2022 – 301 proceedings) were terminated, of which 463 proceedings (in 2020 – 126 proceedings, in 2021 – 112 proceedings, in 2022 – 150 proceedings) on rehabilitative grounds, and 90 proceedings (in 2020 – 232 proceedings, in 2021 – 140 proceedings, in 2022 – 151 proceedings) on non-rehabilitative grounds, 4 proceedings on other grounds, 144 proceedings in a passive stage (in 2020, 25 proceedings were suspended, in 2021 – 31 were suspended, in 2022 – 8 proceedings – under former Criminal Procedure Code), 14 proceedings were forwarded to the appropriate jurisdiction, 179 proceedings (in 2020 – 71, in 2021 – 53, in 2022 – 130 proceedings) were combined, and 608 proceedings were passed to 2024 (in 2020 – 111, in 2021 – 80, in 2022 – 383 proceedings were passed to the next year).

14. Out of the proceedings sent to court with indictments (excluding duplicates), 4 were for murder, 4 for attempted murder, 1 for incitement to suicide, inducement to suicide, assistance in suicide, 6 for causing serious harm to health, 7 for causing medium harm to health, 30 for causing minor harm to health, 1 for infecting a person with HIV, 3 for unlawful deprivation of liberty, 177 for physical impact, 3 for sexual violence, 2 for avoiding alimony payments, and 105 for other criminal offenses.

15. Out of the 349 defendants in the proceedings sent to court with indictments, 259 were spouses. A total of 359 individuals were recognized as victims.

16. Among the terminated criminal cases, 1 was for murder, 4 for incitement, inducement to suicide or assistance in suicide, 4 for causing serious harm to health, 28 for causing minor harm to health, 4 for unlawful deprivation of liberty, 272 for physical violence, 1 for the illegal separation or exchange of a child by parents or other individuals responsible for the child's upbringing and care, 1 for preventing a parent or another close relative from visiting the child, 1 for failing or improperly fulfilling duties of child upbringing or care, 3 for avoiding alimony payments, and 234 for other criminal offenses.

17. For 152 individuals, criminal prosecution was not initiated or was terminated on non-rehabilitative grounds. Of those 152 individuals, 128 were spouses. A total of 522 individuals were recognized as victims.

18. In accordance with the amendment to the Law "Law on Prevention of Family and Domestic Violence and Protection of Persons Subjected to Family and Domestic Violence", approved on April 12, 2024, the Clause 1 of Part 1 of Appendix 17 delineates that individuals who have suffered from family and domestic violence shall be entitled to receive free and preferential medical care and services related directly to the incidents of violence they have endured in order to solve the health problems of the person.

Follow-up information related to paragraph 16 d)

19. Based on the issues identified during the assessment and the recommendations provided, a Strategic Plan for the Implementation of Gender Policy in the Republic of Armenia for 2024–2028 is currently being developed.

20. The current document sets out 6 priorities (listed below). The programme of activities and priorities are currently being developed. The 5th priority of the Strategic Plan envisages actions to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence:

- overcoming gender discrimination in all areas of management and at the decision-making level. Improving the national mechanism for the advancement of women, ensuring and expanding opportunities for equal and full participation of women and men;
- encouraging gender-sensitive approaches in work activities, reducing the gender gap in the workforce and improving mechanisms for protecting labor rights in the socio-economic sphere, in the labor market, and in various sectors of the economy;
- overcoming gender discrimination in the field of education and science, promoting the full participation of women and men and expanding equal opportunities;

- ensuring equal opportunities for women and men in the health sector;
- prevention and overcoming of gender-based violence and discrimination, protection and support of persons subjected to domestic violence;
- development of the gender-sensitive and gender-responsive approaches to climate change, ensuring inclusive principles and raising awareness.

Right of peaceful assembly and excessive use of force

Follow up information related to paragraph 40 a)

21. Below is information on the official investigations conducted into complaints, publications and other reports of the use of disproportionate force or violence by police officers during the events in question, as well as the disciplinary actions taken:

- during mass riots on Grigor Lusavorich Street in Yerevan on March 1, 2008, a police officer (captain Hamlet Agas Tadevosyan) was seriously injured as a result of a grenade explosion thrown at the Interior Ministry soldiers by rioters, and died in the hospital.

