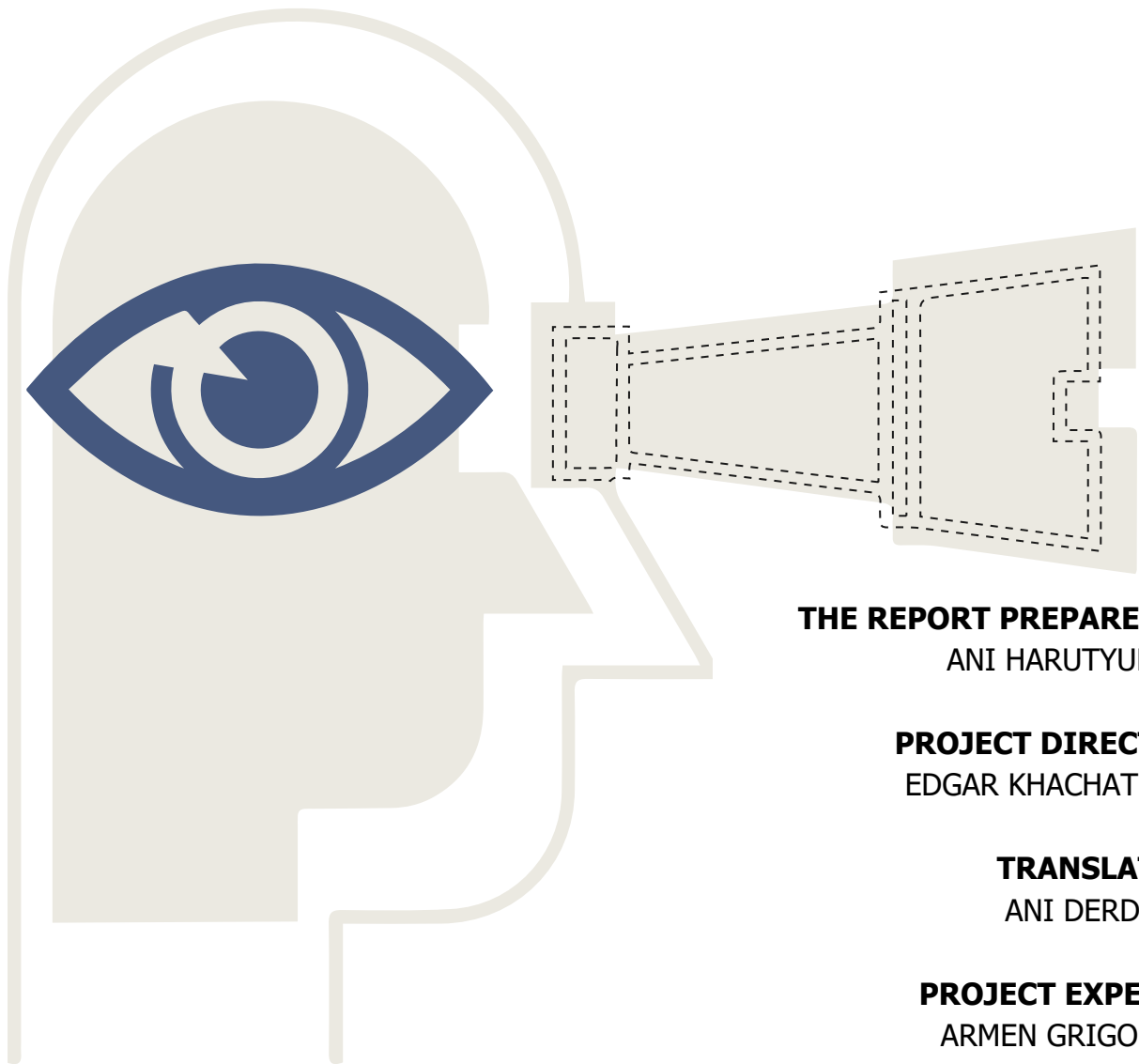


**DEFENSE SECTOR-RELATED ACTIONS IN THE
SCOPE OF 2020-2022 ACTION PLAN DERIVED
FROM ARMENIA'S NATIONAL STRATEGY FOR
HUMAN RIGHTS PROTECTION**

MONITORING REPORT
January 2020-May 2021



THE REPORT PREPARED BY
ANI HARUTYUNYAN

PROJECT DIRECTOR:
EDGAR KHACHATRYAN

TRANSLATOR:
ANI DERDZYAN

PROJECT EXPERTS:
ARMEN GRIGORYAN
DIANA TER-STEPANYAN
ARTUR SUKIASYAN



THE MONITORING OF THE IMPLEMENTATION OF THE DEFENSE SECTOR-RELATED ACTIONS IN THE SCOPE OF 2020-2022 ACTION PLAN DERIVED FROM ARMENIA'S NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION IS CARRIED OUT BY THE PEACE DIALOGUE NGO WITHIN THE FRAMEWORK OF A GRANT PROVIDED BY OPEN SOCIETY FOUNDATIONS-ARMENIA.

PEACE DIALOGUE NGO BEARS ALL RESPONSIBILITY FOR THE CONTENT OF THIS PUBLICATION. ITS CONTENT DOES NOT NECESSARILY REFLECT THE VIEWS OF THE OPEN SOCIETY FOUNDATIONS-ARMENIA.

