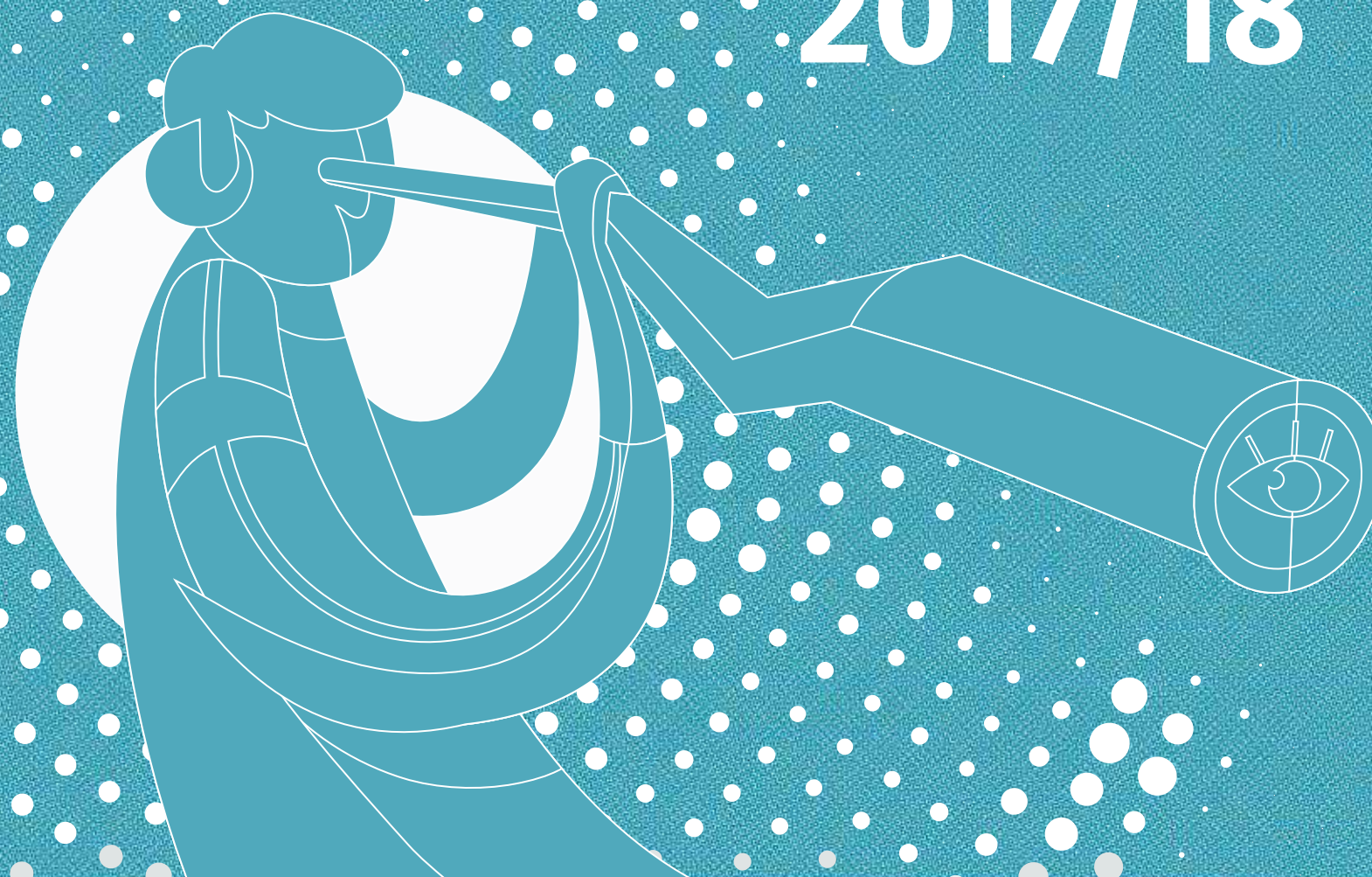


2022
2021
2020
2019
2018
2017
2016
2015
2014

Monitoring of the Activities of the Ministry of Defense of the Republic of Armenia within the framework of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection

INTERIM REPORT OF THE MONITORING GROUP

2017/18



© 2019 THE REPORT WAS PUBLISHED BY PEACE DIALOGUE NGO

ADDRESS: 40 AP. 12 MYASNIKYAN STR., 2002, VANADZOR, ARMENIA;

TEL: +374 (322) 21340;
MOB: +374 (55) 820 632; (93) 820 632

E-MAIL: EKHACHATRYAN@PEACEDIALOGUE.AM;
MAILBOX@PEACEDIALOGUE.AM

URL: [HTTPS://WWW.PEACEDIALOGUE.AM](https://www.peacedialogue.am)
[HTTP://WWW.SAFESOLDIERS.AM](http://www.safesoldiers.am)

The monitoring is implemented within the framework of the initiative "Proactive Civil Society Participation in the Protection and Promotion of Human Rights in the Armenian Military Forces" by Peace Dialogue NGO. The project is supported by the Embassy of the Federal Republic of Germany in Armenia, with means from the German Federal Foreign Office.



Botschaft
der Bundesrepublik Deutschland
Eriwan

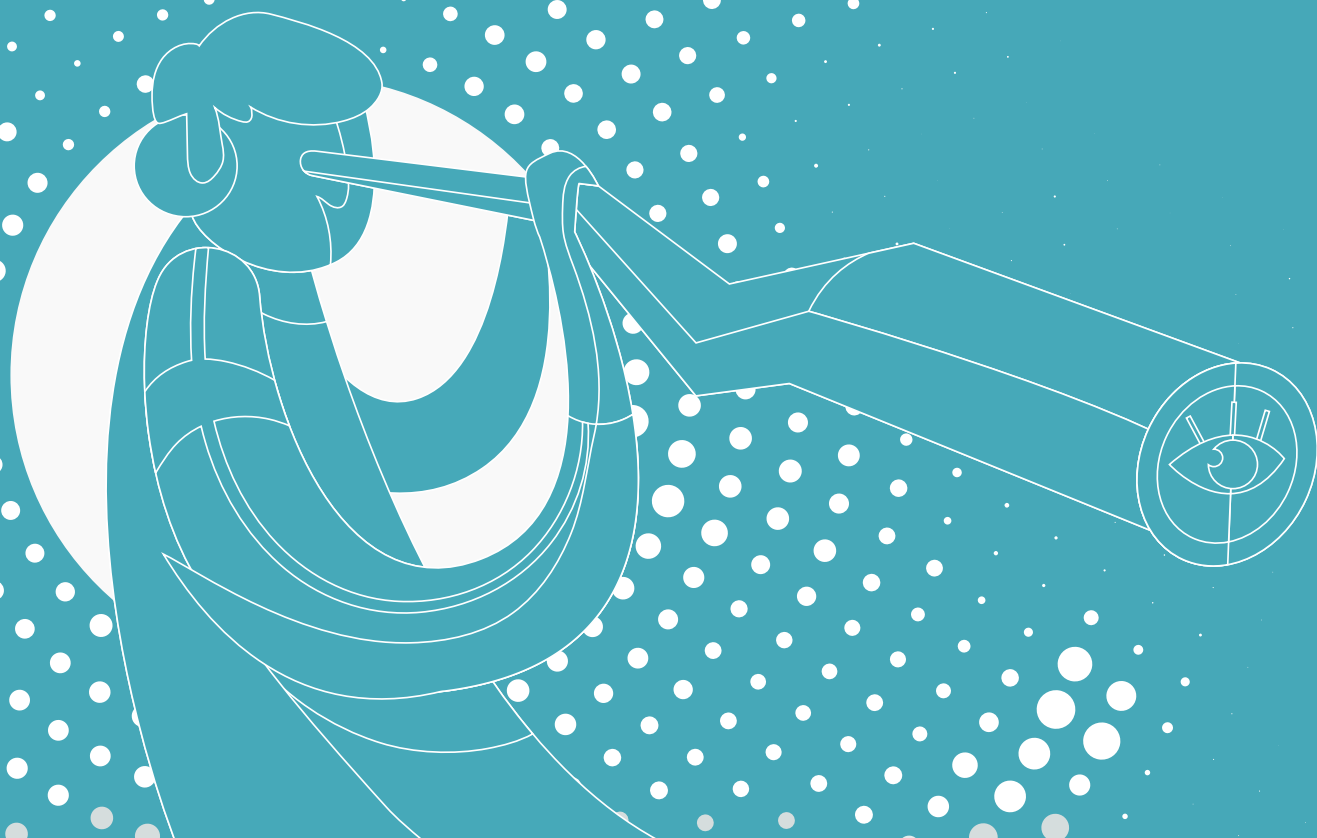


Auswärtiges Amt

Monitoring of the Activities of the Ministry of Defense of
the Republic of Armenia within the framework of the
2017-2019 Action Plan derived from the
National Strategy for Human Rights Protection

INTERIM REPORT OF THE MONITORING GROUP

2017/18



© 2019 THE REPORT WAS PUBLISHED
BY PEACE DIALOGUE NGO

ADDRESS: 40 AP. 12 MYASNIKYAN STR., 2002,
VANADZOR, ARMENIA;

TEL: +374 (322) 21340;
MOB: +374 (55) 820 632; (93) 820 632

E-MAIL: EKHACHATRYAN@PEACEDIALOGUE.AM;
MAILBOX@PEACEDIALOGUE.AM

URL: [HTTPS://WWW.PEACEDIALOGUE.AM](https://www.peacedialogue.am)
[HTTP://WWW.SAFESOLDIERS.AM](http://www.safesoldiers.am)

The monitoring is implemented within the framework of the initiative “Proactive Civil Society Participation in the Protection and Promotion of Human Rights in the Armenian Military Forces” by Peace Dialogue NGO. The project is supported by the Embassy of the Federal Republic of Germany in Armenia, with means from the German Federal Foreign Office.



