

Appendix 1

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

COMPENDIUM

January 01 - December 31, 2020



THE MONITORING OF THE IMPLEMENTATION OF THE DEFENSE SECTOR-RELATED ACTIVITIES OF 2020-2022 ACTION PLAN DERIVING FROM THE RA NATIONAL STRATEGY FOR THE PROTECTION OF THE HUMAN RIGHTS IS CARRIED OUT BY PEACE DIALOGUE NGO WITHIN THE FRAMEWORK OF GRANTS PROVIDED BY THE GERMAN FEDERAL FOREIGN OFFICE (REPRESENTED BY THE EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY IN ARMENIA) AND OPEN SOCIETY FOUNDATIONS-ARMENIA.



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Introduction

On 26 December 2019, by the decree N1978-L, the Government of the Republic of Armenia approved the new Action Plan 2020-2022 (hereinafter referred to as HRAP 2020-2022) deriving from the National Strategy for the Protection of Human Rights (hereinafter National Strategy). With the National 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.

At the beginning of 2020, PD initiated the program **Promotion of civil society's role in the development and implementation of state policy in the field of human rights protection in the Armed Forces**. With this initiative, the organization seeks to promote the protection of human rights in the Armed Forces of the Republic of Armenia by establishing an effective mechanism for the civil society representatives for monitoring the defense sector-related activities within the framework of the National Strategy for the Protection of Human Rights. The monitoring group formed within the framework of the initiative, consisting of representatives of civil society organizations operating in the city of Yerevan and the regions of the Republic of Armenia, monitors the implementation of the HRAP 2020-2022 in the defense sector.

Taking into account the importance of neutralizing the effects of coronavirus (COVID-19) pandemic all over the world and taking measures to prevent further spread of the infection, during the monitoring special attention was paid to the study of actions taken to prevent the spread of virus in the RA Armed Forces.

This report is devoted to the monitoring of the implementation of the defense sector-related actions in the period from January 1 to December 31, 2020.

The monitoring results of the defense sector-related activities of the Action Plan 2020-2022 deriving from the Armenia's National Strategy for Human Rights Protection

Within the framework of the monitoring, PD focused specifically on monitoring the implementation of human rights protection activities in the Armed Forces, in particular, the actions concerning the **right to life** in the Armed Forces, **the prohibition of torture, the right to a fair trial**, as well as activities related to women's rights in the context of the equality and **prohibition of discrimination**.

THE RIGHT TO LIFE

The National Strategy for Human Rights Protection and its derivative Action Plan for 2020-2022 targets specifically the protection of the right to life of persons under the care of the state and of those in life-threatening situations. The list of such persons also includes servicemen whose death was the result of violations of statutory relations in peacetime. In the scope of protection of the right to life, the strategy recognizes the deaths of these group of servicemen a serious challenge for the state.¹

¹ National Strategy, page 19.

In the scope of the monitoring activities, the following HRAP 2020-2022 actions aimed at the provision of the right to life in the RA armed forces have been studied.

- **Action 1:** To conduct a training (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
- **Action 2:** To raise awareness of the right to life among military conscripts and military personnel
- **Action 3:** To enhance the climate of tolerance and mutual respect in the Armed Forces
- **Action 4:** To establish criteria for prompt and transparent investigation of fatalities in the Armed Forces

It is expected that as a result of the implementation of the above-mentioned actions, the number of fatalities (especially fatalities as a result of violations of statutory relations) in the Armed Forces will be reduced, as well as human rights violations during the preliminary investigation of criminal cases on death cases, pre-trial investigation, and trial will decrease in the Armed Forces.

According to the information received from the entities responsible for the HRAP 2020-2022, in the direction of each of the expected outputs of the above-mentioned 4 actions, the following activities have been implemented in the period of January-December, 2020. (See table 1).