TABLE OF CONTENTS

<i>ABBREVIATIONS AND ACRONYMS</i>	<i>4</i>
<i>INTRODUCTION.....</i>	<i>5</i>
<i>METHODOLOGY.....</i>	<i>7</i>
<i>NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION OF THE REPUBLIC OF ARMENIA 2020-2022</i>	<i>9</i>
<i>THE MONITORING RESULTS OF THE DEFENSE SECTOR RELATED ACTIVITIES OF THE ACTION PLAN 2020-2022 DERIVED FROM THE RA NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION</i>	<i>12</i>
THE RIGHT TO LIFE.....	12
Action 1	16
Action 2	22
Action 3	31
Action 4	34
PROHIBITION OF TORTURE.....	36
Action 12	40
Action 14	41
Action 15	42
Action 18	44
Action 19	48
Action 26	49
THE RIGHT TO FAIR TRIAL	57
Action 27	58
Action 28	58
Action 34	59
EQUALITY OF RIGHTS AND NON-DISCRIMINATION.....	64
Action 48	65
COVID-19	70
<i>Armed conflict September 27 November 9, 2020.....</i>	<i>81</i>

ABBREVIATIONS AND ACRONYMS

AP	Action Plan
CoE	Council of Europe
HRIBC	Human Rights and Integrity Building Centre
NGO	Non-governmental organization
RA	Republic of Armenia
SIS	Special Investigation Service
UN	United Nations
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
HRD	Human Rights Defender
MoD	Ministry of Defense
MP	Military Police
QECO	Qualification Enhancement Center for Officers
CSF	Command Staff Faculty

INTRODUCTION

On 26 December 2019, by the decree N1978-L, the Government of the Republic of Armenia approved the new RA 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). This decision stipulates that the priorities of the strategy are conditioned by the imperative of fulfilling the international obligations undertaken by Armenia in the field of human rights.¹ 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 extraordinary reports.²

In recent years, reports by international and local authorities have frequently mentioned issues concerning death cases, torture, and ill-treatment in the Armed Forces of the Republic of Armenia, as well as issues concerning the effectiveness of the investigation, the conditions for exercising the right to a fair trial, and the independence and impartiality of the judiciary.

These serious issues are evidenced not only by the statements and reports of human rights groups, but also by the questions and suggestions regularly raised by authoritative international organizations (for example, the UN Committee against Torture, the UN Human Rights Committee, the CoE Commissioner for Human Rights), as well as by a number of judgments of the European Court of Human Rights against Armenia and their decisions by the Committee of Ministers of the Council of Europe.

Since 2015, Peace Dialogue NGO (hereinafter PD) has implemented the monitoring of the Action Plans 2014-2016 and 2017-2019 deriving from the National Strategy for the Protection of Human Rights. In particular, the organization monitored the human rights situation in the Armed Forces and the Ministry of Defense of the Republic of Armenia (hereinafter MoD). The organization believes that sectoral monitoring is

¹ National Strategy for the Protection of Human Rights, RA Government Decision N 1978-L of December 26, 2019, Annex 1, pp. 5-6

² National Strategy 2019, pp. 5-6

effective and allows for targeted and in-depth research in the field, even with limited resources.

At the beginning of 2020, Peace Dialogue NGO (PD) initiated the program **“Increasing the role of civil society in the development and implementation of state policy on the protection of human rights 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 activities of the Ministry of Defense of the Republic of Armenia within the framework of the 2020-2022 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 defense sector-related actions of the HRAP 2020-2022. The collected data were summarized and analyzed, assessing the implementation of certain actions of the HRAP, the compliance of those actions with the HRAP and the National Strategy, as well as the implementation of the strategy and the action plan in the conditions of previously unforeseen realities, namely the COVID-19 pandemic and the hostilities from September 27, 2020 to November 9, 2020.

Given the importance for worldwide action to neutralize the effects of coronavirus (COVID-19) in 2020 and the prevention of further spread of the virus, during the monitoring special attention was paid to the study of actions aimed at preventing the spread of the virus in the RA Armed Forces.

Taking into account the new issues and challenges in the context of ensuring human rights in the armed forces following the September 27, 2020 hostilities, in order to respond more effectively to these issues, the Peace Dialogue NGO has proposed changes to the Action Plan.

This report is based on the results of the monitoring of the implementation of defense sector-related actions in the period from January 1, 2020 to May 31, 2021.

METHODOLOGY

In order to monitor the implementation of specific actions defined by the National Strategy and HRAP 2020-2022, the Peace Dialogue NGO has sent inquiries to the state bodies authorized as responsible entities and/or co-implementing bodies for the protection of those rights in the defense sector under the action plan. An analysis was carried out on the basis of the received response letters.

Information on the implementation of actions was obtained from open sources as well, including the website e-rights.am dedicated to the National Strategy and the Action Plan, as well as the semi-annual and annual reports of 2020 and the official websites of the Ministry of Justice, Academy of Justice, Ministry of Defense, Human Rights Defender, Representative of the Republic of Armenia to the ECtHR, Council of Europe and CoE Office in Yerevan, EU Delegation, the United Nations Development Program, the United Nations Population Fund, and the United States Agency for International Development. The episodes of "Zinuzh" ("Armed Forces") TV program were also monitored separately.

Based on a previously developed and regularly improved methodology, the Monitoring Group of HRAP, formed on the initiative of Peace Dialogue NGO, conducted standardized interviews with conscripts in August 2020 and February-March 2021 to find out what measures the state had taken to ensure the safe organization of conscription in the face of the Covid-19 pandemic, as well as to find out to what extent conscripts are aware of their rights under the National Strategy and what experience they have in exercising those rights.

The monitoring was carried out both in Yerevan and in all regions/marzes of Armenia.

The selection of the respondents was carried out by a **snowball sampling** in the main places of accumulation of conscripts - military commissariats, territorial subdivisions and medical examination institutions. It was impossible to conduct a representative sampling, as the members of the monitoring group could not have access to the full list of conscripts. Within the framework of the monitoring, a survey

was conducted with 196 conscripts in August 2020, and with 527 conscripts from February to March 2021.

The implementation of the actions planned for January 2020 to May 2021 was also monitored through a systematic analysis of the National Strategy and the Action Plan 2020-2022 to identify issues that may be an obstacle to the full implementation of the National Strategy and the AP.

NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION OF THE REPUBLIC OF ARMENIA 2020-2022

The 2019 National Strategy for the Protection of Human Rights of the Republic of Armenia was adopted by the government that came to power as a result of the revolution in 2018, which assumed that thereafter the goal was to create a law-based governance.³

The newly formed government declared the restoration of the violated rights of individuals, as well as the development and implementation of institutional and systemic policies for the guarantee and protection of human rights.⁴

Consequently, along with a number of other sectoral strategies, the National Strategy was also developed.