Botschaft
der Bundesrepublik Deutschland
Eriwan



Auswärtiges Amt

Table of Contents

Abbreviations	4
Foreword	5
About the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection	6
About the Monitoring Group	7
Monitoring Methodology	8
Study Results	10
Article 28. To develop mechanisms for military conscripts to receive their medical checkup certificates on mandatory basis	10
Article 29. To establish a reasonable time-frame for providing documents for early demobilization on the basis of health issues prior to expiry of their term of service	15
Article 30. To incorporate the subject of Human Rights in the Armed Forces into the curricula of military educational institutions and make it available on the official website of the Ministry of Defense of the Republic of Armenia for distance-learning purposes	19
Article 31. To provide mechanisms for military conscripts to receive information regarding the protection of their rights by developing a procedure for sending along with the call-up notice a brochure clarifying their rights for draft deferment, exemption from military service, deployment at a unit close to the place of residence and other rights	22
Article 32. To establish mechanisms for the activities of the observers' group conducting monitoring in garrison isolators, taking into account the requirements of the RA legislation and international best practice	27
Article 34. To ensure the compulsory notification and provision of copies of each legal act (e.g. fines, etc.) issued in respect of the military conscripts, military servicemen and persons of equivalent status to the serviceman in question or family members as well as to develop a mechanism for introducing their appeal mechanisms	29
Recommendations of the Monitoring Group on the Actions implemented by the RA Ministry of Defense within the framework of 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection	35

Abbreviations

RA	Republic of Armenia
PD	“Peace Dialogue” non-governmental organization
NGO	Non-governmental organization
HRP	Human Rights Protection
MoD	Ministry of Defense
AF	Armed Forces
CM CoE	Committee of Ministers of the Council of Europe
MEI	Military Educational Institution
MP	Military Police
CMMC	Central Military Medical Commission

Foreword

Dear reader,

We introduce the interim report on the activities implemented by the RA Ministry of Defense within the framework of 2017-2019 Action Plan (hereinafter Action Plan) derived from the National Strategy for Human Rights Protection, developed by the monitoring group within the framework of Peace Dialogue NGO's (PD) initiative "Proactive Civil Society Participation in the Protection and Promotion of Human Rights in the Armenian Military Forces".

Over the past 10 years, PD has been implementing numerous programs and initiatives aimed at building democracy in Armenia, developing human rights as a value and protecting the rights and interests of various vulnerable groups. Since its inception some of the strategic goals of the organization have been:

- **development of proactive civic, human rights and peace-building potential;**
- **protection of human rights and fundamental freedoms;**
- **establishment of civil control over decision-making processes of state bodies, etc.**

The organization pays a particular attention to the issues concerning human rights protection in the armed forces, since the absence of control mechanisms in this field by the civil society actors. The danger of violating human rights and fundamental freedoms under the mentioned circumstances is extremely high. Based on all the above mentioned, a significant part of the organization's initiatives in this field is aimed at raising the role of civil society in the process of public policy-making through human rights monitoring.

In September 2018, PD initiated the project "Proactive Civil Society Participation in the Protection and Promotion of Human Rights in the Armenian Military Forces". The latter aims at developing effective mechanisms for monitoring RA MoD activities within the framework of 2017-2019 Action Plan derived from the National Strategy on Human Rights Protection.

The project envisages to:

- establish an independent monitoring group to carry out continuous monitoring of MoD activities within the framework of the HRP Action Plan;
- provide continuous technical and methodological support for the effective work of the monitoring group;
- provide constant and consistent assistance to citizens whose rights have been violated during military service;
- raise awareness among MoD officials, parliament members, Armenian citizens and relevant international actors on the successes and failures of the HRP Action Plan and to make recommendations to improve the human rights situation in the RA Armed Forces.

About the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection

In order to make the actions of the executive bodies of the Republic of Armenia more systematic and effective in the field of human rights protection, “2017-2019 Action Plan derived from the National Strategy for Human Rights”¹ was approved by the government decision N 483-N on May 4, 2017.

It defines 96 actions, with the schedule, criteria, expected results, and responsible authorities specified for each of them.

For the purpose of monitoring and coordinating the program, the Government of Armenia has set up a Coordinating Council consisting of different government divisions and government officials.

According to the concept, within five days after the end of each semester, the responsible authorities submit written reports on the process of implementation of the activities within the reporting period to the RA Government Staff and the Ministry of Justice of the Republic of Armenia, while the Coordinating Council organizes discussions every quarter, during which the work done by the departments is presented.

The concept also envisages organizing public hearings on semi-annual basis by the Coordinating Council with the participation of civil society representatives, aiming at creating a platform for representatives of interested NGOs to present their comments and suggestions on the course of the project.

1. See the Government Decision N 483-N “2017-2019 Action Plan derived from the National Strategy for Human Rights Protection”, approved on May 4, 2017, (<https://www.arlis.am/DocumentView.aspx?DocID=113223>)

About the Monitoring Group

The monitoring group formed within the scope of the “Proactive Civil Society Participation in the Protection and Promotion of Human Rights in the Armenian Military Forces” initiative is comprised of seven representatives of Human Rights and Media NGOs.

The members of the Group are (in alphabetical order):

- Ani Sargsyan - **Asparez Journalists’ Club NGO branch, Kapan Youth Civic Center**
- Anush Hakobyan - **Transparency International Anti-Corruption Center NGO**
- Eduard Danielyan - **Socioscope NGO**
- Mane Grigoryan - **Peace Dialogue NGO**
- Ruben Martirosyan - **Peace Dialogue NGO**
- Shahane Khachatryan - **Independent Journalists Network NGO**
- Zhanna Aleksanyan - **Journalists for Human Rights NGO**

The experts of the Group:

- Artur Sukiasyan - **Lawyer**
- Diana Ter-Stepanyan - **Transparency International Anti-Corruption Center NGO, Research Coordinator**
- Mushegh Shushanyan- **Lawyer**

Project Director:

- Edgar Khachatryan, **Peace Dialogue NGO**

Project Coordinator:

- Marianna Khazhakyanyan, **Peace Dialogue NGO**

Monitoring Methodology

Based on the logic of the initiative “Proactive Civil Society Participation in the Protection and Promotion of Human Rights in the Armenian Military Forces”, the monitoring implemented by the group aims at examining and revealing the gaps in legal regulations and law enforcement practices in the armed forces adopted within the framework of the 2017-2019 Action Plan derived from HRP Strategy and developing a package of proposals aimed at eliminating the revealed shortcomings.

The report includes data on the study of those events included in the Action Plan, for which the Government has set a deadline until the fourth quarter of 2018. During the preparation of the report, the monitoring team studied actions number 28, 29, 30, 31, 32, and 34² defined in the Government Decision N483-N approved on May 4, 2017.

The studies have been conducted in three main directions:

- **Document analysis.** The response letters received from the RA Ministry of Defense in response to Peace Dialogue’s written inquiries have been studied.
- **Legal analysis.** The legal regulations cited by the Ministry of Defense and other regulatory and legal acts regulating the sphere have been studied.
- **Study of Law Enforcement Practice.** The practical application of the legislation regulating the sphere was studied in relation to subjects of legal relations regulated by the mentioned norms.

During the monitoring the data collection was implemented through two main methods:

- Analysis of the letters received by Peace Dialogue NGO in response to written inquiries to the RA Ministry of Defense and the legal norms cited in those texts, as well as other legal acts,
- Conducting standardized interviews with subjects of legal relations regulated by the mentioned norms. **(In the context of this report, subjects of legal relations were, for example, conscripts).**

For the purpose of studying the practical application of legal acts developed within the framework of the 2017-2019 Action Plan derived from the HRP Strategy the selection for the inquiries with the subjects of legal relations regulated by these norms was made by the snowball sampling method. Due to the peculiarities of the sphere, the representative sample method was impossible to realize, as there are certain restrictions on confidentiality in the field. Based on the above, surveys were conducted to investigate some of the activities in the program among 100 conscripts

2. See the RA Government Decision N 483-N of May 4, 2017 on approving “2017-2019 Action Plan derived from the National Human Rights Strategy” (<https://www.arlis.am/DocumentView.aspx?DocID=113223>)

and their family members with whom the members of the group managed to meet in the military commissariats, in medical checkup institutions, and so on during the winter conscription.

Due to the lack of human resources, the surveys were conducted in Lori and Syunik regions and in Yerevan. Thus, one southern and one northern province was selected as well as the capital city. The choice of the mentioned regions is due to the fact, that a number of activities being implemented within the framework of the 2017-2019 Action Plan derived from the HRP Strategy imply monitoring in garrison hospitals of the Ministry of Defense of the Republic of Armenia, which are located in the provincial centers of the mentioned provinces.

Study Results

Article 28. To develop mechanisms for military conscripts to receive their medical checkup certificates on mandatory basis.

EXPECTED OUTCOME	VERIFIABLE STANDARD OF ACTION IMPLEMENTATION	RESPONSIBLE ENTITY AND CO-IMPLEMENTERS	IMPLEMENTATION TIMELINE	FUNDING SOURCE
Decisions by medical and military medical commissions appertaining to military conscripts, as well as medical checkup certificates issued by medical institutions are now provided to the conscripts on mandatory basis.	The draft legal act has been submitted to the Government of the Republic of Armenia.	Ministry of Defense of the Republic of Armenia.	First quarter of 2018.	No additional funding required.

OBSERVATIONS OF THE GROUP

Article 28 in 2017-2019 Action Plan derived from HRP National Strategy approved by RA Government Decision N483-N, on May 4, 2017 defines that during the first quarter of 2018, mechanisms shall be developed for mandatory provision of medical checkup certificates for military conscripts.

The expected outcome of the activity mentioned above states that decisions made by the medical institutions and military medical commissions appertaining to military conscripts, as well as the medical examination results by the medical institutions are provided in a mandatory manner.

In response to Peace Dialogue’s inquiry, the RA Ministry of Defense stated in their letter number MoD/510-XX-292 dated April 20, 2018 that the Article 17 Part 5 of the RA Law on “Military Service and the Status of Serviceman” as well as the Appendix 1 of the RA Government Decision N 405-N dated April 12, 2018 were referred to as a mechanism for mandatory provision of medical checkup certificates to conscripts.

..... *The Article 17 Part 5 of the RA Law³ on “Military Service and the Status of Serviceman”, mentioned by the Ministry of Defense, defines that the citizen **shall have the right to get acquainted** with the process of his / her medical condition examination and medical expertise; receive the conclusions and other*

3. See the RA Law on “Military Service and the Status of the military serviceman” (<https://www.arlis.am/documentview.aspx?docid=117633>)

documents; submit suggestions, explanations or objections; appeal his/her health conditions statement and checkup certificate in the manner prescribed by this law and other laws.

