



MONITORING OF THE DEFENSE SECTOR-RELATED ACTIONS FOR 2020 IN THE SCOPE OF THE ACTION PLAN 2020-2022 DERIVING FROM THE NATIONAL STRATEGY ON HUMAN RIGHTS PROTECTION

PROGRESS REPORT

The implementation of the monitoring of the Armenian MoD's actions in the scope of Human Rights Action Plan 2020-2022 is supported by the German Federal Foreign Office (through the Embassy of the Federal Republic of Germany in Armenia) and Open Society Foundations – Armenia.



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PRELIMINARY INFORMATION

On 26 December 2019, by the decree N1978-L, the Government of the Republic of Armenia approved the new RA Action Plan 2020-2022 deriving from the National Strategy on Protection of Human Rights (hereinafter referred to as HRAP 2020-2022). With this Strategy, the Government expects to ensure the implementation of acts, instructions and recommendations issued by the bodies acting on the basis of international agreements and settle the issues mentioned in periodic and special reports.

Currently, cases of death, torture and degrading treatment in the RA Armed Forces, the effectiveness of their investigation, the conditions for exercising the right to a fair trial, and the independence and impartiality of the judicial system are in the spotlight of not only local intituitions and human rights defender groups, but also for authoritative international organizations. This is evidenced by the questions regularly raised by the **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**¹ and the **Committee Against Torture**², as well as the rulings against the Republic of Armenia by the **European Court of Human Rights**³, and the decisions of the **Committee of Ministers of the Council of Europe**⁴ on the implementation of those rulings.

Since 2015, Peace Dialogue NGO (PD) has implemented monitoring of the Action Plans 2014-2016 and 2017-2019, especially observing the human rights situation in the Armed Forces and the actions of the RA Ministry of Defense (MoD). The organization believes that sectoral monitoring is more effective in conducting targeted and in-depth research in this field. Apart from the fact that the protection and promotion of human rights, as well as the establishment of civilian control over the actions of the Armed Forces are among the strategic goals of Peace Dialogue, human rights-related issues are in the focus of the organization's attention because of the fact that due to the closed nature of the field (conditioned by specificities of the field), citizens are more vulnerable in terms of protection of rights (especially the right to life and freedom from torture) because they have limited opportunities to receive legal assistance. **The majority of the organization's initiatives in this field are aimed at promoting the role of civil society in the development of human rights policy through human rights monitoring.**

In 2020-2022, PD will continue to monitor the MoD actions in the scope of the HRAP 2020-2022. The issues to be identified during the monitoring as well as concrete recommendations on their solution will be regularly presented to the public, interested state bodies, representatives of Parliament, Coordination Council of HRAP 2020-2022, as well as the international institutions involved in this field for developing and enforcing more effective mechanisms to solve the issues identified.

Below, we introduce the progress report on monitoring of the defense sector-related actions in the scope of the HRAP 2020-2022, in which we sum up the research results of the implemented activities in the period of January-June 2020 for the promotion of the rights to life, freedom from torture, and fair trial in the RA Armed Forces.

1. See about the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment at: <https://www.coe.int/en/web/cpt/about-the-cpt>.

2. See about the the UN Committee Against Torture at <https://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx>.

3. See about the European Court of Human Rights at <https://www.echr.coe.int/Pages/home.aspx?p=home>.

4. See about the Committee of Ministers of the Council of Europe at <https://www.coe.int/en/web/cm/about-cm>.

PROGRESS REPORT

In the scope of the Action Plan 2020-2022 deriving from the National Strategy on Human Rights Protection, the following six actions are planned to be implemented for the promotion of the rights to life, to freedom from torture as well as to a fair trial in RA Armed Forces.

Action 1. To conduct trainings (courses) on the right to life in compliance with international standards, including for commanding officers of the armed forces, military police personnel, investigators, prosecutors, judges, lawyers, and correctional facility staff (Responsible entities: RA Ministry of Defense, RA Ministry of Justice. Deadline: regularly in 2020-2022).

Action 2. To raise awareness of the right to life among military conscripts, military personnel, and imprisoned persons (Responsible entity: RA Ministry of Defense. Deadline: regularly in 2020-2022).

Action 3. To enhance tolerance and mutual respect in the Armed Forces (Responsible entity: RA Ministry of Defense. Deadline: regularly in 2020-2022).

Action 14. To establish legislation on applying the statute of limitations for cases of torture (Responsible entity: RA Ministry of Justice. Deadline: second half of 2020).

Action 26. To conduct trainings on the topics of torture, inhuman or degrading treatment in accordance with international standards, including for police officers, military police officers, investigators, prosecutors, judges, mental health institution staff members and childcare institution staff members, correctional facility staff members, and medical personnel (Responsible entities: RA Ministry of Defense, RA Ministry of Justice. Deadline: regularly in 2020-2022).

Action 34. To conduct trainings on the right to a fair trial in compliance with international standards, including for police officers, military police officers, investigators, prosecutors, and judges (Responsible entities: RA Ministry of Defense, RA Ministry of Justice. Deadline: regularly in 2020-2022).

At this stage of monitoring, PD project staff analyzed the answers to the written inquiries addressed to the RA Ministries of Defense and Justice in the course of January-June 2020 and the legal acts referred to in them.

During the said period, the aforementioned Ministries were inquired to provide information about

- steps taken with respect to each of the six actions and the specified schedule for the implementation of the actions;
- institutions or specialist(s) appointed for developing curricula of the trainings in the scope of the HRAP (PD requested to provide the developed curricula or their references);
- methodology for assessing the effectiveness of all the envisaged trainings and courses;
- the awareness-raising activities on human rights in the scope of the Action Plan, as well as the content and the schedule of dissemination of the informative materials;
- the legal acts developed in the scope of the HRAP;
- the possibility of the monitoring group's participation in the activities implemented in the scope of the HRAP for study purposes.