ACTION NO	EXPECTED OUTPUT ENVISAGED BY HRAP 2020-2022	ACTIVITIES IMPLEMENTED DURING JANUARY-DECEMBER, 2020
1.	<p>To conduct a training (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.</p> <p>The subject entitled Human Rights in the Armed Forces introduced in the curricula of the Qualification Enhancement Center for Officers (QECO) and Commanding Headquarters Faculty (CHF) of the Vazgen Sargsyan Military University.</p> <p>Trainings given to</p> <ul style="list-style-type: none"> ▪ 18% of the commanders, ▪ 17% of the military police personnel, ▪ 8% of investigators, ▪ 4% of prosecutors, ▪ 41% of judges. 	<p>Within the framework of cooperation between the Ministry of Defense of the Republic of Armenia and the Yerevan Office of the Council of Europe, a program on the subject Human Rights in the Armed Forces was developed for Qualification Enhancement Center for Officers and the Command Staff Faculty of Vazgen Sargsyan Military University. The curriculum is in the phase of being approved.</p> <p>From January to December, 2020, the training courses on the topic of the right to life envisaged for commanders and military police personnel did not take place due to COVID-19 pandemic-related restrictions.</p> <p>Trainings on the right to life were given to</p> <ul style="list-style-type: none"> ▪ 5 investigators (5.1 %), ▪ 32 prosecutors (47%). ▪ 12 judges (15,38%).
2.	<p>To raise awareness of the right to life among military conscripts and military personnel.</p> <p>Posters on human rights (right to life, prohibition of torture) exhibited in 60% of military bases and military conscription offices.</p>	<p>Information posters on Right to Life and Prohibition of Torture were developed and published in cooperation with the Yerevan Office of the Council of Europe and the RA MoD and were placed in all military units, military commissariats and MP territorial subdivisions.</p>

	15 awareness activities on the right to life conducted in the military bases and military conscription offices.	During August-September, 2020, 4 awareness activities were implemented.
	At least 3 sets of informational materials on human rights and legal remedies developed and disseminated in military bases and military conscription offices.	6 information materials on human rights, including means of protection of rights, were delivered to military units from the relevant department of the Armed Forces to be included as information topics in the weekly staff work plans in the second half of 2020 and in subdivision class schedules. The Chief of the General Staff of the Armed Forces issued an order on the observance of the provisions of international humanitarian law by the personnel of the Armed Forces during hostilities.
	3 videos on human rights in the Armed Forces developed and disseminated through mass media.	A video on human rights remedies was developed within the framework of cooperation between the Council of Europe Office in Yerevan and the Office of the RA Human Rights Defender.
3.	To enhance the climate of tolerance and mutual respect in the Armed Forces.	
	Research conducted to look into the causes of demonstrations of intolerance in the military forces, its contributing factors, and coping methods.	Sociological survey in the military units among contract soldiers and conscripts was conducted, which was analyzed and the results were sent to the commanders of military unions and military units to carry out the necessary actions. In addition, the officers of the same department carried out educational activities for the subdivision personnel. Within the framework of cooperation with the Council of Europe Office in Yerevan, a group of experts prepared a draft research methodology on Behavioral norms of informal relations in the RA Armed Forces and social and psychological issues of criminal subculture among soldiers. It was discussed with the participation of stakeholders, but has not been implemented yet.
	Classes by psychologists organized in 30% of military bases.	Training courses for officer psychologists started on September 1, 2020, but were interrupted starting from September 27 as a result of hostilities.
4.	To establish criteria for prompt and transparent investigation of fatalities in the Armed Forces.	
	Regulatory instruments (guidelines) for prompt and transparent investigation of fatalities in the Armed Forces and correctional facilities with reference to deadlines for investigatory and judicial activities, procedures, legal successors/representatives of survivors and general public notification periods were established.	The Prosecutor General's Office of the Republic of Armenia has developed a draft order of the Prosecutor General of the Republic of Armenia on setting standards for prompt and transparent investigation of fatalities in the Armed Forces of the Republic of Armenia, which, on January 20, 2021 was sent for discussion to other co-implementing bodies set by the action.

Monitoring results

- The purpose and objectives of all actions aimed at ensuring the right to life in the HRAP 2020-2022 are based only on domestic violence statistics. Only in the context of domestic violence is the objective set to increase the number of initiated criminal proceedings by a certain percentage. No such measurable goal is set in terms of reducing the number of fatalities in the Armed Forces and (or) increasing the number of cases investigated. Added to this is the fact that there are no baseline data on the current situation either. In the absence of this data, it becomes impossible to measure the expected outcome of the actions; that is, it is impossible to record what positive situational change will be witnessed as a result of the implementation of a specific strategic action. Although some of

the initial data were clarified in the draft amendments to the Action Plan in the second half of 2020, they again referred only to domestic violence.