*In the same response letter, it is mentioned, that the RA Government decision⁴ N 405-N of April 12, 2018 defines the order of a citizen's health checkup and medical expertise, examination and medical expertise bodies, procedure of their activities, examination and expertise referral procedures, and the conclusions of the expertise in accordance with Appendix 1. Article 35 of the mentioned Appendix defines that the doctor of the military commissariat (the responsible person of the commission) shall complete a medical checkup certificate on the conscription status of the conscript according to the form N 3, which is confirmed by the signature of the doctor of the military commissariat (the responsible person of the commission). The Military Commissar shall, **if requested by the citizen** or his/her legal representative/authorized person, provide a copy of the medical certificate on the health condition of the conscript from his/her personal file.*

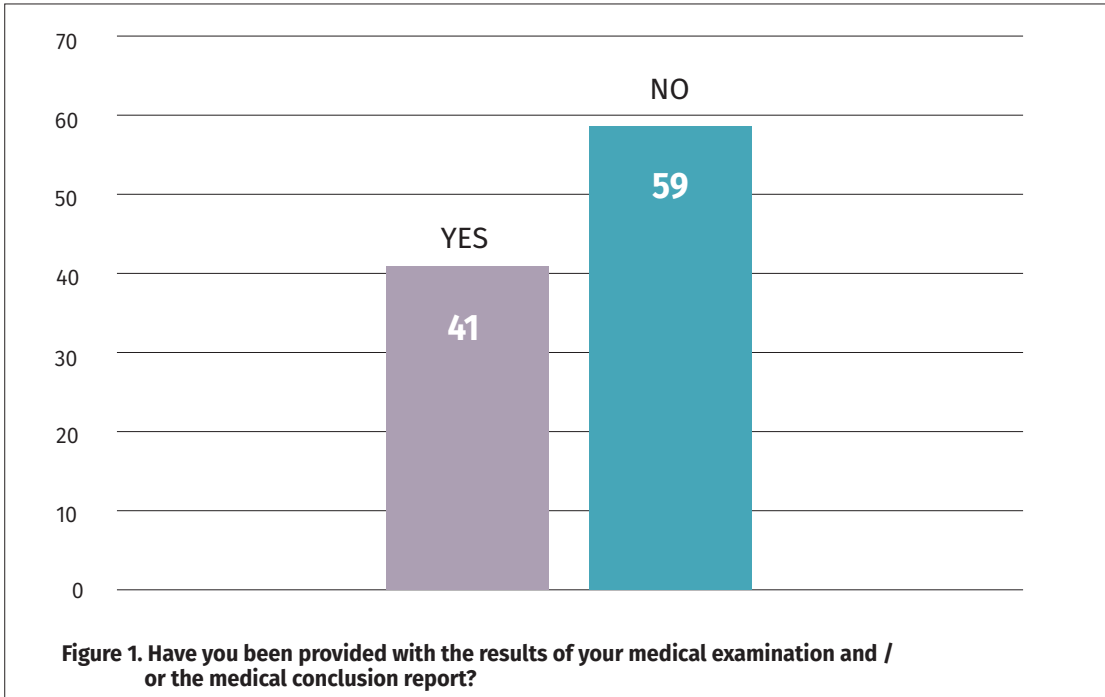
In the referred legal norms, receiving medical certificates on health condition check-up and medical expertise results is **defined as a right of a citizen**, which means, that the legislator linked receiving medical certificates based on the medical expertise results with the enjoyment of his/her rights by the citizen. The formulation used by the legislator and the executive entities infers that if the citizen fails to exercise his/her right and does not take steps to receive the medical report, it will not be provided to him/her.

It should be noted, that after receiving the response from the Ministry of Defense, the issue has been partially settled (but only in terms of conclusions) by the provisions of the Article 26 Part 4 and Article 28 Part 4 of the "Procedure of Compulsory Conscription for Ordinary Military staff" established by the RA Government Decision⁵ 1132-N dated October 4, 2018.

In order to study the law enforcement practice of the legal mechanism defined in the Paragraph 28 of the Action Plan, Peace Dialogue NGO addressed the RA Ministry of Defense with an official enquiry MoD-18/22 dated November 23, 2018, to receive opportunity for the monitoring team to conduct surveys with citizens during the recruitment of conscription commissions, however, the MoD did not grant such an opportunity. During the winter conscription of 2018, which, was in fact organized after the enforcement of the mentioned legal acts, nevertheless, after conducting surveys with 100 conscripts and their family members, the monitoring group found out that only 41 out of 100 respondents were provided with the results of their medical examinations and conclusion reports. **(See Figure 1).**

4. See the RA Government Decision on "Defining the procedures of a citizen's health checkup and medical expertise, examination and medical expertise bodies, order of their activities, as well as the examination and expertise referral procedures, forms of expertise conclusions, lists of medical checkups and medical institutions, procedure for compensation for the services provided, and on revocation of a number of RA Government Decisions". (<https://www.arlis.am/documentview.aspx?docid=121636>)

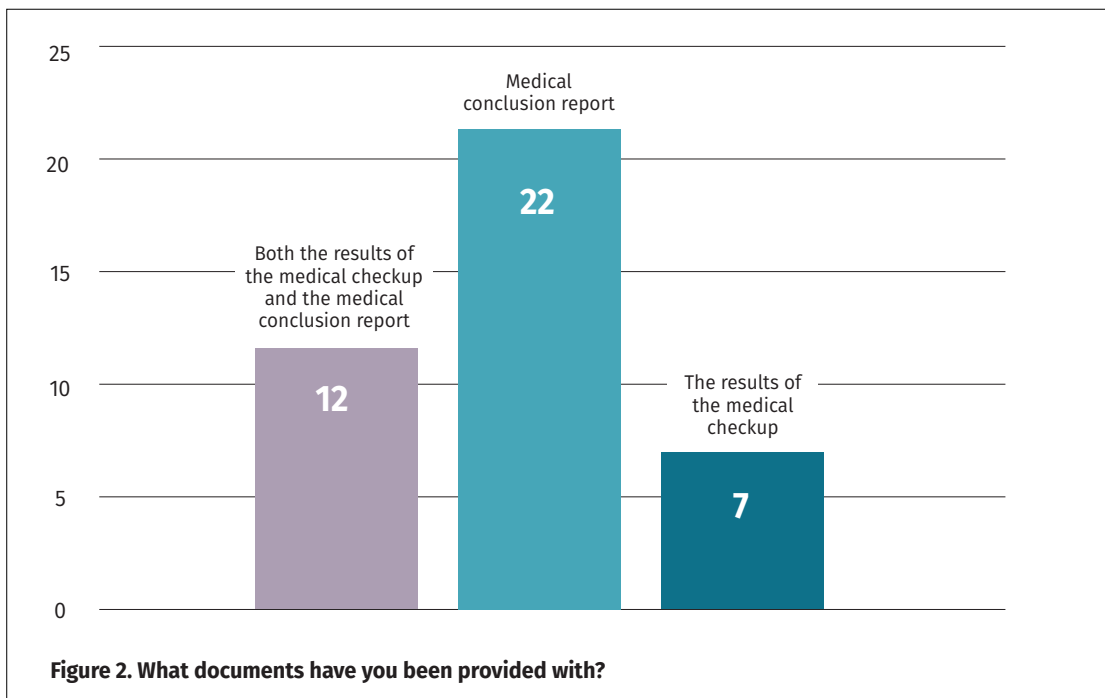
5. See the RA Government Decision N 1132-N on the "Approval of the Procedure for the Conscription of the Compulsory Military Service" (<https://www.arlis.am/documentview.aspx?docID=125957>)

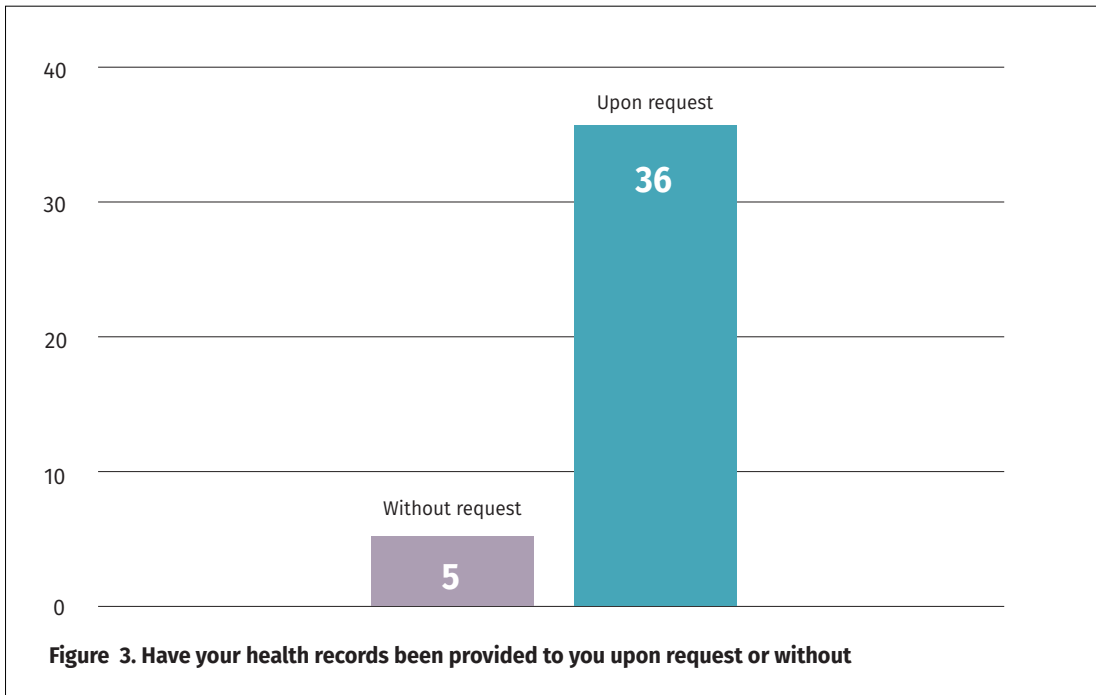


According to the respondents, the documents they have been provided with were composed of **(Figure 2)**.

- The results of the medical checkup and the medical conclusion report - 12 persons
- Medical conclusion report- 22 persons
- The results of the medical checkup - 7 persons

All those who have been provided with their health records (41 persons), have been handed in person. At the same time, 36 of the respondents were provided with documents only upon request **(Figure 3)**.





CONCLUSIONS

The study of the Article 28 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection, approved by the RA Government Decision N 483-N of May 4, 2017 done by the monitoring group reveals, that submitting the draft legal act to the RA Government was considered a standard for this action in the program. **The monitoring group concluded that the developed verifiable standard of the action implementation does not provide opportunity to measure the outcome of the activity.**

The group finds, that as a mechanism for mandatory provision of the medical check-up certificate for the conscripts, the legal acts presented by the RA Ministry of Defense do not provide implementation of the requirements in the decision N 483-N of May 4, 2017, thus they cannot be considered as a realization of an expected outcome.

In the Article 28 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection, approved by the RA Government Decision N 483-N of May 4, 2017, the term **“mandatory provision”** was particularly used, which means in the content of the legal act adopted as a result of the envisioned action, regulations on providing their medical checkup conclusion report shall be imposed imperatively, and the provision of the conclusion must be a **mandatory condition**.

The analysis of the formulation included in the above-mentioned decision of the RA Government implies adoption of such a legal act, which defines the provision of a medical checkup conclusion to conscripts as a mandatory procedure, which should not be conditioned by the request of the addressee to receive it. Meanwhile, Part 5 of the Article 17 of the RA Law on the “Military Service and the Status of the Conscript” mentioned by the Ministry of Defense and Appendix 1 of the RA Government Decision N 405-N of April 12, 2018 considered as a mechanism for compulsory

provision of the medical checkup report by the Ministry of Defense do not define the provision of the medical checkup conclusion report as a mandatory condition.