After revising the reply letters by the RA Ministries of Defense and Justice, we may assume that in the period of January-June 2020, the following steps were taken:

RA MINISTRY OF DEFENSE

- On 23 May 2020, the Minister of Defense issued a decree which defines the schedule of the trainings included in the Actions 1, 2, 26, and 34 in the scope of the HRAP.
- The activities for developing the curricula of the trainings and appointing the institutions who will deliver lectures are underway.
- In the scope of the HRAP Action 2, in collaboration with the Council of Europe Office in Yerevan and MoD Human Rights and Integrity Building Centre, a sample informative poster on the right to life has been developed and published.
- Due to the risk of spread of COVID-19, the activities envisaged in the scope of the HRAP Action 3 have not been implemented yet.
- Regarding the possibility to participate in the trainings for monitoring purposes, the MoD informed that the expediency for such participation will be discussed following the clarification of the terms and content of the trainings.

RA MINISTRY OF JUSTICE

- The draft of establishing legislation on applying the statute of limitations for cases of torture included in the Action 14 of HRAP is available and has been addressed to the Office of the Prime Minister of the Republic of Armenia.
- According to the Article 19 of the RA Law on the Academy of Justice, in the scope of the Actions 1, 26, and 34 of the HRAP, the Academy of Justice has developed the curricula of the trainings under the responsibility of the RA Ministry of Justice on the topics of the rights to life, torture, inhuman or degrading treatment, and the right to a fair trial.

Besides, in the above-mentioned period of time, the following activities were implemented.

- The Coordination Council of the Action Plan 2020-2022 deriving from the RA National Strategy on Human Rights Protection has been formed⁵.
- The platform www.e-rights.am has been launched to ensure transparency and accountability of the Government's activities in the field of human rights.

* For the first time, in addition to representatives of public authorities, representatives of civil society organizations will be involved in the Coordination Council established for the purpose of coordinating and monitoring the implementation of the Action Plan deriving from the RA National Strategy on Human Rights Protection. During the first session of the Council, 7 of the non-governmental organizations** that have previously submitted applications will be selected and will be included in the Council.

** Peace Dialogue NGO has also submitted an application to be involved in the Coordination Council and is one of the nine non-governmental organizations meeting the criteria that will be nominated by the Council during the second round of the competition.

Regarding the possibility to participate in the trainings on the topics of struggle against torture, inhuman or degrading treatment, as well as on the right to a fair trial for monitoring purposes, the Ministry of Justice informed that it is necessary to get the agreement of all the training participants and trainers.

In addition, the Ministry of Justice informed that due to COVID-19 pandemic, the schedule of the trainings to be delivered at the Academy on the topics of struggle against torture, inhuman or degrading treatment and the right to a fair trial has not yet been appointed.

5. See <http://www.e-rights.am/?app=AppCoordinatingBoard&page=default>

MONITORING OF THE ACTIVITIES AIMED AT THE PREVENTION OF THE SPREAD OF COVID-19 IN THE RA ARMED FORCES

Taking into consideration the importance of neutralizing the effects of the global outbreak of the novel coronavirus (COVID-19) and preventing further spread of the infection, PD pays special attention to the examination of measures taken to prevent the spread of the infection in the RA Armed Forces.

In regard to this, through the inquiries addressed to the RA Ministries of Health and Defense, Peace Dialogue found out that RA Ministry of Defense developed concrete measures to prevent the spread of COVID-19 during the summer conscription in the framework of the Decree on the implementation of the summer Conscription in the year of 2020 for the mandatory military service of the rank and fulfillment of military service. Besides, sanitary-epidemiological safety and prevention rules of the spread of coronavirus infection are strictly observed in the medical organizations conducting conscripts' medical check-up and treatment during conscription based on the decrees N-336-A approved on 31 January 2020 and N-977-A approved on 16 March 2020 issued by RA Minister of Health.

Based on the information obtained, PD prepared a brief guide on the measures to be taken during the preparatory activities for summer conscription of 2020⁶.

NEXT STEPS

At the next stage of monitoring, PD plans to implement the following activities:

To study the informative and training materials developed in the scope of the HRAP, as well as the legal acts adopted for the implementation of the Action Plan and for the prevention of spread of the novel coronavirus (COVID-19) in the Armed Forces.

- **To establish a monitoring group consisting of representatives of civil society organizations operating in the regions of Armenia and Yerevan city and to conduct a capacity building training.**
- **Based on the developed methodology, with the involvement of experts and monitoring group members, to study the practical application of the above-mentioned legal acts through standardized interviews with conscripts and discharged serviceman. (PD also expects to come to an agreement with the RA Ministries of Defense and Justice for the monitoring group members' participation in the trainings held in the scope of HRAP and the awareness-raising activities organized by the Ministry of Defense for promotion of the right to life among conscripts and serviceman).**
- **Through a detailed analysis of the expected outcome indicators for each HRAP action, to study the extent to which the defense sector-related HRAP actions and their implementa-**

6. See the guide in Armenian at Peace Dialogue's website: https://peacedialogue.am/2020/06/25/guide_covid_19_arm/

tion comply with the requirements of the rulings against the Republic of Armenia by the European Court of Human Rights as well as promote the solution of the problems mentioned in the RA-related reports (published in different years) of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Committee Against Torture.

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