- The action does not include the training of lawyers on the topic of the right to life as an expected output, although it is intended in the actual action.
- According to the RA legislation, the RA Academy of Justice conducts annual trainings for investigators, prosecutors, and judges. The Ministry of Justice of the Republic of Armenia referred to these courses as trainings on the right to life defined by the HRAP 2020-2022. According to the RA legislation, the RA Academy of Justice conducts trainings for investigators, prosecutors, judges, approving the training programs and the lists of participants within the terms defined by law. The decision for each subsequent year is made in the previous year.² The National Strategy for Human Rights and its derivative Action Plan for 2020-2022 were approved by the RA Government Decision No. 1978-L on December 26, 2019. Decisions on involving trainee investigators and prosecutors, and the decision on conducting training programs were made earlier. This means that the range of topics and participants were defined independently and prior to the National Strategy and the Action Plan. Therefore, they cannot act as an action stemming from the HRAP 2020-2022.
- Although the content of the posters was useful in raising awareness about the right to life and the right to be free from torture and other ill-treatment, most conscripts did not notice that they were posted at military commissariats, and half of the conscripts did not read them. Half of the respondents also refused to go and read the posters on the spot. Therefore, it is not clear to the monitoring group to what extent the placing of posters in the military commissariat helps to raise awareness among conscripts about their rights.
- Peace Dialogue NGO also did not receive information about the exact nature of the awareness activities, how and in what schedule they will be implemented, how long they will last, what materials will be used during them and who are the authors of the materials, as well as what was the principle of including military units and (or) military commissariats in such actions. The essence of the awareness-raising campaigns on the right to life to be carried out in military units and military commissariats is not clear. In particular, what does an awareness-raising activity mean, what measures does it include, what methods will be used to carry out these campaigns and how will their impact on the change in the number of fatalities in the army be measured? In response to the question whether the process of awareness-raising campaigns can be monitored on the spot, the Ministry of Defense noted that the question of participation of civil society representatives in awareness-raising activities for monitoring purposes will be addressed during the campaigns.³ However, Peace Dialogue NGO was not informed in advance about the possibility of monitoring the above-mentioned 4 awareness-raising exercises.
- The issue of measurability also arose in connection with the development and dissemination of information on human rights in military units and military commissariats, as well as videos on human rights in the Armed Forces through the mass media.
- The monitoring group believes the courses for the psychologists should be considered not so much as a direct result of the action, but as a way to achieve its fulfillment. In other words, it is not as a result of tolerance that psychologists are trained, but the training of psychologists contributes to the strengthening of tolerance in the Armed Forces.

² See RA Law on the Academy of Justice, Article 14 (1) (3), Article 19 (2) (2) and 19 (2) (3), Article 19 (6.1), Article 19 (7.1), Article 20 (1) and (2), Article 21 (6); RA Law on the Prosecutor's Office, Article 38.1.

³ RA Ministry of Defense / 510-GQ / 2709-2020, August 28, 2020.

PROHIBITION OF TORTURE

The Strategy notes that despite recent legislative reforms aimed at combating torture and the introduction of mechanisms to implement them in practice, there are still a number of legislative and practical gaps and problems in Armenia that do not fully ensure effective protection and guarantee of this right.⁴

The National Strategy states that in addition to the cases reflected in official statistics, many cases of torture may remain unknown, and that cases of torture that have become known to the public are also of concern, because although the cases are known to the public, they remain undisclosed.⁵

The monitoring group conducted a study on the following actions:

- **Action 12:** To install video and audio recording equipment in police and military police stations of the Republic of Armenia.
- **Action 14:** To establish legislation on applying the statute of limitations for cases of torture.
- **Action 15:** To develop guidelines for interpreting and applying the terms “severe physical pain” and “mental suffering” in compliance with international standards.
- **Action 18:** To put in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment.
- **Action 26:** Provide training on torture, inhuman or degrading treatment in accordance with international standards, including for police officers, military police officers, investigators, prosecutors, and judges.

It is expected that as a result of the implementation of the above-mentioned actions, the following outcomes are expected to be achieved.

- Incidents involving torture, cruel or degrading treatment decreased in military police stations of the Republic of Armenia; video and audio, recordings were used as evidence in criminal proceedings initiated for such incidents.
- Violations of rights enjoyed by parties to criminal trials during pre-trial criminal proceedings decreased along with incidents of obtaining evidence in violation of regulations on investigative and procedural practices.
- Incidence of torture decreased along with decisions to dismiss or to discontinue criminal proceedings for such incidents.