In this case, the logic of including such an action in the Action Plan is unclear. This would mean that before the adoption of the above-mentioned legal acts, the conscripted citizens had not had a right to request the medical checkup certificates from the medical institutions and medical military commissions, which is not true.

It is expected, that the inclusion of such an action in the Program should have been justified by some study and analysis, which would justify the necessity and prioritization of including such an action in the 2017-2019 Action Plan derived from MoD National Strategy. The group, however, failed to find such a document.

Article 29. To establish a reasonable time-frame for providing documents for early demobilization on the basis of health issues prior to expiry of their term of service.

EXPECTED OUTCOME	VERIFIABLE STANDARD OF ACTION IMPLEMENTATION	RESPONSIBLE ENTITY AND CO-IMPLEMENTERS	IMPLEMENTATION TIMELINE	FUNDING SOURCE
Reasonable timeframes have been established for submission of documents duly stating the reasons for early demobilization of persons demobilized for health issues prior to expiry of their term of service.	A draft legal act has been submitted to the Government of the Republic of Armenia.	Ministry of Defense of the Republic of Armenia Ministry of Health of the Republic of Armenia.	First quarter, 2018.	No additional funding required.

OBSERVATIONS OF THE GROUP

The Article 29 in the Action Plan defines, that within the first quarter of 2018, a reasonable timeline for provision of early demobilization documents must be established.

To exercise the rights of early demobilized persons due to health issues, a reasonable timeline for document provision has been set as an expected outcome for this action, in which the reasons for early demobilization are properly stated.

As the RA Ministry of Defense and the Ministry of Health are mentioned as a responsible entity and co-performers in the Action Plan, Peace Dialogue NGO submitted a written inquiry to both bodies to determine each of their actions and responsibilities in connection with the implementation of this article defined in the Government Decision.

In response to the inquiry, the Ministry of Health first responded by a phone call, then with an official letter, stating that the Ministry has not taken any action in this direction, and they suggested addressing the questions in the inquiry to the RA Ministry of Defense.

In response to the organization's inquiry, the RA Ministry of Defense in their letter MoD/510-XX-292 referred to the Article 29 Part 3 of the RA Law on "Military Service and the Status of Serviceman" and Appendix 1 of the RA Government Decision N 405-N of April 12, 2018 as legal acts defining reasonable timeline for issuing documents for early demobilized persons due to health issues.

After studying the above mentioned documents, the group found out that the mentioned legal acts (the Article 29⁶ Part 3 of the RA Law on “Military Service and the Status of Serviceman” and Appendix 1 of the RA Government Decision 405-N⁷ of April 12, 2018), do not provide statements about the timeline for issuing documents for early demobilized persons due to health issues.

Part 3 of the RA Law on “Military Service and the Status of Serviceman” defines, that the compulsory military servicemen, both private and officer staff are demobilized from the military service according to the order of the Minister of Defense of the Republic of Armenia.

In case of early demobilization from a military service, due to health issues, the serviceman shall also be provided with the documents on his health condition.

The mentioned article of the RA Law defines no timeline for provision of the documents.

The Government Decision N 405-N of April 12, 2018 defines the procedure of citizen’s health condition checkup and medical expertise, examination and medical expertise bodies, order of their activities, as well as examination and expertise referral procedures, the conclusions of the expertise in accordance with Appendix 1. Article 108 in the Appendix defines statements only on the fact, that copies of the Central Military Medical Commission’s (CMMC) conclusion, certified by CMMC seal shall be provided to the examinee or his legal representative/authorized person (upon request).

The mentioned Appendix also does not set any deadlines for issuing documents for early demobilized serviceman due to health issues.

To study the law enforcement practice of the legal mechanism defined in the Article 29 of the Program, Peace Dialogue NGO addressed the RA Ministry of Defense with an official inquiry MoD-18/22 of November 23, 2018 to provide opportunity for the monitoring team to conduct surveys with early demobilized citizens due to their health issues, to meet with them in the military hospitals and after CMMC sessions. However, by the completion of the preparation of the report, the inquiry remains unanswered.

CONCLUSIONS

Studying the facts mentioned above, the group has concluded, that as in the previous case, the standard developed for this article does not provide opportunity to measure the outcome of the action.

It must be noted, that such an action was included in the previous 2014-2016 Action

6. See Article 29 Part 3 of the RA Law on “Military Service and the Status of Serviceman” (<https://www.arlis.am/documentview.aspx?docid=117633>)

7. See The RA Government Decision on the “Procedures for examining and analyzing the health status of the citizen, examining and evaluating medical examination bodies and procedures for their performance, forms of expertise, lists of medical research and medical institutions, the order of compensation for the services performed and a series of decisions on revocation” (<https://www.arlis.am/documentview.aspx?docid=121636>)

Plan⁸ derived from the National Strategy for Human Rights Protection (See Action 110), which however was not implemented within the mentioned timeline, and probably that is why it was included in the 2017-2019 Action Plan. In the previous Program, this action was formulated as follows, ***“Define a 7-day period for the Ministry of Defense by law to provide documents for early demobilized citizens due to health issues”. It is obvious that the term “7-day period” makes the action outcome more measurable, which cannot be said about the term “reasonable timeline”.***

Legal regulations defined in the RA Law on the “Military Service and the Status of Serviceman” and in the Government Decision N 405-N of April 12, 2018 do not meet the requirements in the Article 29, as they do not contain statements on the timeline. The absence of a legal act defining a reasonable timeline for providing documents for early demobilized citizens is viewed as an impermissible approach, as according to the regulations in the Appendix 1 of the RA Government Decision 405-N the conclusions of the RA MoD Central Military Medical Commission may be appealed in court, within two months after the conclusion was made.

Upon the absence of a legal act defining a timeline, documents can be provided within any timeline, as well as later than the deadline set for appeal procedure, or within a timeline which will not be sufficient to properly prepare the documents before the deadline of the appeal. Such situations will result in the violation of citizens’ right to appeal.

In addition, the monitoring team believes that concerning the composition of the documents provided for the serviceman there are certain contradictions between formulations made in the Article 29 Part 3 of the RA Law on the “Military Service and the Status of Serviceman” and in Appendix 1 of the RA Government Decision 405-N.

Particularly, according to the Article 29 Part 3 of the RA Law on the “Military Service and the Status of Serviceman” in case of early demobilization from the military service due to health issues, the serviceman shall be provided with existing documents on his health condition, which presupposes the provision of a complete package of health records, but in Appendix 1 of the RA Government Decision N 405-N only provision of the copy of CMMC conclusion is mentioned.

The above-mentioned discrepancy can be interpreted and applied arbitrarily, in some situations resulting in the violation of citizens’ rights.

At the same time, in case of disagreement with the conclusion and for appealing against it only the content of the conclusion may not be sufficient. For compiling a justified appeal all the copies of the documents on health condition which served basis for the conclusion are necessary.

Therefore, the formulation mentioned in the law is more acceptable between the two mentioned formulations, which enables the serviceman to obtain a complete set of documents on his health condition.

8. See The Government Decision No. 303-N “On Approval of the Program of Action Plan derived from National Strategy for Human Rights Protection” of February 27: (<https://www.arlis.am/documentview.aspx?docID=92644>)

Besides the aforementioned, the monitoring group expresses its concern that the responsible department does not reasonably respond to the requests made by the group on conducting a survey with early demobilized persons due to health issues in military hospitals and after the sessions of Central Military Medical Commissions (CMMC) in accordance with the terms and procedures defined in RA Law on “Freedom of Information”⁹.

9. See “The Law of the Republic of Armenia on Freedom of Information.” (<https://www.arlis.am/documentview.aspx?docID=1372>)

Article 30. To incorporate the subject of Human Rights in the Armed Forces into the curricula of military educational institutions and make it available on the official website of the Ministry of Defense of the Republic of Armenia for distance-learning purposes.

EXPECTED OUTCOME	VERIFIABLE STANDARD OF ACTION IMPLEMENTATION	RESPONSIBLE ENTITY AND CO-IMPLEMENTERS	IMPLEMENTATION TIMELINE	FUNDING SOURCE
Relevant changes have been introduced in the curriculum intended for military personnel, as a result the personnel has proper knowledge about the protection of human rights.	The subject of Human Rights in the Armed Forces has been incorporated into the curricula of military educational institutions and is now available on the official website of the Ministry of Defense of the Republic of Armenia for distance learning purposes.	Ministry of Defense of the Republic of Armenia.	First quarter, 2018.	Other financial resources not prohibited by law.

OBSERVATIONS OF THE GROUP

Article 30 in the Action Plan defines the inclusion of the subject “Human Rights in the Armed Forces” in the curricula of military educational programs, as well as making it available on the RA Ministry of Defense official website for distance learning purposes.

As an outcome of the action it is expected that appropriate changes will be made in the curricula, in the result of which the personnel of the armed forces will receive proper knowledge in the field of human rights protection.

For monitoring purposes, Peace Dialogue NGO with an inquiry MoD-18/19 of October 15, 2018 requested the Ministry of Defense to provide information on the following topics:

- Have there been relevant changes made in educational programs, as a result of which the personnel of the armed forces will receive adequate knowledge in the area of human rights protection? If so, what changes have been made?
- Is the subject “Human Rights in the Armed Forces” included in the curricula of the military educational institutions? In what frequency is the subject taught and what manuals are used?

- What is the procedure of the selection of the teaching staff?
- Is the subject “Human Rights in the Armed Forces” available in the official website of the Ministry of Defense for distance learning? The organization requested to receive the link to the website.

In the response letter MoD/510-XX-974 of November 9, 2018 it was particularly noted:

“In the RA MoD Military Aviation University named after Marshal A. Khamperyants the subject was included in the “Military Law” course as a separate subject which is taught in the 7th semester with 42 academic hours training program, while in the RA MoD Military University named after V. Sargsyan the subject is taught in the first course with 32 academic hours training program.

The following guidelines were used for the course development:

1. “Manual for Organizing and Conducting Training on Human Rights and Fundamental Freedoms in the Armed Forces”, developed by OSCE Yerevan office, Yerevan 2016,
2. A. R. Avetisyan, T. V. Simonyan et al., “The Issues of Military Law, Collection of Materials”, c. Yerevan, 2015

The training program also included “Council of Europe Documents on Human Rights in the Armed Forces”, in particular:

- CM CoE Recommendations N 4 (2010);
- Servicemen Rights PACE Recommendation No. 1742 (2006),
- PACE Resolution 2120 (2016).

The selection of the teaching staff is made through a competition, in accordance with the order of “Organizing and Conducting a Competition of Vacancies in the RA MoD military educational institutions” approved by the RA Minister of Defense.