22. As a result of the investigation, it became clear that G. Tadevosyan died while on duty, taking the blast upon himself and thereby preventing injury to the servicemen who were in the chain behind him.

23. At the same time, a decision was made to refer other circumstances related to the case to the pre-trial investigation body, in accordance with Part 3 of Article 225 of the Criminal Code of the Republic of Armenia (2003), as well as based on the results of the preliminary investigation of the criminal case initiated on March 1.

- In order to assess the legality of the actions of the police officers during the protest action that took place in Yerevan on June 23, 2015, the internal security and anti-corruption administration of the Ministry of Internal Affairs revealed that a group of police officers improperly performed their official duties and violated the police officer's ethics rules, for which they were subjected to disciplinary penalties.
- Two employees were given a "Reprimand", 9 were given a "Severe Reprimand", 1 employee was demoted by one position.
- Based on the results of a preliminary examination of the criminal case initiated by the investigative body in connection with the said events, it was established that the meeting organized by the civil initiative "No to Looting" against the increase in electricity tariffs, in order to end the sit-in strike, during the holding of special.
- Events that took place on June 23, 2015, 3 police officers and 1 police officer obstructed the legal professional activities of journalists, in connection with which criminal prosecution was initiated against them under the part 2 of Article 164 of the Criminal Code of the Republic of Armenia (2003).

24. According to the Court decision of February 20, 2017, three police officers were found guilty of committing a crime under Article 164, Part 2 of the RA Criminal Code and sentenced to a fine of 500,000 AMD. They were released from police service by the order of the Chief of the police of the RA Ministry of Internal Affairs.

25. One police serviceman was found guilty of committing a crime under Article 164, Part 1 and Article 185, Part 1 of the Criminal Code of the Republic of Armenia and sentenced to a fine of 600,000 AMD. He was not dismissed from military service on the basis of Article 51, Part 1, Clause 7 of the RA Law "On Admission to Military Service", and no disciplinary action was applied to him due to the expiration of the statute of limitations.

26. In order to ensure public order following the armed attack on the Yerevan police on July 17-28, 2016, as well as in connection with media publications about the bodily harm caused to journalists by Yerevan police officers that occurred on the night of July 29-30, 2016, the Internal Security and Anti-Corruption Department of the Ministry of Internal Affairs has launched two official investigations.

27. The service examination revealed that a group of police officers performed their official duties improperly on July 29, 2016 in Sari Tagh of Yerevan city. Being responsible for the service, the subordinate forces were not properly deployed for maintaining public order and ensuring public safety. Did not take appropriate measures arising from the situation. As a result, they were subjected to disciplinary responsibility by the order of the chief of the Police (6 officers were declared “Reprimand”, 7 officers were given “Severe reprimand”).

28. Publications in the press regarding the use of force by police officers during gatherings, damage to citizens’ health, physical force against journalists or damage to journalistic equipment, as well as other illegal actions of police officers and operational messages, issued by the regional police departments, were attached to the official investigation materials, but based on any information, the actions of any police officer were not evaluated in terms of a disciplinary violation, as soon as criminal proceedings are being investigated in the pre-investigative body regarding the aforementioned press publications and citizens’ reports.

29. The process of the service examination was partially suspended and it was decided to address the issue of subjecting the police officers to disciplinary responsibility after the final procedural acts in the mentioned criminal proceedings come into legal force.

30. During events of 2018 11 internal security and anti-corruption investigations were conducted in the internal security and anti-corruption department of the Ministry of Internal Affairs in connection with the complaints, publications, and other reports received regarding the use of disproportionate force or the use of violence during the events, of which:

- As a result of 2 of abovementioned investigations, 3 police officers were dismissed from police service on the basis of the legal entry into force of the guilty verdict for obstructing the legal professional activity of a journalist;
- The results of 9 investigations, were left without consequences, including 1 of them, no disciplinary penalty was applied to 2 servicemen of the police forces, on the basis of the statute of limitations having passed, the information about which is provided below.

31. As a result of the use of special measures by police units on April 22, 2018 in the area near the intersection of Artsakh Avenue and Erebuni Street in the city of Yerevan and on Baghramyan avenue of Yerevan city on April 16, 2018, the operative reports issued in connection with the physical injuries of a number of citizens.