In the direction of each expected outcomes of the aforementioned actions, the following activities have been implemented during January-December, 2020. (See table 2).

ACTION NO	EXPECTED OUTPUT ENVISAGED BY HRAP 2020-2022	ACTIVITIES IMPLEMENTED DURING JANUARY-DECEMBER, 2020
12.	To install video and audio recording equipment in police and military police stations of the Republic of Armenia.	

⁴ National Strategy, page 22.

⁵ The same source.

	8 video cameras placed in each of 13 military police stations, 3 detachments, and 1 military base.	The cost of installing cameras is being calculated.
14.	To establish legislation on applying the statute of limitations for cases of torture.	
	The bill introducing changes and amendments into the Penal Code submitted to the National Assembly for consideration.	The draft of the new RA Criminal Code adopted by the RA National Assembly on December 9, 2020 in the first reading envisages that the statute of limitations does not apply to the crime of torture.
15.	To develop guidelines for interpreting and applying the terms "severe physical pain" and "mental suffering" in compliance with international standards.	
	Studies conducted on definitions of the terms "severe physical pain" and "mental suffering" in the context of torture.	As of February, 2021, the draft amendments to the HRAP 2020-2022 propose a change in the deadline: to move the deadline from the first half of 2021 to the first half of 2022.
	The Academy of Justice of the Republic of Armenia adopted guidelines for law enforcers on interpretation and application of these terms.	
	These guidelines are used for classes at the Academy of Justice of the Republic of Armenia.	
18.	To put in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment.	
	Mechanisms set up in the armed forces for anonymous reporting of torture, inhuman or degrading treatment.	The phone numbers of the "Hotline" and "Trust Line" were placed in the military units of the Armed Forces aimed at raising the awareness among military personnel, presenting anonymous reporting of torture, inhuman or degrading treatment. The telephone number of the military police of the Ministry of Defense is mentioned in the information poster on the right to life planned to be posted in military commissariats, military units, according to the Action 2.
26.	Training was given on 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.	
	Training given to <ul style="list-style-type: none"> • 35% of military police, • 51% of investigators, • 7% of prosecutors, • 10% of judges. 	The topics and schedule of the training courses for military police are developed, but due to military actions, they have not been implemented yet. Trainings were given to <ul style="list-style-type: none"> ▪ 5 investigators (5.1 %), 5 SIS investigators (18.5%), ▪ 32 prosecutors (47%), ▪ 24 judges (30,76%).

Monitoring results

- In the HRAP 2020-2022 there is no information on the official statistics of cases of torture and on what principle such cases were considered "cases of torture". It is also not clear on what principle such cases were considered disclosed or undisclosed. The HRAP 2020-2022 set a goal to achieve at least 5% in the number of criminal cases brought to court on the grounds of torture.⁶ However, the question arises whether only the stage of sending cases to court allows concluding that cases of torture are revealed, which in turn, according to the AP, will lead to a decrease in cases of torture and ill-treatment.

⁶ HRAP 2020, Annual Report, page 10.

- Peace Dialogue NGO is not aware of any cases in which any official who has committed torture has been found guilty and convicted, in accordance with Article 309.1 of the RA Criminal Code. In other words, here we face not only a legislative but also a law enforcement issue, including with regard to other forms of torture or other ill-treatment in the armed forces.
- Unlike the topic of the right to life, the HRAP 2020-2022 does not provide for awareness campaigns, videos, or other information materials on the topic of prohibition of torture in the Armed Forces. And this is in the case that the National Strategy also emphasizes the absolute prohibition of torture, inhuman or degrading treatment or punishment.⁷ This prohibition is also absolute under international law, including international norms of armed conflict.
- With regard to the Action 18 in the scope of the HRAP 2020-2020, it is worth mentioning that Peace Dialogue NGO has not yet had specific experience with the activities of the "Trust Line" and cannot draw conclusions about its operation and effectiveness in practice. The same applies to anonymous reports in the Military Police. At the time of publishing the report, the monitoring group is trying to find out the effectiveness of all these mechanisms in reporting anonymously on torture, inhuman or degrading treatment in the Armed Forces.
- Moreover, training on torture, inhuman or degrading treatment was not provided for commanders. Meanwhile, in the military units, the commanders are the ones responsible for preventing the tortures, as well as for the investigation at the initial stage in case of their occurrence.
- In 2020, due to restrictions on coronavirus pandemic, the trainings of prosecutors, investigators and military police organized by the RA Academy of Justice on the topic of prohibition of torture did not take place.⁸
- According to the RA legislation, the RA Academy of Justice conducts trainings for investigators, prosecutors, judges, approving the training programs and the lists of participants within the terms defined by law. The decision for each subsequent year is made in the previous year.⁹ The National Strategy for Human Rights and the Action Plan 2020-2022 were approved by the RA Government Decision No. 1978-L on December 26, 2019. Decisions on involving trainee investigators and prosecutors and on training programs are made sooner. This means that the range of topics and participants had been defined (Peace Dialogue NGO is trying to obtain concrete information) before the National Strategy and AP were approved and separately from them. Therefore, they cannot be considered as a result of the 2020-2022 AP. In addition, as we have learned from the Education Committee of the General Assembly of Judges, it has submitted to the Academy of Justice for the 2020 annual training its proposals on subject courses (topics) to be included in the training programs of judges and candidates by the decision of July 31, 2019; therefore, they could not have been included in the HRAP 2020-2022.¹⁰