In the response letter, it is also noted that the actions towards organizing a distance learning and including the subject on the website is underway.

CONCLUSIONS

As a result of studying the information provided by the responsible body on the implementation of the Article 30 included in the Action Plan, the group concluded that the actions carried out in this direction have been carried out properly.

The group members were introduced to the training program “Human Rights in the Armed Forces” of the RA MoD Military Aviation University named after Marshal Armenak Khanperyants and with the curriculum of the subject “Human rights” of the RA MoD Military University named after V. Sargsyan, and they find that such training courses will make it possible to provide the Armed Forces personnel with appropriate knowledge on human rights protection.

Unlike the previous Articles 28 and 29, the verifiable standard developed for this

action makes the change resulting from the action tangible in comparison with its previous state. Nevertheless, even though the criterion defines, that the training program “Human Rights in the Armed Forces” is accessible in the RA MoD official website for distance learning, however, as of the fourth quarter of 2018, the material is not available on the MoD official website.

Also, the request to provide opportunity for group representatives to be present in a few lectures on the subject remains unanswered.

Article 31. To provide mechanisms for military conscripts to receive information regarding the protection of their rights by developing a procedure for sending along with the call-up notice a brochure clarifying their rights for draft deferment, exemption from military service, deployment at a unit close to the place of residence and other rights.

EXPECTED OUTCOME	VERIFIABLE STANDARD OF ACTION IMPLEMENTATION	RESPONSIBLE ENTITY AND CO-IMPLEMENTERS	IMPLEMENTATION TIMELINE	FUNDING SOURCE
The awareness of their own rights has been raised among military conscripts.	The draft legal act has been submitted to the Government of the Republic of Armenia.	RA Ministry of Defense.	First quarter of 2018.	Other means not prohibited by the law.

OBSERVATIONS OF THE GROUP

Article 31 in the Action Plan particularly defines, “To provide mechanisms for military conscripts to receive information regarding the protection of their rights by developing a procedure for sending along with the call-up notice a brochure clarifying their rights for draft deferment, exemption from military service, deployment at a unit close to the place of residence and other rights”. **The expected outcome is raising awareness of their own rights among military conscripts.**

To receive information on the fulfillment of the requirements of the RA Government on National Human Rights Strategy, Peace Dialogue NGO sent an inquiry MoD-18/7of April 4, 2018 to the RA Minister of Defense. In response, the letter MoD/510-XX-292 of April 20, 2018 states, that the rights and responsibilities of military conscripts are defined by law, the procedures are envisaged in the “Procedure of Conscription for Compulsory Military Service”, and the draft decision confirming it will be submitted to the Government of Armenia in the near future.

The Government of the Republic of Armenia adopted the decision N1132-N¹⁰ on October 4, 2018 to approve the “Procedure of Conscription for Compulsory Military Service”. According to Article 19 in the Procedure, within the framework of the mandatory military service recruitment of the ordinary staff military commissariats shall be obliged to inform the conscripts about the programs, officer trainings and the

10. See Decree N 1132-N of the Government of the Republic of Armenia on “Approval of the Procedure for the Conscription of Compulsory Military Service” (<https://www.arlis.am/documentview.aspx?docID=125957>)

admission conditions of the military educational institutions implemented by the Ministry of Defense of the Republic of Armenia, to conduct registration of conscripts willing to take part in these programs, officer trainings and of those admitting to military educational institutions, and other functions prescribed by law according to RA Government Decision N 1675 of December 21, 2017 and Decisions N 430-N, 450-N, 451-N and 457-N of April 12, 2018.

The RA Government Decision 1675-N¹¹ of January 21, 2017 defines the procedure for signing contracts with the compulsory military serviceman of the ordinary staff, who wishes to enter the military service at the place and under the conditions specified by the Ministry of Defense of the Republic of Armenia.

The RA Government Decision 403-N¹² of April 12, 2018 defines the conditions for granting a deferment from a compulsory military service to a citizen for a targeted study and its termination.

The RA Government Decision 450-N¹³ of April 12, 2018 defines the procedure and conditions for granting deferment from mandatory military service conscription to citizens having significant achievements in the field of sports.

The RA Government Decision 451-N¹⁴ of April 12, 2018 defines the procedure and conditions for granting deferment from mandatory military service conscription to citizens having significant achievements in the field of education and science.

The RA Government Decision 457-N¹⁵ of April 12, 2018 defines the procedure and conditions for granting deferment from mandatory military service conscription to citizens having significant achievements in the field of art and culture.

Thus, the legal acts mentioned in the Article 19 of the procedure approved by the RA Decision N 1132-N on October 4, 2018 relate to only two rights: legal procedures on the right to **sign a contract with the Ministry of Defense and to receive a deferment**. Whereas, Article 31 in the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection defines the mechanisms of informing military conscripts about their rights (deferment, release from military service, deployment at the unit close to the place of residence, etc.)¹⁶ and their protection.

11. See RA Government decision N1675, 21.01.2017 "On establishing the procedure for concluding an agreement with the compulsory military service of the ordinary staff, who wishes to enter the military service at the place and under the conditions specified by the Ministry of Defense of the Republic of Armenia" (<https://www.arlis.am/DocumentView.aspx?DocID=118237>)

12. See RA Government decision N430 on "The conditions for granting a deferment from a compulsory military service to a citizen for a targeted study and its termination" 12.04.2018 (<https://www.arlis.am/DocumentView.aspx?DocID=126626>)

13. The RA Government Decision 450-N of April 12, 2018 on the procedure and conditions for granting deferment from mandatory military service conscription to citizens having significant achievements in the field of sports. (<https://www.arlis.am/DocumentView.aspx?DocID=123792>)

14. The RA Government Decision 451-N of April 12, 2018 on the procedure and conditions for granting deferment from mandatory military service conscription to citizens having significant achievements in the field of education and science. (<https://www.arlis.am/DocumentView.aspx?DocID=123049>)

15. The RA Government Decision 457-N of April 12, 2018 on the procedure and conditions for granting deferment from mandatory military service conscription to citizens having significant achievements in the field of art and culture. (<https://www.arlis.am/DocumentView.aspx?DocID=122788>)

16. The RA Law on the Status of Military Service and the Status of the Servicemen has been removed from the list of privileges envisaged for the conscripted citizens.

Apart from this, Article 19 does not mention the mechanisms informing the military conscripts of their rights and their protection, but states about informing the military conscripts about the programs, officer trainings and the admission conditions of the military educational institutions implemented by the Ministry of Defense of the Republic of Armenia in accordance with the above-mentioned RA Government Decisions.

Article 21 in the RA Government Decision N 1132-N defines that the corresponding military commissariat is responsible for the proper implementation of the conscription of compulsory military service of ordinary staff within the framework of which a military commissar, who makes decisions in accordance with Form N 4, registers conscription data on recruiting citizens having no grounds for deferment or demobilization from compulsory military service by law to compulsory military service of ordinary staff within a three day period in the registration book of decisions made for conscripts in accordance with form N 5. Then by providing a copy of the decision to the citizen or his legal representative, in case of exercising the right provided by law, notifies the latter of the conscript's rights in accordance with forms NN 6 and 6.1.

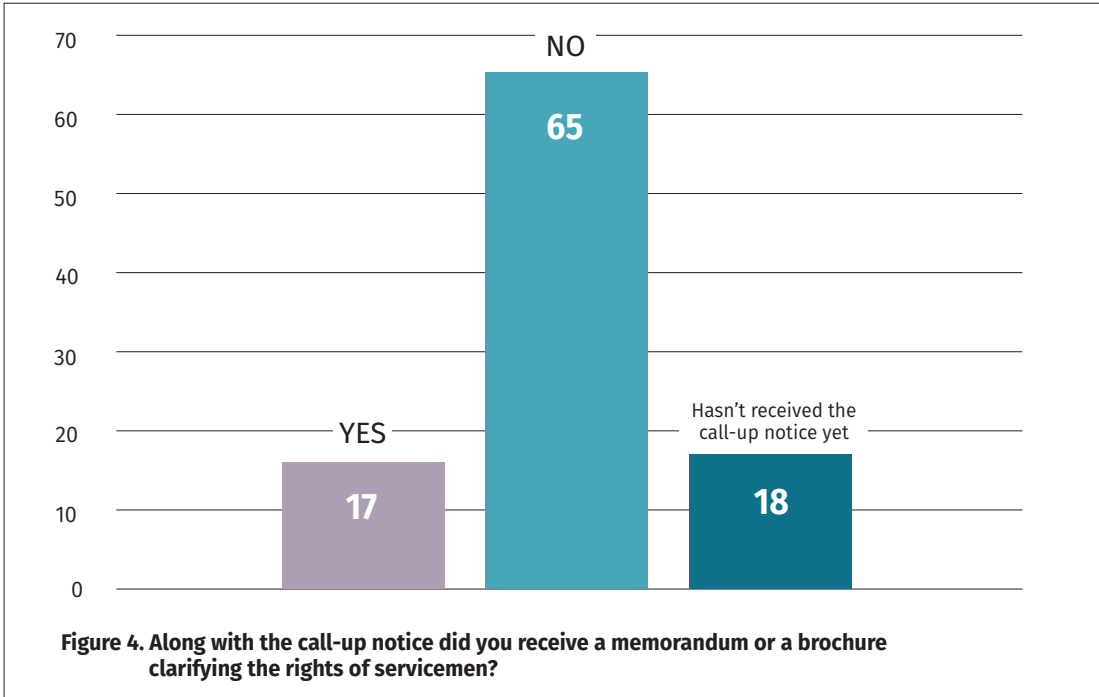
Forms NN 6 and 6.1 approved by RA Government Decision N 1132-N on October 4, 2018 also refer to the notice of a limited number of rights: form N6 on the right not to be included in combat duty, and form 6.1 on the right for brothers to serve at the same military unit. Moreover, the form No. 6 defined by the decision of the Government of the Republic of Armenia, notifying about the right not to be included in combat duty, does not contain a direct reference to the statement that the recruits cannot be involved in combat duty or involved in military operations (The last sentence of Article 26 Part 2 of the RA Law on “Military Service and Status of Serviceman”)

The monitoring group finds, that there is legal uncertainty concerning the formulation “in case of exercising the right prescribed by law” mentioned in Article 21 of the procedure approved by the RA Government Decision N 1132-N on October 4, 2018.

The Article defines, that the military commissar makes a decision on calling a citizen to compulsory military service of ordinary staff by providing a copy of the decision to the citizen or his legal representative, in case of exercise of the right provided by law, notifying the latter of his rights in accordance with NN 6 and 6.1.