32. At the same time, with regard to the mentioned cases, criminal proceedings were initiated on 1 March 2019 in the pre-investigation body, following the preliminary investigation. A criminal prosecution was initiated against the former commander of the Police forces of the Ministry of Internal Affairs (Lieutenant General Levon Yeranosyan) according to parts 2 and 3 of Article 309 of the Criminal Code of the Republic of Armenia (2003).

33. The part separated from the criminal proceedings against the latter was sent to the court with an indictment, but still no legally effective judicial act issued.

34. In the preliminary investigation of the criminal proceedings, it was also found that after the former commander of the Police forces gave an order to apply special measures, special measures /sonic hand grenades/ were applied to the protesters in violation of the permissible standards by 2 servicemen of the police forces and 2 masked servicemen who were not identified by the investigation, as a result bodily injuries were caused to a group of people. On March 22, 2019, decision was adopted at the pre-investigative body, with regard to the mentioned servicemen, by adoption of the amnesty law on non-prosecution (under Article 373, Part 1 and 2 of the RA Criminal Code (2003)).

35. Taking into consideration that that on the basis of part 2 of Article 27 of the RA Armed Forces Disciplinary Code / 6 months have passed since the date of committing the disciplinary offense/no Disciplinary punishment can be applied to 2 servicemen of the police forces. In addition, the former commander of the police forces was dismissed from the service in the police, it was decided to leave the results of the official investigation without consequences.

Follow up information related to paragraph 40 b)

36. The legislative package proposing amendments and supplements to the Electoral Code of the Republic of Armenia and related laws, developed through discussions held in collaboration with the International Foundation for Electoral Systems (IFES) and the United States Agency for International Development (USAID), has undergone a multi-stage review process. The final package was developed by the Ministry of Justice, taking into account the comments from the Central Electoral Commission, the Venice Commission, and other organizations. The Venice Commission's subsequent opinions played a crucial role in the finalization of the package.

37. In September 2024, the revised legislative package was submitted to the National Assembly for consideration. The legislative package envisions the implementation of several important reforms aimed at improving the transparency, fairness, and efficiency of the electoral processes. Some of the key reforms include:

(a) the legislative package includes several regulations aimed at increasing the financial accountability of political parties during election periods. The functions of state bodies regarding financial oversight of political parties are distinguished between election periods and outside of them. New tools for implementing financial oversight are planned;

(b) the proposed draft also suggests that voters with mobility (locomotor) difficulties, who are unable to vote at their designated polling station during elections, be given the opportunity to be included in the voter list of a more accessible polling station of their choice and vote there. Additionally, it is proposed that for voters with mobility difficulties due to disability, an application for inclusion in the voter list of an accessible polling station can also be submitted electronically;

(c) the draft proposes establishing specific requirements for the selection of polling stations. In particular, polling stations must be chosen in a way that ensures unobstructed entry, exit, and movement within the polling station for persons with disabilities and those with mobility (locomotor) difficulties to the greatest extent possible. Certain measures are also planned to facilitate the exercise of voting rights for individuals with visual impairments. These measures will aim to make the voting process more accessible and user-friendly for people with vision difficulties, ensuring they can fully participate in the electoral process.

Follow up information related to paragraph 40 c)

38. In the framework of the formation of the pillar services of the Police of the Ministry of Internal Affairs, large-scale works were carried out in the direction of the formation of the Police Guard.

39. The concept of formation of the Police Guard was developed with the involvement of Council of Europe experts and approved by the Minister of Internal Affairs, following the preparation of a package of drafts on the new law "On Police Guard" and amendments to related laws took place.

40. The package of projects was placed for public discussion, it was also discussed with representatives of the legislative body, state structures, international and non-governmental organizations. The draft package has already been adopted by the National Assembly in the first reading.

41. According to the draft, the Police Guard will belong only to the Police, which means that one of its pillars, the Police Force, will be excluded from the Other Forces, and the statutes of the Armed Forces and other military legal acts will no longer apply to this unit (the Guard). However, the new service will continue to be an important internal component of the comprehensive security of the Republic.

42. The activities of the newly formed service will be the protection of public order and the provision of public safety, ensuring the security of state buildings, vital significance facilities, supporting the security of persons subjected to special state protection, participating in the provision of the legal regime during military and emergency situations, assisting the bodies carrying out the criminal proceedings.