THE RIGHT TO FAIR TRIAL

⁷ HRAP 2020, Annual Report, page 10.

⁸ RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020; National Strategy 01 / 13.7 / 4678-20, September 28, 2020; RA Investigative Committee, 12/12 / 47261-20, 28 August 2020; Prosecutor's Office, 44/6 / 19412-2020, 28 August 2020; see also Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

⁹ See RA Law on the Academy of Justice, Article 14 (1) (3), Article 19 (2) (2) and 19 (2) (3), Article 19 (6.1), Article 19 (7.1), Article 20 (1) and (2), Article 21 (6); RA Law on the Prosecutor's Office, Article 38.1.

¹⁰ Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020.

The National Strategy emphasizes that the right to a fair trial is a guarantee of human legal security in a democratic society.¹¹ This strategy and the HRAP 2020-2022 primarily target Fair Trial in the field of criminal justice, in particular through measures to improve the preliminary investigation.

The monitoring group conducted a study on the following actions:

- **Action 27:** To ensure video and audio recording of investigative and procedural actions.
- **Action 28:** To equip investigation units for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact.
- **Action 34:** To conduct training on the right to a fair trial in compliance with international standards, including for police officers, military police officers, investigators, prosecutors, and judges.

As a result of the implementation of the aforementioned actions, the following outcomes are expected to be achieved.

- Violations of rights enjoyed by parties to criminal trials during pretrial criminal proceedings decreased along with incidents of obtaining evidence in violation of regulations on investigative and procedural practices.
- During identification and confrontation, violations of rights of identifying and identified persons respectively and the rights of confronted (interrogated) persons decreased.
- Violations of the right to a fair trial by the military police of the Republic of Armenia during the pretrial criminal proceedings decreased.
- Violations of the right to a fair trial during the pretrial criminal proceedings decreased.

The following activities have been implemented during the period of January-December, 2020. (See table 3).

ACTION NO	EXPECTED OUTPUT ENVISAGED BY HRAP 2020-2022	ACTIVITIES IMPLEMENTED DURING JANUARY-DECEMBER, 2020
27.	<p>To ensure video and audio recording of investigative and procedural actions.</p> <p>Audio and video recording equipment is available in 85 subdivisions of the Investigative Committee of the Republic of Armenia.</p> <p>Audio and video recording equipment is available at the Special Investigation Service of the Republic of Armenia.</p>	<p>As the deadline for the implementation of this action is the first half of 2022, the monitoring group did not monitor the status of its implementation from January to December, 2020.</p>
28.	<p>To equip investigation units for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact.</p> <p>In 10 subdivisions of the Investigative Committee of the Republic of Armenia, rooms have been set up for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact.</p> <p>In 2 subdivisions of the Special Investigation Service of the Republic of Armenia, rooms have been set up for identification and confrontation purposes so that participants of investigative</p>	<p>At the time of publication of the report, from January to December, 2020, the monitoring group does not possess information about the equipment investigation units for identification and confrontation purposes in the subdivisions of the RA Investigative Committee and the Special Investigation Service.</p>

¹¹ National Strategy, page 23.