³ National Strategy 2019, p. 9

⁴ National Strategy 2019, p. 9

The strategy identified three strategic priorities:

- **protection of civil and political rights,**
- **protection of social and economic rights,**
- **ensuring equal rights and equal opportunities.**

This new human rights strategy addresses the issues of legislative and practical application of human rights raised in the reports of international organizations. These include, for example, fatalities in the armed forces, as well as cases of ill-treatment and ineffective investigation of criminal cases related to them; insufficient conditions for exercising the right to a fair trial; insufficient steps to ensure the atmosphere and practice of equality and the fight against discrimination; and inadequate response of the state to human rights violations.⁵

The document had identified **four possible risks** for the implementation of the National Strategy and that of the Action Plan: lack of financial resources and insufficient provision of financial resources, additional/ unplanned works, organizational challenges, insufficient cooperation between relevant state bodies.

Within the framework of the monitoring, Peace Dialogue NGO 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 involvement of Peace Dialogue NGO.

In 2020, the Peace Dialogue NGO was included in the Coordinating Council for Coordination and Monitoring of the HRAP 2020-2022.

In addition, in early 2019, the organization was involved in the activities of the National Platform on Democratic Oversight of the Security Sector.

The purpose of this platform, which is an advisory body to the RA National Assembly Standing Committee on Defense and Security, is to promote democratic civilian oversight of the security sector in Armenia.

As an advisory body to the Standing Committee on Defense and Security of the National Assembly, the platform aims at promoting democratic-civilian oversight of the security sector in Armenia and involves the representatives of government agencies operating in the security sector, oversight bodies, and civil society organizations.

Document review

The COVID-19 pandemic, which broke out around the world in early 2020 and later the large-scale armed attack on Nagorno-Karabakh and Armenia, unleashed on September 27, 2020, revealed the fact that during the drafting of the strategic document, neither the risks related to the warfare or even the escalation of border

⁵ National Strategy 2019, pp. 10-11

tensions, nor the limitations and crisis caused by the epidemic were taken into account.

Both of the above-mentioned factors have drastically changed the political, civic and socio-economic environment of the Republic of Armenia, multiplying both the security and human rights challenges that the state currently is facing.

As a result of the annual monitoring of the 2020 Action Plan deriving from the RA National Strategy for Human Rights Protection, the Peace Dialogue NGO proposed to the Government of the Republic of Armenia to review the National Strategy and make changes in the HRAP 2021-2022, taking into account, in particular, the hostilities from 27 September to 9 November 2020 and their implications for the protection of human rights in the defense sector.

At the beginning of 2021, the Ministry of Justice initiated the process of making changes in the HRAP. According to the draft amendments to the document, it was mainly proposed to postpone the deadlines for a number of actions.

At the same time, it was proposed to add a separate action, envisaging regular implementation of programs for the effective protection of the rights of the displaced, disabled, deceased, missing, captives and their families in 2021-2022 after the Artsakh war

Implementation of programs for the effective protection of the rights of the displaced persons, the disabled, the deceased, the missing, the captives and their families following the second Nagorno-Karabakh war.⁶

⁶ National Strategy 2019, Amendments to the Action Plan 2020-2022, point 48.1, page 5

THE MONITORING RESULTS OF THE DEFENSE SECTOR RELATED ACTIVITIES OF THE ACTION PLAN 2020-2022 DERIVED FROM THE RA NATIONAL STRATEGY FOR HUMAN RIGHTS PROTECTION



THE RIGHT TO LIFE

The 2020-2022 National Strategy for Human Rights and its derivative Action Plan target 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 state⁷.

According to the National Strategy 2019, the issues that have been in the focus of attention of international specialized organizations in recent years have been analyzed and singled out.⁸ Deaths in non-combat conditions in the army and their ineffective investigation are in the list of issues mentioned in the reports of the UN, as well as that of various specialized bodies of the Council of Europe, and in the judgments made by the ECtHR against Armenia.

In this respect, particularly noteworthy are ECtHR judgements⁹ *Muradyan v. Armenia* (complaint No. 11275/07, judgment published on 24.02.2017), *Mirzoyan v. Armenia*

⁷ National Strategy, 2019, p. 19

⁸ National Strategy, 2019, p. 19

⁹ ECtHR, *Anahit Mkrtchyan v. Armenia* (3673/11), 7 August 2020

(complaint no. 57129/10, judgment published on 23.05.2019)¹⁰, *Anahit Mkrtchyan v. Armenia* (complaint no. 3673/11, the judgment was published on 07.08.2020). In all these judgements the right to life in non-combat conditions in the army was violated, including failure to conduct an effective investigation.

In the case of *Muradyan v. Armenia*, the court also referred to the report of the Council of Europe Commissioner for Human Rights, stating that deaths in non-combat situations and lack of responsibility for them are not uncommon.¹¹

The HRAP 2020-2022 sets out a common goal and objectives for all actions aimed at ensuring the right to life, including those related to the defense sector.¹² However, the purpose and objectives of all actions in the HRAP 2020-2022 aimed at ensuring the right to life are based only on domestic violence statistics. Only in the context of domestic violence the objective is set to increase the number of initiated criminal proceedings by a certain percentage¹³. 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 regards to non-combat deaths or their effective investigation

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 in terms of reducing the number of fatalities.

However, while some of the initial data were clarified in the draft amendments to the Action Plan for 2021, they again referred only to domestic violence.