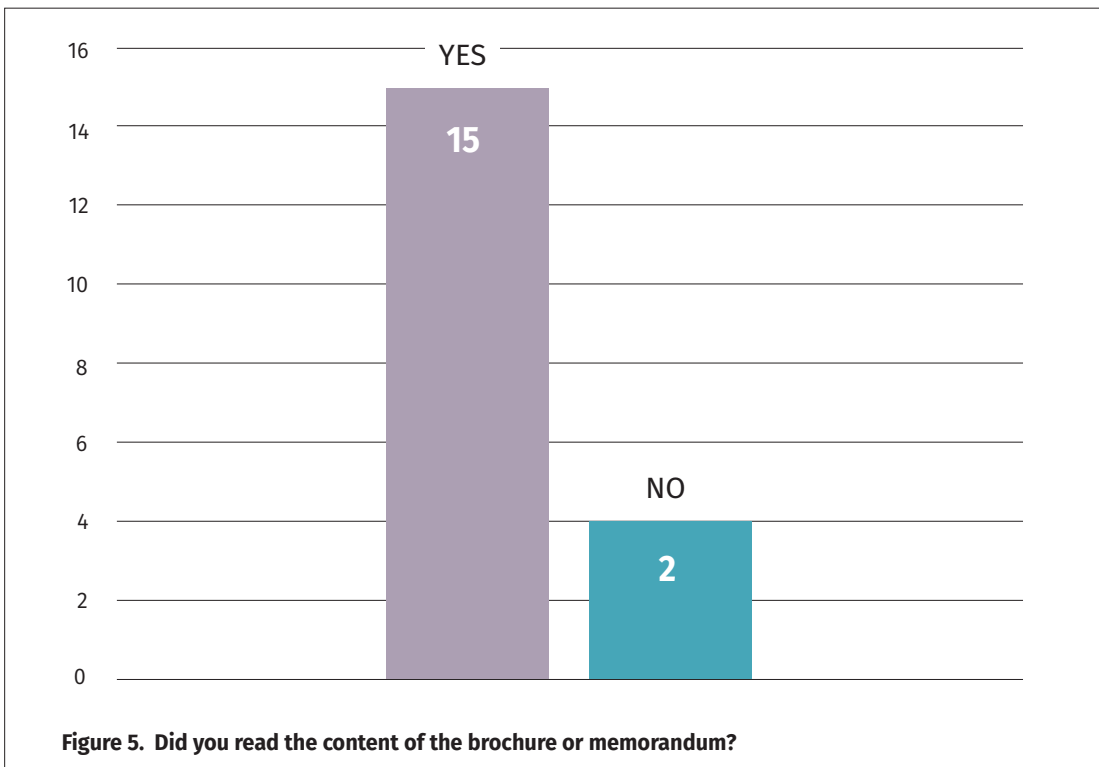
The above-mentioned formulation infers that provision of the notification sheets defined by forms NN 6 and 6.1 defined by RA Government Decision to military conscripts is conditioned, and the mentioned notifications are provided to conscripts not in all cases.

Such approach does not correspond to the Article 31 of the Action Plan derived from the National Human Rights Strategy, which does not relate the provision of mechanisms of informing military conscripts on their rights and their protection to any condition. At the same time, the condition defined by the Article 21 approved by RA Government Decision N 1132 on October 4, 2018, is also uncertain and contains risks for arbitrariness. It is unclear, by what criteria or through what legal procedure the military commissar will determine particularly which recruits shall enjoy the right prescribed by law.



During the winter conscription of 2018, judging from the 100 surveys conducted by the monitoring group members, of the 82 respondents who received the call-up notice, only 17 were given a memorandum explaining the rights of the serviceman. **(Figure 4).**

Only 15 out of 17 conscripts who have received the brochure read the content of that brochure or booklet. **(Figure 5).**



All those, who read memorandum, find that the memorandum is written in a comprehensible or a very comprehensible language, and that it is useful in terms of knowing and protecting their rights.

CONCLUSIONS

Based on the description above, the findings of the monitoring group are as follows:

As with the previous actions 28 and 29, the verifiable standard developed for this Article does not provide opportunity to measure the action outcome.

The deadline for actions envisioned in the Article 31 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection approved by Government Decision N 483-N on May 4, 2017 is set for the first quarter of 2018, therefore, the implementation of the mentioned action in the third quarter of 2018 is a violation of the timelines set by the Decision of the Government of the Republic of Armenia.

The RA Government Decision N 1132-N of October 4, 2018 cannot be considered a legal act ensuring proper implementation of the action envisioned by Article 31 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection approved by the RA Government Decision N 483-N because:

- This decision defines a procedure for notifying conscripts of only a few rights. The decision does not even define regulations on notifying of the several rights mentioned in Article 31 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection.
- Mechanisms for informing conscripts on their rights are completely missing from the RA Government Decision,
- The regulations of notification procedures defined in the RA Government Decision N 1132-N of October 4, 2018 are not imperative and clear. In addition, according to the content of the RA Government decision, the notification is conditioned by certain circumstances.

From the aforementioned, it can be inferred that the RA Government Decision N 1132-N of October 4, 2018 cannot contribute to raising awareness among conscripts of their rights, therefore the outcome of the actions defined in the Article 31 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection approved by the RA Government Decision N 483-N on May 4, 2017 cannot be expected.

Article 32. To establish mechanisms for the activities of the observers' group conducting monitoring in garrison isolators, taking into account the requirements of the RA legislation and international best practice.

EXPECTED OUTCOME	VERIFIABLE STANDARD OF ACTION IMPLEMENTATION	RESPONSIBLE ENTITY AND CO-IMPLEMENTERS	IMPLEMENTATION TIMELINE	FUNDING SOURCE
Additional guarantees have been established to protect the rights of detainees in garrison detention facilities.	The draft legal act has been submitted to the Government of the Republic of Armenia.	Ministry of Justice of the Republic of Armenia.	Second quarter, 2018.	No additional funding is required.

OBSERVATIONS OF THE GROUP

Article 32 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection envisions establishing mechanisms for an observer group conducting monitoring in garrison isolators taking into account the requirements set forth under the Legislation of the Republic of Armenia and international best practices.

The expected outcome envisions that additional guarantees must be put in place to insure the protection of the rights of persons held in garrison isolators.

Peace Dialogue NGO sent inquiry MoD-18/16 dated July 31, 2017 to the Ministry of Defense to find out:

- Whether the draft of a relevant legal act is ready, which will provide additional guarantees for the protection of the rights of persons held in garrison isolators.
- What mechanisms have been established for the observer group to conduct monitoring?
- What additional guarantees have been defined to secure protection of the rights of persons held in garrison isolators.

The Ministry of Defense stated in their response letter MoD/510-XX-692 dated August 20, 2018, that in accordance with Article 47 of the RA Law on "Detention of arrested persons and detainees" and Article 32 of the program approved by the RA Government Decision N 483-N on September 9, 2017, the draft normative order of the Minister of Defense of the Republic of Armenia (implementation timeline-third

quarter, 2018) on “Approving the Procedure for the Activity of the Public Monitoring Group in the Military Police Disciplinary Isolator of the RA Ministry of Defense” is being developed and it will be published in the official bulletin after its adoption.

The above-mentioned legal act was adopted on January 18, 2019, and has entered into force since February 11, 2019. Currently the group studies the order of the RA Minister of Defense on “Establishing the procedure for the activity of a public observer group conducting monitoring of military disciplinary isolators of the RA Ministry of Defense”¹⁷. The monitoring group will present its observations and conclusions on the implementation of this action in the final report of the group.

CONCLUSIONS

Based on the research done so far, the group recorded, that the implementation timeline for the given action **was the second quarter of 2018**. The action, however, **was implemented in the third quarter of 2018**, which is a violation of a timeline set by the RA Government Decision.

The findings of the group on implementation of the Article 32 approved by the RA Government Decision N 483-N of September 9, 2017, based on legal analysis and law enforcement practice will be presented in the final report of the group.

17. See the Order N1 of the Minister of Defense of the Republic of Armenia on Approving the Procedure of the Activity of the Public Monitoring Group in the Garrison Disciplinary Isolator of the RA Ministry of Defense, 19.01.2019 (<https://www.arlis.am/DocumentView.aspx?docID=127976>)

Article 34. To ensure the compulsory notification and provision of copies of each legal act (e.g. fines, etc.) issued in respect of the military conscripts, military servicemen and persons of equivalent status to the serviceman in question or family members as well as to develop a mechanism for introducing their appeal mechanisms.

EXPECTED OUTCOME	VERIFIABLE STANDARD OF ACTION IMPLEMENTATION	RESPONSIBLE ENTITY AND CO-IMPLEMENTERS	IMPLEMENTATION TIMELINE	FUNDING SOURCE
The basis has been laid to raise the awareness of military conscripts, military servicemen and persons of equivalent status about the decisions that affect them, as well as procedures have been established for appealing against such decisions.	The draft legal act has been submitted to the Government of the Republic of Armenia.	Ministry of Defense of the Republic of Armenia, Ministry of Health of the Republic of Armenia.	Third quarter, 2018.	No additional funding is required.

OBSERVATIONS OF THE GROUP

Article 34 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection approved by RA Government Decision N483-N on May 4, 2017, to be implemented during the third quarter of 2018, defines ensuring the compulsory notification and provision of copies of each legal act (e.g. fines, etc.) issued in respect of the military conscripts, military servicemen and persons of equivalent status to the serviceman in question or family members as well as to develop a mechanism for introducing their appeal mechanisms.

As an expected outcome of the action mentioned above, it defines that basis has been laid to raise awareness among military conscripts; military servicemen and persons of equivalent status about the decisions that affect them, as well as procedures have been established to appeal against such decisions.

To receive information on the implementation of the requirements of the RA Government on National Strategy for Human Rights Protection, Peace Dialogue NGO sent an inquiry MoD-18/20 dated November 15, 2018 to the RA Minister of Defense.

In response to Peace Dialogue's inquiry, the response letter N MoD/510-XX-914 dat-

ed November 25, 2018 from the RA Ministry of Defense states, that it is envisaged to make amendments and additions to the RA Law on “Disciplinary Code of RA Armed Forces” in 2019, within the framework of which the legislation will clearly define the norms for notification of servicemen on the incentives and disciplinary penalties imposed on servicemen and provision of acts of their application. Moreover, the statements made in Article 47, which define the procedure for appealing the disciplinary sanctions imposed by the mentioned law, will be put down in a more substantial manner.

The note of the RA Ministry of Defense also referred to Article 17 Part 5 of the RA Law on “Military Service and Status of the Serviceman”¹⁸ according to which:

*The citizen **has the right** to learn about the procedure of his health condition checkup and medical expertise, and receive the medical conclusions and documents; submit proposals, explanations, or objections; appeal against his health condition in the manner prescribed by this and other laws.*

The formulation of the mentioned legal norm makes it obvious that the provision of the medical checkup certificate is not defined as a mandatory condition. In the mentioned legal norms receiving the conclusions based on the medical checkup and medical expertise results is defined as a **right of a citizen, which means, that, the legislative has linked receiving the conclusion based on the medical expertise results to the person’s right to exercise it.** From the formulation used by the legislator can be inferred that if the citizen does not exercise his right and take steps to receive the medical conclusion, it will not be provided to him.