43. Police troops (groups), escorting unit of the traffic police, General department of State protection, Special purpose units and the Unit for the protection of persons involved in criminal proceedings will serving as a basis of the Police Guard. It is planned to form territorial divisions of the Police Guard in at least three regions of the Republic of Armenia.

44. The project also includes analytics with regard to international experience of structural and institutional solutions for the Police Guard, international standards, adequate guarantee of the right to freedom of assembly within the legal statements of the European Court of Human Rights.

45. According to the draft law, a detailed and clear regulation of the use of force by the Police Guard officers was carried out /cases, grounds and proportionality conditions for the use of physical force, special means, firearms and combat equipment/.

46. In this context, the types of force used are listed exhaustively /taking into account the importance of their legality and proportionality/, cases or situations of their use are presented, general criteria for the selection of force and special conditions for the use of each of them are given.

47. In addition, the duties and rights of the police guard officer in connection with the use of force measures and guarantees of protection of the rights and legitimate interests of persons subjected to the influence of force have been fixed. Preparation and training of Police Guard officers have been defined. The main directions of training will be determined by the functions of this police and the content of the duties of its officers. As part of training and preparation, Police Guard officers should be aware of the ethical principles of communicating with citizens during mass events, psychological communication and negotiation skills, the content of human rights directly related to the carrying out the functions, European principles and standards on the use of force, proper maintenance of public order skills during mass events, the skills of professional use of force and special means, the features of security of the scene.

48. The above provisions will be localized in the Law on Police and will also apply to other police officers. In order to ensure the effective implementation of the right to hold meetings, the said package also includes the draft law on Amendments to the Law on Freedom of Assembly. It was developed in the context of violations recorded in a group of cases, including Mushegh Saghatelyan v. Armenia, according to the opinions of the Venice Commission and the OSCE/ODIHR.

49. In particular, the draft law “On Amendments to the Law on Freedom of Assembly” envisages ensuring the right of citizens to hold assemblies.

50. In particular, it is planned to:

- the information about gatherings can be submitted to the Authorized Body no later than 72 hours before the beginning of the gathering, according to the current law there is a request to inform no later than 7 days and no earlier than 30 days before the day of the gathering;
- the information about gatherings can be submitted to the authorized body no later than 72 hours before the beginning of the gathering, instead of the requirement to inform no later than 7 days and no earlier than 30 days before the day of the gathering, according to the current law;
- in accordance with part 1 of Article 16 of the current law, the authorized body considers the notification according to the order of entering the notifications. If the notification is submitted between 30 and 14 days before the date of the meeting, the authorized body considers the notification within 5 days from the moment of its submission, if the notification was submitted between 13 and 7 days before the date of the meeting, the authorized body considers the notification within 48 hours from the moment it is entered. If the discussion period ends on a non-business day, it is extended until the end of the next business day. The draft removes the words “from 30 days”, giving the opportunity for the organizer of the meeting to submit the information about the meeting up to 14 days before the date of the meeting. This gives the opportunity to consider the case notice within 5 days of its entry. At the same time, if the notification was submitted from 13 days before the day of the meeting to

72 hours before the start of the meeting, then the authorized body considers the notification within 2 days from the moment it is entered, but no later than 48 hours before the start of the meeting;

- the project removes the provision regarding the immediate danger of collision of participants, as well as the authority to apply restrictions on the holding of gatherings by the Authorized Body on the specified basis;
- the provision regarding the holding of gatherings near the residences of the President of the Republic, the National Assembly, Government, courts or penitentiary institutions is removed from the grounds for prohibiting the gathering;
- the limitation of up to six hours provided by the current law for spontaneous and emergency gatherings is removed;
- stop the assembly only if it is not otherwise possible to prevent a disproportionate restriction of the fundamental rights of others or the public interest;
- the Police can exercise its authority, mentioned in the Project, if it is not possible to prevent the disproportionate restriction of the fundamental rights of other persons and public interest by minor measures.

Follow up information related to paragraph 40 d)

51. In September 2023, 13 criminal proceedings were initiated with regards to the use of disproportionate force by law enforcement authorities during protests by opposition forces, with preliminary investigations still ongoing.

52. In the spring of 2022, 47 criminal proceedings were initiated due to the use of disproportionate force by law enforcement during protests by opposition forces. Of those, preliminary investigations of 18 proceedings are still ongoing, 20 proceedings have been terminated, and 9 proceedings have been combined.