The number of non-combat deaths in the army

The UN Working Group on Arbitrary Detention in its 2011 report, the UN Committee against Torture in its final monitoring in 2012 and 2017, the UN Human Rights Committee in its final monitoring in 2012, the CoE Commissioner for Human Rights in 2011 and 2015, Human Rights Watch, in its reports of different years, pointed out the cases of "suspicious" deaths in the army in non-combat conditions.¹⁴ International organizations have reported alarming numbers of such deaths in the military, and in

¹⁰ ECtHR, *Anahit Mkrtchyan v. Armenia* (3673/11), 7 August 2020

¹¹ ECtHR, *Muradyan v. Armenia* (11275/07), 24 February 2017, § 152

¹² National Strategy for the Protection of Human Rights, RA Government Decision N 1978-L of December 26, 2019, Annex 2, p. 1

¹³ HRAP 2020-2022, p. 1

¹⁴ UN Working Group on Arbitrary Detention, Report, Mission to Armenia from 6 to 15 September 2021 (A/HRC/16/47/Add.3), 17 February 2011, §§65-68; UN Committee against Torture, Concluding Observations (CAT/C/ARM/CO/3), 6 July 2012, §§ 9, 12; UN Committee against Torture, Concluding Observations (CAT/C/ARM/CO/4), 26 January 2017, §§ 35-36; UN Human Rights Committee, Concluding observations (CCPR/C/ARM/CO/2), 31 August 2012, §15; CoE Commissioner for Human Rights, Report following his visit to Armenia from 18 to 21 January 2011 (CommDH(2011)12), 9 May 2011, §§121-143; CoE Commissioner for Human Rights, Report following his visit to Armenia from 5 to 9 October 2014 (CommDH(2015)2), 10 March 2015, §§ 86, 91; HRW, Report 2012, p. 414; HRW, Report 2013, p. 394; HRW, Report 2014, p. 408; HRW, Report 2015, p. 72; HRW, Report 2016, p. 82

a number of cases, qualifying them as suicides, despite traces of violence on the victim's body.¹⁵

The Peace Dialogue NGO monitored the number of fatalities in the army, and, as a result, found out that the number of deaths in the Armed Forces of Armenia and Nagorno-Karabakh in 2018-2020 reached 208.

The deaths recorded during or following the hostilities that started on September 27, 2020 were not included in the list.

Out of those 208 deaths in 2018-2020, 28 were qualified as ceasefire violations, 11 as murders, 38 as suicides, and 74 as accidents.

In 2018, 65 cases were registered, in 2019 – 44 cases, in 2020 - 99 cases (see Image 1).

It should be noted that during the first six months of 2021, the Peace Dialogue NGO received information about 25 deaths registered in the Armed Forces of the Republic of Armenia. Although, in the defense sector related actions of the HRAP 2020-2022 the reduction of the number of deaths in the army was outlined as a direct impact, the results of the monitoring reveal that in 2020 the number of fatalities not only did not reduce, but increased in comparison with 2018.

Image. 1. Death cases recorded in the armed forces of Armenia and Artsakh from 2018-2020

	Ceasefire violation	Murder	Accident	Safety rules	Suicide	Health issues	Negligence, inaction	Other	Total
2018	7	2	27	3	11	12	0	3	65
2019	4	5	16	0	10	8	1	0	44
2020	17	4	31	5	17	21	1	3	99
	28	11	74	8	38	41	2	6	208

Provision of statistical data

The Council of Europe Commissioner for Human Rights in their 2011 and 2015 reports called on the Armenian authorities to provide the public with adequate information on human rights violations in the military, including information on non-combat deaths and their nature¹⁶, as well as statistic data¹⁷ on the investigation of deaths in the army and other human rights violations.

In response to the issues raised by international organizations, the Armenian government has repeatedly stated that the public is properly informed about the fatalities in the army, nevertheless, Armenian state bodies have never provided public statistics on non-combat deaths in the army or their causes and investigation.

¹⁵ UN CAT, Concluding observations 2017, § 36

¹⁶ CoE Commissioner for Human Rights, Report 2011, § 142

¹⁷ CoE Commissioner for Human Rights, Report 2015, § 91

Peace Dialogue NGO received the statistics on non-combat deaths in the army mainly by applying to relevant state bodies. However, the provided figures often contradict each other. The main source of information was the Prosecutor General's Office of the Republic of Armenia. The latter also publishes annual summary data on the fatalities in the Armed Forces.

The Ministry of Defense of the Republic of Armenia selectively publishes annual summary data on deaths of servicemen in the Armed Forces, meanwhile the information on deaths recorded during the year is not always presented on the official website of the Ministry. At various times, the Ministry of Defense, either provided Peace Dialogue NGO statistics on deaths in the army at its discretion or refused to provide at all. As a justification for not providing information, the Ministry of Defense mainly referred to the provisions of the RA Law on State's Service Secrets, as well as the provisions of the Executive Order N9 of the Ministry of Defense, dated July 9, 2015, on approving the extended departmental list of information of the RA Ministry of Defense subject to encryption.

Although Action four of HRAP provides for the establishment of awareness-raising standards for rapid and transparent investigations into deaths in the armed forces; nevertheless, there are no actions envisaged on the publication of statistical data on human rights violations in the army (including non-combat deaths), their nature, as well as on the investigation of the fatalities in the army or other human rights violations.

The unified statistical data collection mechanism would make it possible to clarify the baseline data on non-combat deaths, which would make the results of the actions taken by the state in this direction more measurable.

Effective investigation

International organizations have pointed out that the investigations of the non-combat deaths in the army have often been ineffective or completely absent, even in the presence of traces of violence.¹⁸

The reasons for the ineffective examination of the right to life in the army are conditioned both by the systemic issues of criminal justice and by the issues specific to military service cases. Such issues include improper qualifications of crimes¹⁹; undue long²⁰, not thorough²¹, not independent and impartial investigation of the cases²²; incomplete forensic examinations²³; not involving the relatives of the victims, not providing them with access to the case materials, not properly discussing the

¹⁸ CoE Commissioner for Human Rights, Report 2015, § 86

¹⁹ CoE Commissioner for Human Rights, Report 2015, § 86

²⁰ CoE Commissioner for Human Rights, Report 2015, § 86; ECtHR, *Anahit Mkrtchyan v. Armenia*, 2020, § 96

²¹ ECtHR, *Muradyan v. Armenia*, 2017, §143; ECtHR, *Anahit Mkrtchyan v. Armenia*, 2020, §§ 8, 97-100

²² UN CAT, Concluding observations 2017, § 36

²³ CoE Commissioner for Human Rights, Report 2015, § 86; ECtHR, *Muradyan v. Armenia*, 2017, § 142

information provided by them²⁴; failure to take witness protection measures and other issues²⁵.