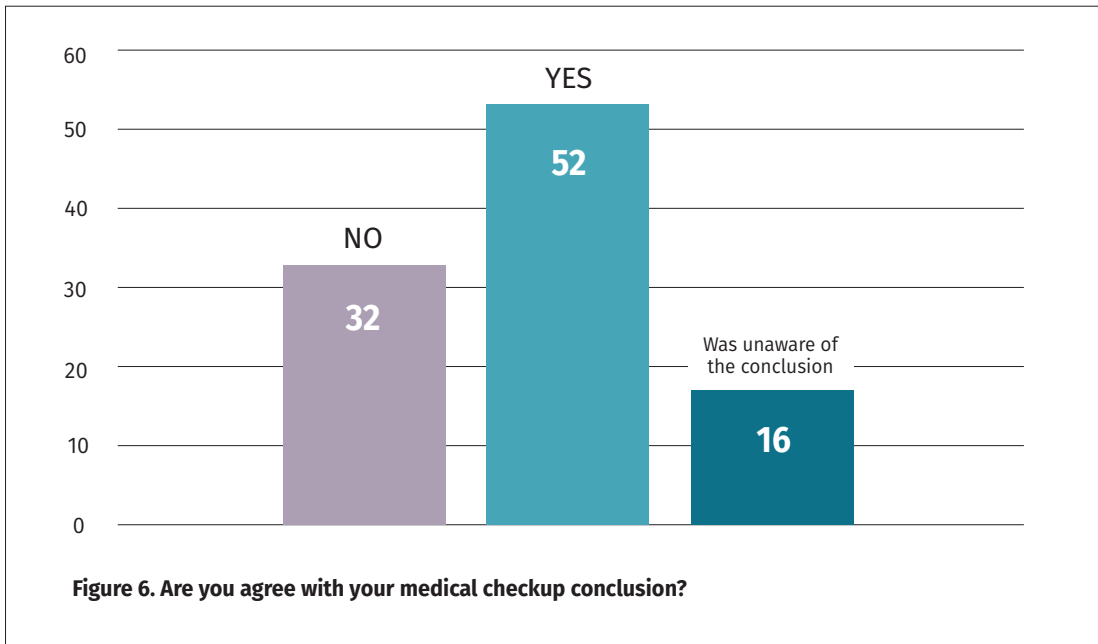
The next legal norm referred in the RA MoD response is Article 25 Part 12 of the RA Law on “Military Service and Status of the Serviceman”.

In accordance with Article 25, Part 12 of the RA Law on “Military Service and Status of the Serviceman” the issued orders based on granting deferment from compulsory military service conscription to citizens subject to conscription of ordinary and reserve officer staff, or the conclusions on demobilization from compulsory military conscription, or conclusions on citizens’ health condition checkup expertise can be appealed within two months to the RA Minister of Defense or in court in the manner prescribed by law. Submission of the complaints before the revision of orders issued does not suspend the execution of those orders.

Regulations of the Article 25, Part 12 of the RA Law on “Military Service and Status of the Serviceman” refer to the appeal of the acts, but the mentioned article does not provide statements on introducing mechanisms for appealing the acts.

As a result of surveys conducted by the members of the Group among 100 conscripts and their relatives, it turned out that 32 out of 100 respondents did not agree with the conclusions issued based on the health condition checkup, and 16 of them had no idea about the conclusion at all. **(Figure 6).**

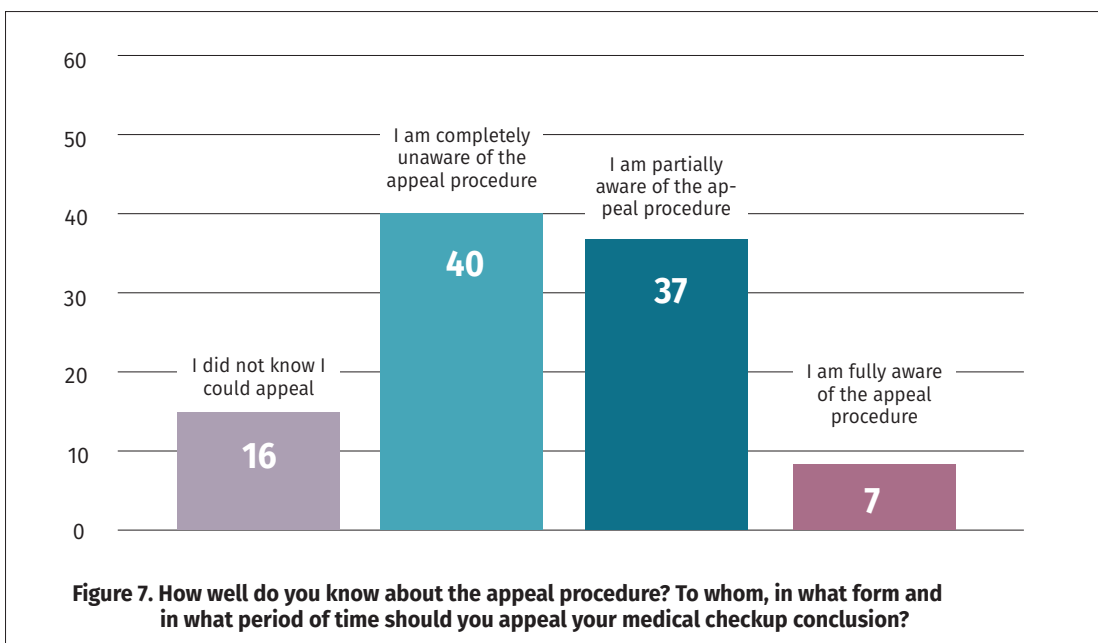
18. See the Law of the Republic of Armenia on Military Service and the status of the Military Servicemen (<https://www.arlis.am/documentview.aspx?docid=117633>)

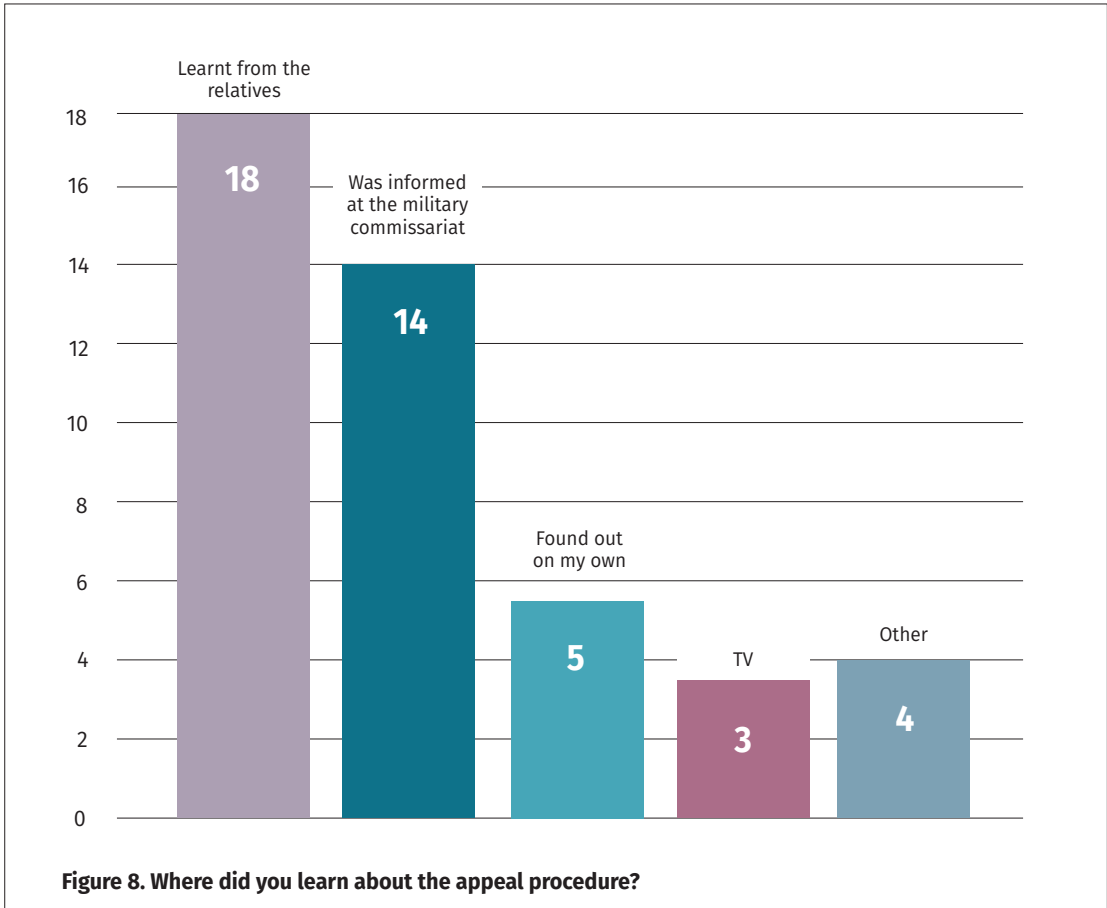


Additionally, only 7 out of 100 respondents stated that they were fully aware of the appeal procedure; the remaining 93 persons were partially aware or not aware of the appeal procedure at all. Some of them (16 persons) were unaware that they can appeal the conclusions on their health checkup. **(Figure 7).**

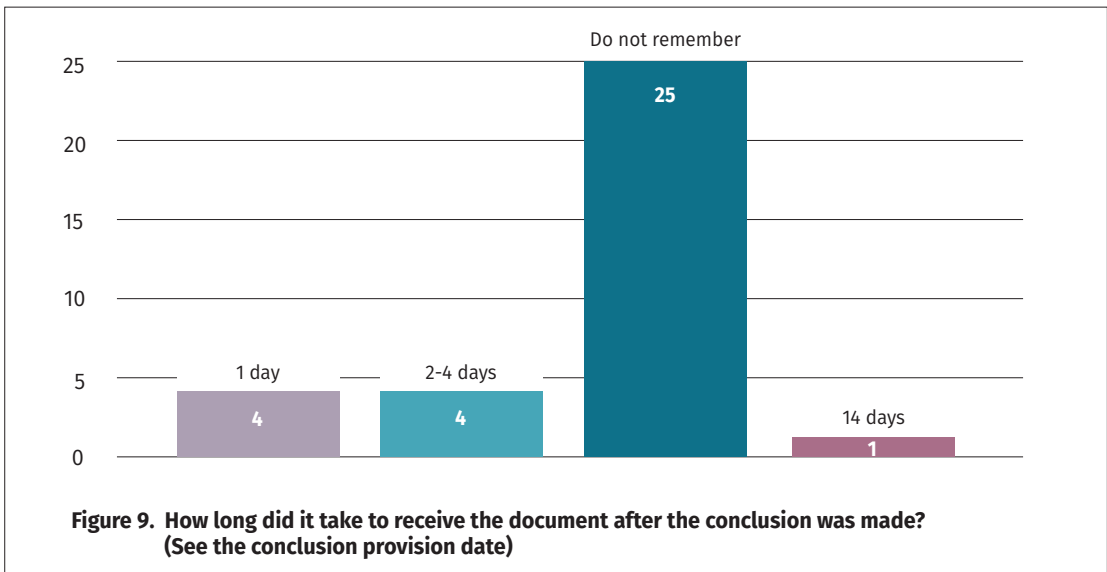
In this regard, it should also be noted that 8 respondents applied to the group members to seek assistance in appealing their medical checkup conclusions. The group experts are now filing lawsuits against the conclusions in court.