53. Based on the aforementioned, we can conclude that the Investigative Committee of Republic of Armenia consistently performs its legal duties by adequately responding to incidents of disproportionate force used during protests.

Follow up information related to paragraph 40 e)

54. During 2021-2024 about 349 officers were trained at the educational complex of the Ministry of Internal Affairs on a number of topics, in particular “Personal rights and freedoms of a person and citizen, guarantees of their implementation and the principle of non-discrimination in the context of human rights protection”, “The procedure for the use of physical force, firearms and special means by a police officer”, “Restriction of human rights and freedoms by police officers in carrying out their functions”, “Police powers in maintaining public order and ensuring public safety”, “Law On Freedom of Assembly”, “Study of judgments issued by the European Court of Human Rights regarding the violation of Article 11 of the European Convention on Human Rights”.

Participation in public affairs

Follow up information related to paragraph 42 a)

55. Part 1 of Article 194 of the RA Constitution stipulates: “1. The Central Electoral Commission shall be an independent state body, which organises the elections of the National Assembly and local self-government bodies, referenda, as well as exercises supervision over the lawfulness thereof.”

56. Pre-election campaign and its financing are among the most important, if not the most important, stages in the organization and conduct of elections and referendums.

57. The Constitutional Law of the Republic of Armenia “Electoral Code of the Republic of Armenia” (adopted on 25.05.2016, entered into force on 01.06.2016, hereinafter referred to as the “Electoral Code”) lays down legal regulations that ensure full transparency and

accountability of all stages of the electoral process, including in relation to pre-election campaign and its financing.

58. The legal regulations established by the Electoral Code also ensure equal conditions for campaigning, as well as the necessary structures for proper control over their legality, which meet the requirements of the principle of full disclosure of information on campaign financing.

59. Part 1 of Article 26 of the Election Code stipulates: “In the case of the elections of the National Assembly, community council of elders held under a proportional electoral system, the parties (alliances of parties) participating in the elections, as well as in the cases specified in part 1 of Article 115 of the Code, the candidates of the head of the community and the member of the council of elders elected under a majoritarian electoral system, are obliged to open a pre-election fund for the elections within 5 days after adopting the decision to register the candidate, the electoral list of the participating party (alliance of parties).”

60. Accordingly, parties, alliances, and candidates are obligated to establish pre-election funds, where all necessary resources for campaigning must be accumulated, and from which all expenditures related to pre-election activities are to be disbursed.

61. It should be noted that after being administratively liable for not opening a pre-election fund, within 3 working days, if the party, alliance or candidate who committed the violation does not open a pre-election fund, then the Electoral Code provides for an exclusive sanction, according to which the competent election commission applies to the court to annul the registration of the candidate or the electoral list of the party or alliance participating in the elections (Article 26, part 1 of the Electoral Code).

62. Article 26 of the Electoral Code exhaustively defines the list of entities that are allowed to make contributions to the pre-election fund, and also defines the maximum amounts of these contributions.

63. During the National Assembly elections:

- The party participating in the elections (parties within the alliance collectively) has the right to make a contribution to the fund of the party (or alliance of parties) in an amount not exceeding 800,000 times the minimum wage.
- Everyone with the right to vote may make a contribution to the pre-election fund of the party (or alliance of parties), with a maximum amount not exceeding 5,000 times the minimum wage.

64. In the case of the elections for the Yerevan Council of Elders, the party (or parties included in the alliance collectively) participating in the elections may contribute to the fund of the party (or alliance of parties) up to 300,000 times the minimum wage, and a candidate included in the electoral list of the party (or alliance of parties) participating in the elections may contribute to the fund of the party (or alliance of parties) up to 1,000 times the minimum wage.

65. In the elections of the councils of the communities with 25,000 or more voters, the party (parties included in the alliance of parties collectively) can make a contribution to the fund of the party (alliance of parties) up to 60,000 times the minimum wage.

- In the elections of the councils of the communities with up to 25,000 voters, the party (parties included in the alliance of parties collectively) can make a contribution to the fund of the party (alliance of parties) up to 40,000 times the minimum wage.
- A candidate included in the electoral list of the party (or alliance of parties) participating in the elections of community councils (excluding Yerevan) held under a proportional electoral system may contribute to the pre-election fund of the party (or alliance of parties) in an amount not exceeding 500 times the minimum wage.
- In the elections of community councils held under a proportional electoral system, each natural person may contribute to the pre-election funds of the party (or alliance of parties) in an amount not exceeding 100 times the minimum wage.