HRAP 2020-2022 does not envisage practical steps **to ensure the effectiveness of the investigation** into deaths in non-combat conditions in the army, instead, the activities are mainly limited to the organization of professional development courses.

In addition, despite the ECtHR rulings on military cases regarding the shortcomings of **forensic examinations**, and the issue being pointed out by international organizations, neither the National Strategy nor its derivative HRAP 2020-2022 did not envisage an agenda of reforms in this area.

Actions dedicated to the right to life

The Peace Dialogue NGO monitored actions 1-4 of the HRAP 2020-2022, which are dedicated to the training of commanding officers of the armed forces, military police officers, investigators, prosecutors, and judges, as well as raising the awareness of conscripts and servicemen, strengthening the atmosphere of tolerance and mutual respect in the Armed Forces, and setting standards for rapid and transparent investigation of deaths.

Below are the monitoring results of the mentioned activities.

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, and lawyers.

By the first action of the strategy, dedicated to the right to life, it is planned to conduct trainings (courses) on the right to life in accordance with international standards, including for the

- commanding officers of the Armed Forces,
- military police personnel,
- investigators,
- prosecutors,
- judges,
- lawyers.

The expected output for the period 2020-2022, is to have the subject **Human Rights in the Armed Forces** introduced in the curricula of the Qualification Enhancement

²⁴ CoE Commissioner for Human Rights, Report 2015, § 86

²⁵ ECtHR, *Muradyan v. Armenia*, 2017, § 141

Center for Officers (QECO) and Command Staff Faculty (CSF) of the Vazgen Sargsyan Military University, as well as conduct trainings on the topic of the right to life for

- 18% of the commanders,
- 17% of the military police personnel,
- 8% of investigators,
- 4% of prosecutors, and
- 41% of judges.

It is expected that introducing the subject **Human Rights in the Armed Forces** in the curricula of the Qualification Enhancement Center for Officers (QECO) and Command Staff Faculty (CSF) of the Vazgen Sargsyan Military University, as well as conducting trainings for the commanders will **reduce the number of fatalities in the Armed Forces**. It is expected that

- as a result of the training of military police, **the number fatalities in the Armed Forces will be reduced, as well as human rights violations during the investigation of criminal cases related to them;**
- in the case of investigators, **human rights violations during the preliminary investigation of fatalities in the Armed Forces will be reduced;**
- in the case of prosecutors, **the number of fatalities in the Armed Forces and human rights violations during pre-trial criminal proceedings will be reduced;**
- and in the case of judges, **the number of human rights violations during the trial will decrease in criminal cases related to fatalities in the Armed Forces.**

The Ministry of Defense of the Republic of Armenia has been recognized as the state entity responsible for including the subject "**Human Rights in the Armed Forces**" in the curricula of Vazgen Sargsyan Military University and for training commanders on the right to life, while the Office of the RA Representative to the ECtHR has been appointed as a co-implementing body.

The responsible entity for the training of military police officers on the right to life is also the Ministry of Defense, while the co-implementing bodies are the RA Police Academy, by consent, and the Office of the RA Representative to the ECtHR.

The Ministry of Justice is the entity responsible for the training of investigators, prosecutors and judges.

Co-implementing bodies for the training of investigators are the RA Academy of Justice, by consent, the RA Investigative Committee by consent, and the Office of the RA Representative to the ECtHR; for the training of prosecutors, the RA Academy of Justice, by consent, and the Office of the RA Representative to the ECtHR; while for the training of judges, the RA Academy of Justice, by consent, the Committee on Educational Affairs of the General Assembly of Judges, by consent, and the Office of the RA Representative to the ECtHR.

The funding for the implementation of Action 1 is provided from the state budget and other sources not prohibited by law.

Monitoring results. general observations

The title of this action mentions the training of lawyers on the right to life, but it is not included as an expected output.

Meanwhile, the in-depth knowledge of the lawyers on the substantive and procedural aspects of the right to life and practical skills 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 when dealing with confidential information in such a sensitive sector.

A number of courses on the right to life were not conducted from January 2020 to May 2021, justified by the spread of the coronavirus.

According to the decision of the Government of the Republic of Armenia of March 16, 2020 on declaring a state of emergency in Armenia, the educational process in educational organizations was suspended during the entire period of state of emergency, except for distance learning.

In addition, this restriction did not apply to military educational institutions²⁶.

Therefore, in the face of a coronavirus outbreak, training could be provided by following the preventive measures for the pandemic and (or) using online teaching tools.

Monitoring results. Training of commanders

On May 23, 2020, the Minister of Defense issued an order defining the responsible subdivisions and the plan-timeline of activities to be implemented by the subdivisions²⁷. At the time of the publication of the report, the Peace Dialogue NGO did not have access to that plan-timeline or information on whether it was public or confidential.

According to the information received from the Ministry of Defense, the Council of Europe Office in Yerevan also participates in the organization and implementation of training courses for commanders.

As of August 2020, within the framework of cooperation between the Office of the Council of Europe and the Ministry of Defense of the Republic of Armenia, an

²⁶ «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, Point 21

²⁷ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p.18

agreement was reached to involve international experts in the development of training materials and in the organization of training.²⁸

On April 27, 2021, on the initiative of the Human Rights and Integrity Building Centre (HRIBC) of the RA Ministry of Defense, a training course on the "Right to Life" was held for the students of the Qualification Enhancement Center for Officers (QECO) of the Vazgen Sargsyan Military University.

The training was conducted by Liparit Drmeyeran²⁹, Deputy Representative of the Republic of Armenia at the European Court of Human Rights, Head of the Yerevan Office of the ECtHR. No information was provided on the number of commanders trained between January 2020 and May 2021.