	procedures are placed outside of mutual visual contact.	
34.	To conduct training on the right to a fair trial in compliance with international standards, including for police officers, military police officers, investigators, prosecutors, and judges.	
	<p>Training given to</p> <ul style="list-style-type: none"> ▪ 30% of military police, ▪ 11% of SIS investigators, ▪ 25% of prosecutors, ▪ 41% of judges. 	<p>The international partners developed the topics and schedule of the training courses for military police, but due to hostilities, they have not been implemented yet.</p> <p>Trainings were given to</p> <ul style="list-style-type: none"> ▪ 5 investigators (5.1%), ▪ 9 prosecutors (13,2%). <p>In addition, in September-December, 2020, trainings were given to</p> <ul style="list-style-type: none"> ▪ 24 judges (30.76%) in the scope of Current Issues of RA Criminal Procedure course, ▪ 23 judges (48.93%) in the scope of Current Issues of RA Administrative Procedure course, ▪ 119 judges (98.34%) in the scope of Current Issues of RA Civil Procedure course.

Monitoring results

- The objective of the HRAP 2020-2022 is to decrease the number of complaints filed to the ECtHR for violations of the right to a fair trial and to reduce the defendants' human rights violations and number of complaints. Unfortunately, neither the strategy, nor the HRAP 2020-2022 provides quantitative data on such violations available at the time of government decision. Therefore, it becomes impossible to measure the decrease of the cases of violation of the right to a fair trial and especially of that right of the defendants.
- No information was provided on the military police officers' training timeline, training materials, their authors, the involvement of international organizations in the development of the materials, the criteria for selecting trainers or organizations, the evaluation of military police officers undergoing the trainings, the issuance of certificates and the evaluation of training effectiveness either.

EQUALITY OF RIGHTS AND NON-DISCRIMINATION

According to the National Strategy, the issue of creating legislative guarantees for ensuring equality, as well as their effective implementation continues to be of paramount importance for Armenia. Regarding the issues of equality between women and men, the National Strategy refers to the decision of the Government of the Republic of Armenia On approving the strategy and Action Plan for the implementation of gender policy in the Republic of Armenia for 2019-2023 and notes that promoting actual equality between women and men is one of the government's priorities.¹²

The goal of the actions of equality and prohibition of discrimination in the HRAP 2020-2022 is to increase the number of complaints submitted to the Equality Council, where the baseline is zero. The main objective was to have a legal mechanism aimed at ensuring equality.¹³

¹² National Strategy, page 39.

¹³ HRAP 2020, Annual Report, page 26.

The monitoring conducted a study on the following action:

- **Action 48:** To promote the engagement of women in the Armed Forces

It is expected that as a result of the implementation of this action, the number of the female military personnel in the armed forces will be increased.

According to the information provided by the responsible entities, the following activities were implemented in the period of January-December, 2020. (See table 4).

ACTION NO	EXPECTED OUTPUT ENVISAGED BY HRAP 2020-2022	ACTIVITIES IMPLEMENTED DURING JANUARY-DECEMBER, 2020
48.	<p>To promote the engagement of women in the armed forces.</p> <p>This study conducted to look into the motives behind enlistment, continued service and demobilization of women in the armed forces.</p> <p>A position to deal with promotion and protection of the rights of female military personnel assigned.</p> <p>5 video recordings dedicated to service of female military personnel in the armed forces developed and disseminated through the mass media.</p>	<p>Anonymous sociological surveys were conducted with women soldiers in 30 military units in 2020, as well as individual-group conversations about their perceptions of service, adaptation, and reasons for terminating their service. The results were summarized and submitted to the superior command with respective proposals.</p> <p>By the order of the Chief of General Staff of the RA Armed Forces dated 30.01.2020, the formation and activity of women's councils in military units was regulated.</p> <p>3 videos were prepared, an information booklet on women's rights in the Armed Forces was published, and other information materials were sent to troops. The preparation of the 4th video is underway.</p>

Monitoring results

- In contrast to the other rights considered in the report, the section on equality and the prohibition of discrimination, provided baseline data, which, as mentioned above, was zero. However, the question here is whether the increase in the number of complaints submitted to the Equality Council will testify to the effectiveness of the measures taken by the state in ensuring equality and the fight against discrimination.
- The powers of the women's councils in the scope of Action 48, including in terms of decision-making, are not clear to Peace Dialogue NGO. However, the position envisaged for the promotion and protection of the rights of female military personnel envisaged by this action presupposes decision-making.
- The monitoring group was not able to watch the mentioned videos, as the links provided by the Ministry of Defense and mentioned on the CoE website were not available.¹⁴ Taking into account that the first link was taken from Facebook social network, an attempt was made to find the mentioned video on Facebook as well, but it also was unsuccessful.