66. According to the procedure established by the Electoral Code, contributions to the pre-election funds from natural and legal persons not specified in the list, as well as amounts

exceeding the maximum allowable contributions and any anonymous contributions made to the pre-election funds, shall be transferred to the state budget. It should be noted that there is an imperative requirement according to which natural persons making contributions to the pre-election fund are obliged to indicate their name, surname, and identity document number. The identity document number of individuals making the contribution is not subject to publication.

67. For those banks where temporary special accounts have been opened, an obligation is defined to submit a report on the financial inflows and outflows of pre-election funds every 3 working days, which is summarized, a summary report is compiled, and posted on the website of the Central Electoral Commission.

68. Article 27 of the Electoral Code also defines the expenses associated with the preparation, organization, and execution of the pre-election campaign, which are to be covered by the pre-election fund. These expenses include:

(1) the costs of the implementation of pre-election propaganda by means of mass media. The costs associated with the implementation of pre-election campaign through mass media;

(2) the costs associated with conducting pre-election campaign on the Internet, including the publication of political advertisements;

(3) the costs associated with conducting sociological surveys and research during the pre-election campaign;

(4) the costs associated with renting halls and venues for holding pre-election meetings, meetings with voter engagements, and other events related to pre-election campaign;

(5) costs of renting premises for the purpose of locating electoral headquarters;

(6) expenses related to the preparation (installation), acquisition, posting of campaign posters, printed campaign and other materials, all types of campaign materials provided to voters, including the preparation and distribution of printed materials;

(7) expenses related to the rental of vehicles used for pre-election campaign purposes (excluding passenger cars with up to seven seats);

(8) expenses related to the holding of cultural or sports events organized for the purpose of pre-election campaign;

(9) the costs of compensation given to proxies, if the amount of compensation per proxy exceeds AMD 10,000.

69. It should be noted that the Electoral Code also defines the maximum amount of expenditures from the pre-election fund (Article 27, part 1.1 of the Electoral Code).

70. During the pre-election campaign, the party (alliance of parties) participating in the National Assembly elections has the right to spend an amount not exceeding 800,000 times the minimum wage from the pre-election fund for the purposes provided for in Article 27, Part 1 of the Electoral Code.

71. During the pre-election campaign of the Yerevan Council of Elders, the party (alliance of parties) participating in the elections has the right to spend an amount not exceeding 300,000 times the minimum wage for the financing of pre-election costs provided for by the Election Code; in the elections of the councils of communities with 25,000 or more voters, an amount not exceeding 60,000 times the minimum salary; in the elections of councils of communities with up to 25,000 voters, an amount not exceeding 40,000 times the minimum wage.

72. According to the established procedure, goods and services specified in the Electoral Code that are provided free of charge or at a price lower than the market value or acquired before the formation of the pre-election fund are to be included in the expenses of the pre-election fund at their market value and reflected in the declaration.

73. Candidates, parties participating in the elections, alliances after the start of the pre-election campaign on the 10th day, in the case of the National Assembly elections, and regular elections of the councils of the communities held under a proportional electoral system, also on the 20th day, as well as no later than 3 days before the deadline set for summarizing the results of the elections, submit the declaration on the contributions made to their pre-election funds and their use to the Audit and Oversight Service.

74. The declaration includes:

(1) the chronology of the contributions made to the pre-election fund, the amount of money, and information about the persons who made the contribution;

(2) the expenses incurred for the purchase of each service, property, or product defined by the Election Code, including the period of their execution and the details of the documents confirming the incurred expenses;

(3) the amount of money left in the fund.

75. Attached to the declaration are the documents substantiating the expenses mentioned in the Election Code, as well as other expenses incurred for the purpose of pre-election campaign that are subject to declaration (agreement, handover-acceptance act, invoice, payment receipt, etc.).

76. After submitting the declarations, within three days, they are posted on the website of the Central Electoral Commission.

77. After receiving the declarations regarding the use of the funds in pre-election funds, the Audit and Oversight Service, within 7 days, but not later than one day before the deadline set for summarizing the election results, draws up a conclusion based on the results of the inspection and submits it to the Central Election Commission.