The Ministry of Defense noted that the assessment of trained personnel and provision of certificates are not envisaged by the National Strategy³⁰.

Monitoring results: inclusion of the subject "Human Rights in the Armed Forces" in the curricula of Qualification Enhancement Center for Officers and the Command Staff Faculty of Vazgen Sargsyan Military University.

According to the information provided by the Ministry of Defense, as of February 23, 2021, a program on "Human Rights in the Armed Forces" has been developed in cooperation with the Yerevan Office of the Council of Europe³¹. It was also sent for examination by international experts³².

The program is designed for the participants from both Qualification Enhancement Center for Officers and the Command Staff Faculty of Vazgen Sargsyan Military University³³. There are 10 academic hours dedicated for both institutions.

The subject will be taught by the lecturers of the Vazgen Sargsyan Military University, for whom online training is planned within the framework of the EU cooperation program.

From August-December 2020, about 130 officers were involved in advanced training courses at the highest military institutions of the Ministry of Defense.

Modules on "Right to Life" were also included in the training courses³⁴. The courses were stopped as a result of hostilities that started on September 27, 2020³⁵.

Monitoring results. training of military police

²⁸ Defense Ministry / 510 GQ / 2707-2020, August 28, 2020

²⁹ Ministry of Defense, *A training course was held*, April 27, 2021.

³⁰ Defense Ministry / 510 GQ / 2707-2020, August 28, 2020

³¹ Defense Ministry / 510-GQ / 2919-20, September 17, 2020

³² Ministry of Defense, 510-GQ / 878-2021, February 23, 2021

³³ Ministry of Defense, 510-GQ / 878-2021, February 23, 2021

³⁴ HRAP 2020, Annual Report, page 1

³⁵ Defense Ministry / 510-GQ / 871-2021, February 23, 2021; Defense Ministry / 510-GQ / 880-2021, February 23, 2021

According to the semi-annual report on the activities carried out in the first half of 2020 under HRAP 2020-2022, as of July 20, 2020, the plan-timeline of activities to be implemented through this action was defined, the format of the training course was discussed³⁶. However, at the time of publication of this report, the plan-timeline was not available to the Peace Dialogue NGO.

We learn from the website of the Ministry of Defense that in March 2021, the head of the Human Rights and Integrity Building Centre (HRIBC) of the RA Ministry of Defense, Colonel Gevorg Martirosyan visited the military police of the RA Ministry of Defense. The purpose of the visit was to raise the awareness of servicemen about the right to life and the prohibition of torture.

The head of the HRIBC talked to the servicemen at the military police reception-distribution point, presented the protection mechanisms, and answered the servicemen's questions.

G. Martirosyan noted that servicemen can call the Ministry of Defense's "Hotline" 1-28 toll-free number for legal clarifications.

He also briefed the military police command staff on the organization of training courses for military police personnel within the framework of the HRAP.³⁷

According to the letter of the Ministry of Defense, it is planned to include the employees of the military police departments and divisions of the RA Ministry of Defense in the courses on the right to life, while the scope of participation will be determined based on official duties³⁸.

At the time of publishing the report, it is not known whether the trainings were carried out or not, and if they were, how many of the military police personnel participated in them.

The Ministry of Defense also informed that no evaluation of the trained staff or any certificates for the participants is envisaged³⁹.

Monitoring results. Training of investigators

In accordance with international standards on the right to life, courses or training for investigators were not conducted in 2020 conditioned by the COVID-19 pandemic, and then by the war. The RA Investigative Committee informed the "Peace Dialogue" NGO that as of February 11, 2021, the RA Investigative Committee had only discussed with the Academy of Justice the format of training of investigators on the right to life.⁴⁰

³⁶ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p. 18

³⁷ Ministry of Defense, Awareness raising visit to the Military Police of the Ministry of Defense of the Republic of Armenia, March 20, 2021

³⁸ Defense Ministry / 510 GQ / 2707-2020, August 28, 2020

³⁹ Defense Ministry / 510 GQ / 2707-2020, August 28, 2020

⁴⁰ Investigative Committee 12/12 / 47261-20, August 28, 2020 ; Investigative Committee, 12-57-21, February 11, 2021

According to the information provided by the Ministry of Justice and the annual report of HRAP 2020, annual training program for the training course of the employees of the RA Investigative Committee (investigators) conducted by the RA Academy of Justice included the course titled **"Current Issues in the Application of ECtHR Legal Positions in Criminal Cases"**⁴¹.

From July 2020 to December, 5 (5,1%) investigators were trained⁴².

The 2020 annual training program for employees (investigators) of the RA Investigative Committee also included a course entitled **"Criminal Law issues related to the crimes committed against the order of military subordination and the codes of conduct between servicemen."**⁴³

Monitoring results. Training of prosecutors

According to the information provided by the Prosecutor's Office, on March 12, 2020, 15 representatives of the Military Prosecutor's Office, i.e. 10.5% of military prosecutors participated in the joint workshop of the Yerevan Office of the Council of Europe and the Academy of Justice on the effective investigation of fatalities in the armed forces.⁴⁴

According to the official website of the Council of Europe, 14 prosecutors participated. The workshop was conducted (chaired) by CoE international consultants W. Jordash, who presented the issues of the effective examination, and E. Duban, who presented the specifics of the investigation of cases involving female servicemen.⁴⁵

The 2020 annual training program for prosecutors implemented by the RA Academy of Justice included the course **"Current issues of the RA criminal law"**, which also includes the study of international and domestic jurisprudence and legal acts related to the right to life.⁴⁶

Within the framework of the course, in September-December 2020, 32 prosecutors were trained - 47%⁴⁷, while in the course **"Peculiarities of War Crimes Qualification and Investigation Methodology"** it was planned to train 24 prosecutors - 35.2%.⁴⁸

