

Appendix 2

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

REMARKS AND RECOMMENDATIONS

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 deriving from the National Strategy for the Protection of Human Rights. 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.

Below, we introduce the remarks and recommendations of the monitoring group based on the results of the monitoring of the implementation of defense sector-related actions in the period from January 1 to December 31, 2020.

RECOMMENDATIONS IN THE DIRECTION OF PROVISION OF THE RIGHT TO LIFE IN THE RA ARMED FORCES

- It is necessary to set a measurable goal in terms of reducing the number of fatalities in the Armed Forces and increasing the investigation of cases related to them, in addition to defining baseline data for the current situation.
- The in-depth knowledge and practical skills of lawyers on the substantive and procedural aspects of the right to life are an additional guarantee in terms of protecting the rights of victims of violations of the right to life and preventing violations of their procedural rights. This is especially true in cases of violations of the right to life in the Armed Forces, as the rights of victims become more vulnerable considering the sensitivity of the sector and the confidentiality of the information.
- Therefore, it is necessary to involve lawyers as well in the training on the right to life in the Armed Forces.
- According to the decision of the Government of the Republic of Armenia of March 16, 2020 on declaring a state of emergency in the Republic of Armenia, the educational process in educational organizations had been suspended throughout the whole period of the state of emergency, except for distance learning.

- This restriction did not apply to military educational institutions.¹ Therefore, it would have been possible to organize trainings in the conditions of the coronavirus pandemic, using online teaching tools. Hence, it is necessary to develop and apply measures/tools, including online, for safe training and courses in the face of Covid-19 pandemic.
- Separate training specifically on the right to life in accordance with international law and standards for investigators, prosecutors and judges should be included in the Action Plan. It is necessary to develop and apply clear criteria by which it will be possible to assess the impact of awareness-raising actions in the military commissariats and military units, as well as that of the information materials and video materials regarding them disseminated through mass media on reducing the number of fatalities in the army.
- It is necessary to prepare and disseminate such videos, which would be developed jointly with relevant human rights specialists and will contain information on the state's obligation to ensure the right to life, practical mechanisms for their elimination and restoration in case of violations.
- To clarify what exact awareness-raising activities the HRAP mentions that should be carried out in military units and military commissariats.
- Develop clear criteria for defining the impact of posters on military commissariats on raising conscripts' awareness of human rights.
- To envisage mechanisms for conducting studies on the causes of intolerance in the Armed Forces and conducting trainings for psychologists, which will allow to carry out the actions in the context of the coronavirus pandemic.
- It is necessary to consider the lectures of psychologists in military units not as a direct result of strengthening tolerance and mutual respect, but as a way to achieve it.
- Develop and apply clear criteria for measuring the impact of both the lectures for psychologists in the Armed Forces and the study on the causes of intolerance in the Armed Forces, contributing factors and ways to overcome them, on ensuring an atmosphere of tolerance and mutual respect in the Armed Forces and, as a result, the reduction of the number of fatalities that were caused by non-statutory relations in the Armed Forces.

¹ 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.

RECOMMENDATIONS IN THE DIRECTION OF PROVISION OF PROHIBITION OF TORTURE

- Establish clear criteria for considering cases of torture as such, whether they are detected or not, and publish statistics based on them.
- Ensure the investigation of cases of torture in accordance with Article 309.1 of the RA Criminal Code and the conviction of the guilty.
- It is necessary to carry out awareness-raising measures not only on the right to life, but also on the right to be free from torture and other ill-treatment in military units and military commissariats.
- Training for commanders and officers on torture, inhuman or degrading treatment is also required.
- Lawyers should also be involved in training in the Armed Forces on the right to refrain from torture and other ill-treatment.
- Develop and implement tools, including online, for safe training and education in the Covid-19 pandemic.

RECOMMENDATIONS IN THE DIRECTION OF PROVISION OF THE RIGHT TO FAIR TRIAL

- The 2020-2022 AP aims to reduce the number of complaints filed with the ECtHR with alleged violations of the right to a fair trial, and to reduce the number of human rights violations and complaints against defendants as a problem. However, there is no baseline data on such violations. Therefore, it is necessary to publish statistics on the number of human rights violations against defendants and the number of complaints filed against them.
- It is necessary to develop and apply means, including online, for the safe implementation of trainings and courses under the Covid-19 pandemic.

CONCLUSION AND RECOMMENDATIONS ON THE HRAP 2020-2022

- An in-depth analysis is needed to identify new war-related human rights priorities and issues, identify new target groups for the new strategy, and identify the needs of those groups: for example, civilians displaced as a result of hostilities, hostages, captives and prisoners of war, family members of missing persons, wounded servicemen and/or volunteers, etc.
- It is necessary to review and update the document of the National Strategy for the Protection of Human Rights of the Republic of Armenia, as well as to update the Action Plan for 2020-2022, taking into account the challenges caused by the new type of coronavirus (COVID-19) and the consequences of the war and the impact of these factors on the effectiveness of the actions envisaged by the AP.
- It is necessary to develop and apply clear criteria to measure the impact / effectiveness of the measures taken to perform the action, as well as the impact of the action on achieving the set goal.
- It is necessary to develop and present baseline data on the situation of human rights violations.
- It is necessary to involve the Human Rights Defender as a co-implementing body in the preparation and implementation of all trainings on the right to life, the prohibition of torture and the right to fair trials under the HRAP 2020-2022.
- It is necessary to involve the Office of the Representatives of the Republic of Armenia in the ECtHR as a co-implementing body in the training of investigators on the subject of the Right to Fair Trial.
- Develop and conduct trainings for investigators, prosecutors and judges on the right to life, the prohibition of torture and fair trial based on international standards, which will be conducted directly within the framework of the HRAP 2020-2022.
- It is necessary to carry out these trainings in the context of protection and provision of human rights in the Armed Forces, taking into account the fact that the strategy targets especially persons under the care of the state and those in life-threatening situations, namely the servicemen.²
- It is necessary to check and clarify the numbers of prosecutors and military prosecutors to be trained.
- Review and update the National Human Rights Strategy of the Republic of Armenia, as well as update the HRAP 2020-2022, taking into account the challenges in the field of human rights due to the new type of coronavirus (COVID-19) pandemic and the impact of these factors on the effectiveness of actions.
- It is necessary to develop and put in practice measures to ensure safe execution of trainings and studies in conditions of Covid-19 pandemic.

² National Strategy for Human Rights, page 19.