78. The Central Electoral Commission is obligated to publish the report immediately on its website. If any violations are noted in the report, the Central Electoral Commission is required to address them.

- If the commission finds out that the goods purchased for the pre-election campaign, the work performed or the service provided at market value were not included in the pre-election fund expenses, it initiates administrative proceedings. If the mentioned information is substantiated during the proceedings, an administrative penalty is applied to the candidate, the party, or alliance participating in the elections in the amount of three times the expenses not included in the fund's expenditures.
- If it is substantiated that the expenses incurred for the pre-election campaign exceeded the maximum amount established for the expenses defined by the Electoral Code, the Central Electoral Commission initiates administrative proceedings, and if, as a result of the proceedings, the information mentioned in the conclusion of the Audit and Oversight Service is substantiated, then an administrative penalty is applied to the candidate, party or alliance participating in the elections in the amount of three times the amount exceeding the maximum amount of the foundation defined by the Electoral Code.
- If the difference between the money spent for pre-election campaigning in the directions defined by the Electoral Code and the amount of the fine paid to the state budget and the maximum amount of the pre-election fund defined by the Electoral Code exceeds 20 percent of the maximum amount of the pre-election fund, then based on the application of the Central Electoral Commission, the court declares the registration of the candidate the electoral list of the party or alliance participating in the elections invalid.

79. Following the decision of the Central Electoral Commission within 5 days, if the specified amounts are not transferred to the state budget, or if the decision is not appealed in court within the same period, the Central Electoral Commission shall collect the specified amount through court procedures.

Follow up information related to paragraph 42 b)

80. Article 7 of the RA Constitution enshrines the principles of electoral right, according to which elections of the National Assembly, council of elders of communities, as well as referenda — shall be held by secret ballot based on universal, equal, free and direct suffrage.

81. In accordance with Article 3 of the Electoral Code: voters shall — irrespective of national origin, race, sex, language, religion, political or other views, social origin, property or other status — have the right to elect and to be elected. Such regulation is consistent with the principles enshrined in Articles 2 and 25 of the Covenant.

82. The right to elect - the right to be elected - can be considered one of the fundamental political rights of a citizen, the mechanisms and procedures for the implementation of which, including mechanisms of restriction and general criteria, are defined by the Constitution of the Republic of Armenia and the Electoral Code.

83. Part 4 of Article 48 of the RA Constitution stipulates: “Persons declared, upon civil judgment of the court having entered into legal force, as having no active legal capacity, as well as persons sentenced and those serving a sentence, upon criminal judgment having entered into legal force, for a grave criminal offence committed intentionally shall not be entitled to elect or be elected or participate in a referendum. Persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for other criminal offences shall not be entitled to elect as well.”

84. Article 48 of the RA Constitution stipulates one general restriction for both active and passive electoral right: “persons declared, upon civil judgment of the court having entered into legal force, as having no active legal capacity, as well as persons sentenced and those serving the sentence, upon criminal judgment having entered into legal force, for a grave criminal offence committed intentionally shall not be entitled to elect or be elected”. Further, a restriction is enshrined on the exercise of the exclusively passive right to elect: “persons sentenced and those serving a sentence, upon criminal judgment having entered into legal force, for other criminal offences shall not be entitled to elect as well”.

85. In fact, the Electoral Code prescribes two grounds for restricting the right to be elected:

- persons lacking active legal capacity as declared by a civil judgment of a court having entered into force;
- persons sentenced by a criminal judgment having entered into force and serving a punishment.

86. It should be noted that Article 31 of the RA Civil Code clearly defines the characteristics of incapacity: “A citizen who as the result of mental disorder cannot understand the significance of his actions or control them may be recognized by a court as lacking active legal capacity by the procedure established by the Civil Procedure Code of the Republic of Armenia.” Thus, the legislator defined the key basis for recognizing a person as “incapacitated” – “mental disorder”, at the same time establishing a causality: as a result of a mental disorder, a person cannot understand the meaning of his actions or direct them, and the issue of recognizing a person as “incapacitated” must be the subject of judicial proceedings and confirmed exclusively a judicial act that has entered into legal force, almost excluding any disproportionate interference with the legal capacity of persons.