Monitoring results. Training of judges

⁴¹ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

⁴² HRAP 2020, Annual Report, page 2

⁴³ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

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

⁴⁵ CoE Yerevan Office, Armenian judges and prosecutors were trained on effective investigation of torture, other forms of ill-treatment and death cases in the armed forces, March 12, 2020

⁴⁶ HRAP 2020, Annual Report, pp. 2-3

⁴⁷ HRAP 2020, Annual Report, pp. 2-3

⁴⁸ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

According to the National Strategy and the semi-annual and annual reports of HRAP 2020, the 2020 training program of the RA Academy of Justice includes the course "**Current issues of the RA criminal law**", within the framework of which international and domestic judicial practice on the right to life is studied.⁴⁹

In 2020, 12 judges (5.21%) were trained in this course, and in 2021 it is planned to train 30 judges - 13.04%.⁵⁰

In the course "**Current issues of application of ECtHR legal positions in criminal cases**", which included the current case law of the ECtHR on the protection of the right to life and the issues of its application to the Republic of Armenia⁵¹, 28 judges (12.17%) were trained in 2020. In 2021, it is planned to train 8 judges with the same course, that is 3.47%.⁵²

Within the framework of the course "Current Trends in the Science of Constitutional Law and Constitutional Justice in the Republic of Armenia" separate topics on the right to life, as well as on the constitutional and conventional grounds for the restrictions on the right to life were envisaged.

Due to the COVID-19 pandemic in 2020, no training was conducted within this course. In 2021, it was planned to train 53 judges, 23.04%.⁵³

The curriculum of the course entitled "**Current Issues of the RA Criminal Procedure**" envisages separate questions on the international standards for the investigation of cases on the right to life, the peculiarities of discussing reports on crimes against life and the issues of initiating proceedings on this type of crimes.⁵⁴

In 2020, 14 judges (6.08%) were trained in this course, and in 2021 it is planned to train 41 judges - 17.82%.

Action 2

To raise awareness of the right to life among military conscripts and military personnel

The second action of HRAP 2020-2022 envisages raising the awareness of military conscripts and military personnel on the right to life.

The expected output for the period of 2020-2022 is the following:

⁴⁹ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p. 20-21; HRAP 2020, Annual Report, p. 3

⁵⁰ RA Academy of Justice, 089 / 9-2021, April 16, 2021

⁵¹ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, pp. 20-21; HRAP 2020, Annual Report, page 4

⁵² RA Academy of Justice, 089 / 9-2021, April 16, 2021

⁵³ RA Academy of Justice, 089 / 9-2021, April 16, 2021

⁵⁴ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, pp. 20-21; HRAP 2020, Annual Report, page 4

- posters on human rights (right to life, prohibition of torture) exhibited in 60% of military bases and military conscription offices;
- 15 awareness activities on the right to life conducted in the military bases and military conscription offices,
- At least 3 sets of informational materials on human rights and legal remedies developed and disseminated in military bases and military conscription offices
- 3 videos on human rights in the armed forces developed and disseminated through mass media.

It is expected that the implementation of these informative measures and raising the awareness of conscripts and servicemen about the right to life will reduce the number of fatalities in the Armed Forces.

The entity responsible for carrying out the action is the Ministry of Defense of the Republic of Armenia, the co-implementing bodies are the Board of the Public Television and Radio Company, by consent, the staff of the RA Human Rights Defender, by consent, and the Office of the RA Representative to the ECtHR.

Funding is provided from the state budget and other sources not prohibited by law.

Monitoring results. general observations

The description of the activity does not contain criteria for assessing the impact of the mentioned actions on reducing the number of fatalities in the army, particularly the impact of the awareness activities and dissemination of information materials in the military units, as well the dissemination through mass media.

Monitoring results. Posters

According to the HRAP 2020 annual report, 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 subdivisions⁵⁵.

As of May 2020, the website of the Council of Europe Yerevan Office, however, mentioned about 1,000 copies of the posters on the right to life provided only to military units and military commissariats.⁵⁶

In order to monitor the availability of posters on human rights, the Monitoring Group of the Peace Dialogue NGO visited military commissariats in Yerevan and all regions of Armenia from August 11-31, 2020.

The posters dedicated to the right to life were posted in 35 of the 39 military commissariats or territorial subdivisions observed. There were no posters on the right to life in Ararat, Masis and Stepanavan subdivisions.

The poster dedicated to the prohibition of torture and other ill-treatment was posted in 30 of the 39 military commissariats or territorial units observed. There were no

⁵⁵ HRAP 2020, Annual Report, page 6, Edited , 18 January, 2021

⁵⁶ CoE Yerevan Office, 1000 copies of posters on the right to life developed for conscripts and servicemen will be disseminated amongst the military bases and conscription offices, May 29, 2020

posters on the prohibition of torture and other ill-treatment in the second military commissariats of Abovyan and Yerevan, as well as in the subdivisions of Aparan, Talin, Chambarak, Nairi, Akhuryan, and Ashotsk. Only in one case, in the second military commissariat of Yerevan, the observer was not allowed to enter the territory of the military commissariat.

The implementation of the action aimed at raising awareness of conscripts and servicemen about the right to life is supported by the "Human Rights and Women in the Armed Forces of Armenia" program which is implemented by the office of the Council of Europe in Yerevan⁵⁷.

The content of the posters

A sample of a poster dedicated to the right to life is available online⁵⁸. The poster contains information about the right to life of everyone, the obligations of the state in the field of its protection, including conscription and military service. The poster also includes the data of the bodies to which servicemen can apply in case of violation of the right.

The poster on the prohibition of torture and other ill-treatment includes information on the definition of torture or ill-treatment, the state's responsibilities to protect servicemen from torture and other ill-treatment.

The poster also presents the contact information of the bodies/authorities that can be contacted in case of violation of the freedom from torture and inhuman or degrading treatment⁵⁹.

Visibility and effectiveness of posters

From August 11-31, 2020 and February 10-31, 2021, the monitoring group of the Peace Dialogue NGO conducted observations and interviews among conscripts in military commissariats and territorial subdivisions of Yerevan and all regions.