COVID-19

¹⁴ All citations of the CoE Yerevan Office can be found here and here.

Peace Dialogue NGO sent an enquiry to the RA Ministry of Defense to find out what measures have been taken to prevent the spread of the new coronavirus (COVID-19) in the Armed Forces as well as the virus infiltration cases during the recruitment process.

In a response letter,¹⁵ it was particularly mentioned that the head of the territorial subdivision service of the RA Ministry of Defense had given an order to the heads of the territorial subdivisions: organize conscription activities in strict compliance with COVID-19 safety rules, i.e., provide a mask and a hand sanitizer (Alco Gel) to each conscript presenting for the examination of the medical commission of the territorial subdivision and the central medical commission; ensure the presence of only one conscript per doctor-specialist; to exclude the accumulation of conscripts or their relatives in the common area of the territorial subdivision.

The monitoring group conducted surveys with conscripts at military commissariats to find out the measures taken to prevent the spread of COVID-19 during the conscription.

- 112 (57%) out of 196 respondents gave a positive answer, while 84 (43%) gave a negative answer to the question regarding keeping distance while waiting in the line at military commissariats and medical institutions.
- When asked about the number of people accumulated while waiting in the line at military commissariats and medical institutions, 99 conscripts (51%) answered that there were accumulations and 97 (49%) that there were none.
- The respondents were aware of the means of protection against the infection. 75 (38%) of the respondents mentioned the mask as a means of protection. Disinfection of the hands was in the second place with 13.3% of the answers (26 people).
- 165 (84%) of the respondents noticed that the other conscripts waiting with them also followed the anti-pandemic safety rules.
- None of the conscripts surveyed were provided with personal protective equipment, such as masks and hand sanitizers.
- 158 respondents (81%) said that the doctors were wearing masks and gloves during the medical examination, while 36 (19%) said that the doctors were wearing only masks.
- As PD was informed by the MoD ¹⁶, Conscripts will be tested at the Republican Central Assembly Station only if necessary.
- Surveys of the monitoring group revealed that 167 of the respondents (85%) stated that they were not tested and 29 (15%) stated that they were tested.

General conclusions on the HRAP 2020-2022

- In the context of ensuring human rights in the Armed Forces, the National Strategy and the HRAP 2020-2022 did not take into account the risks of resumption of hostilities or escalation of border tensions. The war unleashed by Azerbaijan on September 27, 2020, posed serious challenges, especially in the field of human rights protection in the Armed Forces. Such issues include, but are not limited to, the emergence of new vulnerable groups as a result of hostilities: displaced civilians, hostages, captives, prisoners of war, missing persons, their families, wounded servicemen (or) volunteers, and the provision of their rights. Following the war, some of the measures envisaged in the HRAP 2020-2022 have not been implemented or have been partially implemented in 2020.

¹⁵ RA Ministry of Defense / 510-GQ / 1719-20, May 27, 2020.

¹⁶ RA Ministry of Defense / 510-GQ / 1827-20, June 9, 2020.