It is interesting that most of the 44 conscripts (14 persons) who were familiar with the appeal procedure had got acquainted with the procedure in the military commissariats. **(Figure 8).**





Study conducted by the group revealed that in cases when the conclusions regarding the health status of a citizen were provided (See the analysis of **Article 28** of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection approved by the RA Government Decision N 483-N on May 4, 2017 presented in this report), the provision period has fluctuated from 1 to 14 days (**Figure 9**).



Moreover, the group finds that, even though as an expected outcome for the mentioned action it was defined that procedures must be established for military conscripts, servicemen and persons of equivalent status to appeal against decisions, the regulations in Article 25, Part 12 of the RA Law on “Military Service and Status of the Serviceman”¹⁹ refer to only a limited number of people:

- **citizens subject to ordinary conscription,**
- **citizens subject to reserve officer conscription**

The next legal norm referred in the RA Ministry of Defense note is Article 29 Part 3 of the RA Law on “Military Service and Status of the Serviceman” which defines,

According to Part 1 of the same Article, compulsory military servicemen of the private and officer staff are released from the military service in accordance with the order of the Minister of Defense of the Republic of Armenia. In case of early demobilization of a military service due to health condition, the serviceman shall also be provided with the documents on his health condition.

Article 29 Part 3 of the RA Law on “Military Service and Status of the Serviceman” does not define any timeline for the provision of the documents.

The next legal norm referred in the RA Ministry of Defense letter is the Article 36 Part 4 of the expertise procedure defined in the RA Government Decision N 405-N²⁰ of April 12, 2018.

According to Article 36 Part 4 of the health condition checkup and medical expertise procedure defined in the RA Government Decision N 405-N of April 12, 2018 the medical institution is obliged to provide information on the health condition, the results of the checkup, the diagnostics and treatment methods, the associated risk, available options for medical intervention, consequences and treatment outcomes to the citizen or his legal representative/ person authorized by him.

In the above-mentioned statement of the RA Government Decision the word “information” is used and no clarification is provided for information provision.

CONCLUSIONS

Studying actions defined in Article 34 of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection approved by the RA Government Decision N 483-N on May 4, 2017, the group concluded that, the implementation timeline for actions envisioned in Article 34 was set for the third quarter of 2018, therefore, the implementation of the mentioned action in 2019 is, first of all, a violation of the term set by the Government of the Republic of Armenia.

19. See RA Law on “Military Service and Status of the Servicemen (<https://www.arlis.am/documentview.aspx?docid=117633>)

20. See The RA Government Decision establishes the procedures for examining and analyzing the health status of the citizen, examining and evaluating medical examination bodies and procedures for their performance, forms of expertise, lists of medical research and medical institutions, the order of compensation for the services performed and a series of decisions on revocation” (<https://www.arlis.am/documentview.aspx?docid=121636>)

As in majority of cases, the verifiable standard of action for this paragraph does not allow measuring the result of the action.

Until the package of amendments and supplements to the RA Law on “Disciplinary Code of MoD of the RA” is ready, it is impossible to make conclusions about justification of these amendments and additions.

From the formulation used in the Article 17 Part 5 of the RA Law on “Military Service and Status of a Serviceman” it can be inferred, that if the citizen fails to exercise his right and does not take steps to receive the conclusion, the conclusion will not be provided to him. Such legal norm contradicts the logic of the RA Government Decision N 483-N of May 4, 2017, according to which provision of notifications and their copies on any legal act adopted on conscripts, servicemen and persons of equal status is envisioned as a mandatory condition not conditioned by the activities of the addressee of the legal act.

Article 25 Part 12 of the RA Law on “Military Service and Status of a Serviceman” does not envision statements about introduction of the appeal mechanisms of the acts.

Regulations of the Article 25 Part 12 of the RA Law on “Military Service and Status of a Serviceman” refer to only the citizens subject to ordinary conscription and the citizens subject to the conscription of the Reserve Officer staff. Therefore, regarding subjects, the regulations of Article 25 Part 12 of the RA Law on “Military Service and Status of a Serviceman” do not ensure the expected outcome of the action under consideration.

Article 29 Part 3 of the RA Law does not define any timeline for providing the documents. Therefore, such a legal norm contradicts the logic of the RA Government Decision N 483-N, according to which clear regulations on the reasonable timeline of providing documents for early demobilized persons due to health issues should be defined by the adopted legal act.

According to the Article 36 Part 4 of the citizen’s health condition checkup and medical expertise procedure defined in the RA Government Decision N 405-N the form of the provided information is not clarified. Information is provided in oral, written forms, electronically or otherwise. In the same way, the method for providing information (by post, in person, or otherwise) is not regulated, and the timeline for providing information is also not regulated.

Recommendations of the Monitoring Group on the Actions implemented by the RA Ministry of Defense within the framework of 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection

The monitoring group has developed the following package of proposals based on the actions implemented by the RA Ministry of Defense within the framework of 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection. It will be presented to the Ministry of Defense as a body responsible for the implementation of the activities, as well as members of the parliament, local, international and other stakeholders and citizens engaged in activities to improve the human rights situation in the RA Armed Forces.

The suggested recommendations relate to Articles 28, 29, 30, 31, 33 and 34 included in the Action Plan, which must have been completed by the fourth quarter of 2018 in accordance with the RA Government Decision N 483-N. The recommendations are presented in packages, for each of the actions.

Article 28. To develop mechanisms for military conscripts to receive their medical checkup certificates on mandatory basis. Implementation timeline: first quarter of 2018:

- Formulate provision of the medical conclusion certificates for conscripts as a mandatory requirement in the Article 17 Part 5 of the RA Law on “Military Service and Status of Military Serviceman” and in Appendix 1 defined in the RA Government Decision N 405-N approved on April 12, 2018.
- Add amendments in the Article 26 Part 4 and Article 28 Part 4 of the Procedure of Compulsory Conscription for Ordinary Military Staff established by the RA Government Decision 1132-N of October 4, 2018, which will also define regulations on provision of decisions concerning conscripts for provincial (Yerevan municipal) conscription commissions and the Republican Conscription Commission.
- The Group finds, that in order to avoid potential problems, it is necessary to define the method of document provision (in person, by mail, by e-mail or otherwise).

Article 29. To establish reasonable timelines for submitting documents regarding

persons demobilized for health issues prior to expiry of their term of service. Implementation timeline: first quarter of 2018:

- Define a clear deadline for the provision of documents and for appeal procedure for early demobilized persons due to health issues in accordance with Article 29 Part 3 of the RA Law on “Military Service and Status of military serviceman” and/or the RA Government Decision N 405-N of April 12, 2018. At the same time, the deadline for providing documents should be as short as possible (a period not exceeding 7 days) so that the citizen has enough time to study the documents and file a complaint properly.
- Besides, it is necessary to define the method of document provision (in person, by mail, by e-mail or other) by a legal act.

Article 30. To incorporate the subject of Human Rights in the Armed Forces into the curricula of military educational institutions and make it available on the official website of the Ministry of Defense of the Republic of Armenia for distance-learning purposes. Implementation timeline: third quarter of 2018:

- Make the training program “Human Rights in the Armed Forces” available on the official website of the Ministry of Defense of the Republic of Armenia for distance-learning purposes, as envisioned in the Action Plan.

Article 31. To provide mechanisms for military conscripts to receive information regarding the protection of their rights by developing a procedure for sending along with the call-up notices a brochure clarifying their rights for draft deferment, exemption from military service, deployment in the vicinity of the place of residence and other rights. Implementation timeline: first quarter of 2018:

- Develop a procedure for informing conscripts about their basic rights.
- Develop mechanisms to inform conscripts about the protection of their rights.
- It is necessary to define the regulations for notification procedures to be explicit and clear.

Article 32. To establish mechanisms for an observer group conducting monitoring of garrison isolators in consideration of the requirements set forth under the Legislation of the Republic of Armenia and international best practices. Implementation timeline: second quarter of 2018:

- The group studies the Decision N 1-N of January 19, 2019 of the RA Defense Minister on “Establishing the Procedure of the Activity of the Public Monitoring Group in the Military Detention Facilities of the Ministry of Defense of the Republic of Armenia” and will present the proposals in the final report on “Activities of the RA Ministry of Defense within the framework of the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection”

Article 34. To ensure the compulsory notification and provision of copies of each legal act (e.g. fines, etc.) issued in respect of the military conscripts, military servicemen and persons of equivalent status to the serviceman in question or family mem-

bers as well as to develop a mechanism for introducing their appeal mechanisms:

- It is necessary to define a general legal regulation that relates to the conscript and to the servicemen and to their equivalent, while in the context of the object and subject of the regulation, is directed not to address a specific case or situation, but is formulated in such a way to refer to all kinds of acts relating to the above-mentioned entities.
- It is also necessary to define such legal regulations regarding the provision of mandatory notification on any legal act adopted for conscripts, serviceman and their equivalent, which will be general both in the context of the object and the subject of the regulation, will refer to all cases and all the above-mentioned subjects.
- It is recommended to be guided by the regulations in Article 59²¹ of the RA Law on “Fundamentals of Administrative Action and Administrative Proceedings” in the formulations of the legal act relating to the provision of mandatory notification.

General Recommendations:

- Besides the aforementioned recommendations, the group finds it necessary to develop and introduce a mechanism for monitoring the 2017-2019 Action Plan derived from the National Strategy for Human Rights Protection.
- The group offers to clarify verifiable standards of action implementation for all the actions included in the program, so that they provide opportunity to accurately measure the outcome and avoid alternative comments.

21. RA Law on “Fundamentals of Administrative Action and Administrative Proceedings” (<https://www.arlis.am/DocumentView.aspx?DocID=75264>)