87. According to the opinion expressed by the European Court of Human Rights, a partial, and even more so, a complete restriction of a citizen’s legal capacity is permissible only if it pursues the legitimate purpose of protecting his rights or interests, and can be applied only if, as a result of mental disability (mental disorder), there is a risk of harm to a person due to his inability to understand the meaning of his actions fully or to control them.

88. Even in almost all European countries that have ratified the UN Convention on the Rights of Persons with Disabilities, there are legal regulations limiting the legal capacity of persons with mental disorders in some areas of legal relations.

89. As a rule, the limitation of a person’s legal capacity inevitably leads to a possible restriction of the rights and freedoms of this person in certain legal relations. This is the

reason, we believe, the approach enshrined in the RA Constitution and Electoral Code is justified and legitimate.

90. It should be noted that in legal practice, not all persons with mental disabilities are recognized as "incapacitated"; therefore, legislatively and in practice, persons with disabilities (including mental) have the right to vote and exercise that right.

91. Another reason for the deprivation of the right to be elected is the conviction and serving a punishment under a sentence that has entered into force for any crimes.

92. From the constitutional and legal point of view, the non-nomination of persons as candidates at place of imprisonment is not a deprivation of the electoral right, but a temporary suspension. When the convict is released, he gets the right to be elected. Therefore, it should be noted that constitutionally fixed restrictions on the right to be elected are justified, meeting the interests of the society and complying with the principle of proportionality of fundamental rights and freedoms.

Follow up information related to paragraph 42 c)

93. In accordance with the legal regulation established by Article 17 of the Electoral Code, local self-government bodies take the necessary measures in precinct centers to ensure the accessibility of electoral rights for voters with limited mobility and visual impairments.

94. The basic requirements for the accessibility of the polling station and voting room are prescribed by the Electoral Code, in particular: a polling station must be as close as possible to the residential buildings and houses located in the electoral precinct. The voting room shall be as spacious as possible and shall enable to ensure, during the entire voting process, the regular work of members of precinct electoral commission, the specialist of Voter Authentification Device and persons having the right to be present in the voting room; shall enable members of the precinct electoral commission, as well as persons having the right to be present in the voting room to keep within eyeshot the technical equipment, ballot box, the voting booths (provided that the secrecy of voting is not violated), and the space between the voting booths and the ballot box.

95. The Central Electoral Commission has the authority to establish additional requirements for the accessibility of the polling station and voting room, which are prescribed by decision No. 17-N (March 24, 2022) of the Central Electoral Commission. According to the mentioned decision, among other conditions, the polling station should have sufficient area, but not less than 30 square meters, if possible, the voting room should be located on the first floor of the polling station building, provided with a separate entrance and exit.

96. A parking space (at least 2.4 m wide for small passenger cars, 3.4 m for small shuttle buses) with an international symbol for persons with disabilities should be located near the entrance to the precinct center.

97. If possible, the entrances to precinct center and voting room should be 120 cm or at least 90 cm wide with ramps (for obstacles up to 20cm high, the ramp should have a slope of 1:10; for obstacles over 20cm high with a slope of 1:12).

98. Accessible polling stations shall have international symbols of accessibility in a visible area indicating that the building is accessible to persons with disabilities. Ensuring this requirement is of particular importance since, in accordance with the procedure prescribed by Article 10 of the Electoral Code, in the case of the impossibility to vote in their polling stations during the elections, voters with mobility difficulties can submit an application (no later than 12 days before the voting day, until 2:00 p.m.) to the authorized body to temporarily withdraw from the list of voters according to the place of registration and to be included in the list of voters according to the place of their choice, indicating the number of the polling station accessible to persons with mobility (musculoskeletal system) difficulties.

99. The Central Electoral Commission publishes the list of polling stations accessible to voters with mobility (musculoskeletal system) difficulties.

100. As for providing opportunities for voters with visual impairments to exercise their right to vote independently, the Central Electoral Commission provides Braille templates to

precinct election commissions during elections held under the proportional electoral system and magnifying glasses during the elections of the head of the community and a member of the Council of Elders elected under the majoritarian electoral system.

101. Taking into account the rapid development of technologies, the Central Electoral Commission, within its capabilities, is considering the most up-to-date and effective solutions for voters with visual impairments.

102. The package of amendments of the electoral legislation initiated in 2022 is currently in the National Assembly. The amendments envisage clarifying the regulations of political party financing and pre-election campaigning. New regulations provide for more transparent and accountable reporting system.