- Following the war, some of the measures envisaged in the HRAP 2020-2022 have not been implemented or have been partially implemented in 2020.¹⁷
- According to the National Strategy, the actions were formulated with the prospect of ensuring their measurability and accountability.¹⁸ However, from the National Strategy and Action Plan 2020-2022 it is not clear what criteria will be used to check the effectiveness of the actions. For example, how will the effectiveness of human rights posters in military units and military commissariats will be measured in terms of in raising the awareness of servicemen and conscripts? The same applies to the assessment of the impact of the awareness-raising campaigns, dissemination of information materials and video recordings on a change in the number of fatalities in the army.
- Neither in the National Strategy, nor in the Action Plan 2020-2022 there is any baseline data or analysis on such data, which would show the number of fatalities in the RA Armed Forces before the implementation of the HRAP and what percentage of those cases occurred as a result of non-statutory relations, or how many were the cases of human rights violations at different stages of criminal proceedings. There are also no criteria for collecting baseline data for these cases. No data is currently provided on the involvement of women in the Armed Forces either. The measurability of the actions impact suffers in the absence of baseline data. Therefore, it can be concluded that the requirement of a sober and comprehensive assessment of the current situation in the field of human rights in the Republic of Armenia mentioned in the strategy was not reflected in the Action Plan.
- The offices of the Ombudsman of the Republic of Armenia and the Representative of the Republic of Armenia to the ECtHR are mainly involved as co-implementing bodies in the implementation of National Strategy and HRAP 2020-2022. However, the Ombudsman office was not mentioned as a co-implementing body in the preparation of the materials and implementation of trainings on The Right to Life for commanders, military police, investigators, prosecutors and judges, as well as on Prohibition of Torture for the judges and The Right to Fair Trial for the investigators. The Ombudsman is involved in the training of military police, investigators and prosecutors on Prohibition of Torture and in the training of military police, prosecutors and judges on Fair Trial as a co-implementing body. However, the share of involvement of the Ombudsman is not quite understandable. Moreover, the Ombudsman is already involved in the development of HELP online courses. Also, being a specialized body in the field of Human Rights, Ombudsman would contribute to the proper and systematic implementation of the actions through its involvement. The Ombudsman strategy itself emphasizes the role and significance of the Human Rights Defender as a national mechanism for the prevention of torture.
- As for the Office of the Representative of the Republic of Armenia in the ECtHR, it was not involved as a co-implementing body in the training of investigators on The Right to Fair Trial. However, most of the complaints against Armenia in the ECtHR refer to this right protected by Article 6 of the ECHR.
- PD NGO has received contradicting information on the number of prosecutors trained and to be trained on the topics of the Right to Life and the Prohibition of Torture from the Ministry of Justice on one hand and from the General Prosecutor's office on the other hand. In particular, we were informed by the Ministry of Justice that from September to December 2020, it was planned to train 32 prosecutors, e.i. 47%,¹⁹ while according to the information provided by the General Prosecutor's Office, on March 12, 2020, 15 representatives of the military prosecutor's office, i.e., 10.5% of military prosecutors participated in a joint workshop organized by the CoE Yerevan Office and the Academy

¹⁷ RA Ministry of Justice, letter /14.1/3262-2021, February 12, 2021.

¹⁸ National Strategy, page 15.

¹⁹ Letter from the RA Ministry of Justice, October 14, 2020 on the courses implemented by the Academy of Justice.

of Justice, dedicated to the effective investigation of fatalities and torture in the Armed Forces.²⁰ If 32 prosecutors comprise 47% of the whole number of prosecutors, it means that there are 68 prosecutors in Armenia in total. If 15 military prosecutors make up 10.5% of the whole number of military prosecutors, it means that there are a total of 143 military prosecutors in Armenia, which is a larger number than the number of general prosecutors mentioned by the Ministry of Justice. The same number of prosecutors was provided by the Ministry of Justice in the context of trainings on Fair Trial.

- In the context of ensuring human rights in the Armed Forces, the National Strategy and the HRAP 2020-2022 did not take into account the risks associated with the COVID-19 pandemic.
- As reported by the relevant state bodies responsible for and / or co-implementing the actions, a number of measures were not taken in 2020 due to the COVID-19 pandemic.²¹ Such events include, for example, the training of commanders, military police officers, and investigators on the Right to Life; military police officers and investigators on the Prohibition of Torture; and investigators and prosecutors on the Right to Fair Trial. In this regard, it should be noted; however, that according to the decision of the Government of the RA on March 16, 2020 on declaring a state of emergency in Armenia, the educational processes in educational establishments have been suspended throughout the period of the state of emergency, except for distance learning. This restriction did not apply to military educational establishments.²²
- According to the Ministry of Defense it is because of COVID-19 that the study on the causes of intolerance, contributing factors and ways to overcome them was not conducted²³ in the Armed Forces, and psychologists were not trained in military units during the first half of 2020.

²⁰ Prosecutor's Office, 44/6/ 19412-2020, 28 August 2020

²¹ RA Ministry of Justice, letter /14.1/3262-2021, February 12, 2021.

²² Decision N 298-N of the Government of the Republic of Armenia "On establishing a state of emergency in the Republic of Armenia", March 16, 2020.

²³ RA Ministry of Defense / 510-GQ / 1793-20, June 4, 2020; RA Ministry of Defense / 510-GQ / 2711-20, September 2, 2020.