The aim of the group was to find out whether the conscripts had seen posters posted in the military commissariats and if so, how useful they considered them.

Out of 196 citizens surveyed on August 11-31, 2020, 132 (67%) said that they had not seen posters on human rights at the military commissariat, and 64 (33%) mentioned they had seen them. (See Image 2)

From February 10 to March 31, 2021, 351 (67%) out of 527 citizens surveyed said that they had not seen posters on human rights at the military commissariat, and 176 (33%) had seen them (See Image 3).

⁵⁷ CoE Yerevan Office, 1000 copies of posters on the right to life developed for conscripts and servicemen will be disseminated amongst the military bases and conscription offices, May 29, 2020

⁵⁸ The poster on the right to life

⁵⁹ CoE Yerevan Office, 1000 copies of the Poster on prohibition of torture and other forms of ill-treatment prepared for and disseminated among the military conscripts and servicepersons in Armenia, July 22, 2020

Image 2. Have the conscripts seen the posters placed at the military commissariats? (N=196, August 2020)

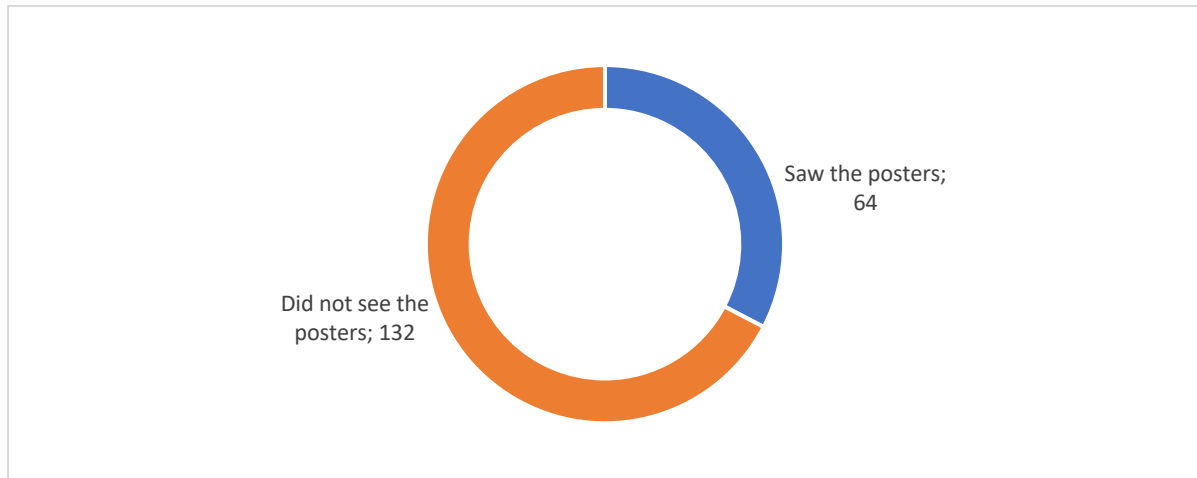
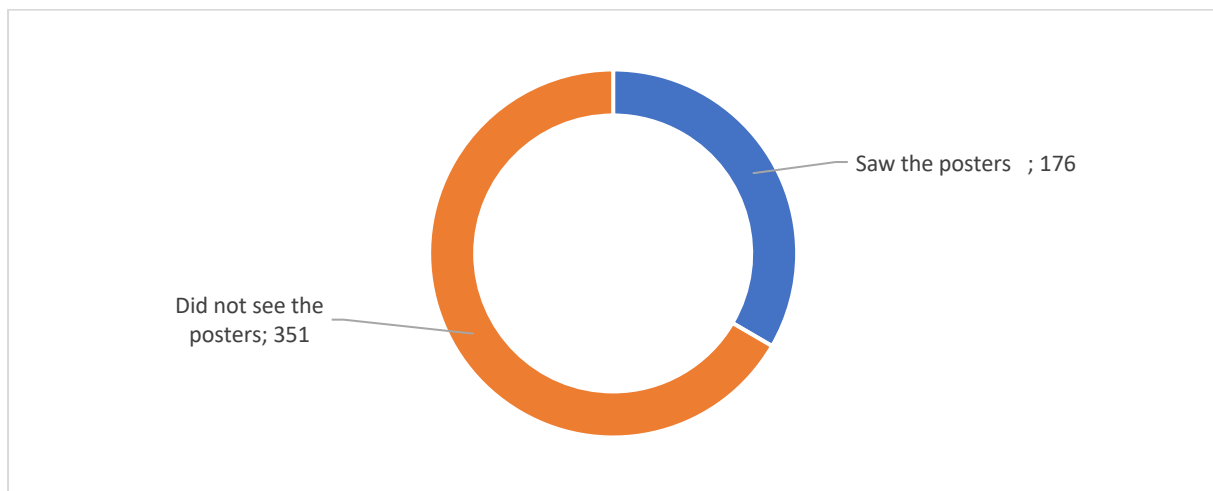


Image 3. Have the conscripts seen the posters placed at the military commissariats? (N=527, February-March 2021)



Half of the respondents who noticed the posters mentioned that they had not read them. Half of the conscripts interviewed in August 2020, after learning of the posters, refused to go and read them on the spot. 17% expressed their willingness to get acquainted with the posters, who later stated that they had learned that their superiors or other servicemen could not use violence against them or other servicemen, as well as that servicemen could receive free medical care.

Some also said that they knew what bodies they could apply to restore their violated rights. 9% of the respondents mentioned that the posters could hardly be helpful in the army. In the period from February to March 2021, 22.7% of the surveyed conscripts who read the posters did not remember anything, and 2.3% did not understand anything.

Conscripts who read and understood the content of the posters (20.5%) stated that they were informed that they could not be tortured or ill-treated in the army, that they

could receive free medical care, apply to the "Hotline" of the Ministry of Defense, go on vacation, contact their relatives, and also that their right to free movement may be restricted.

The conscripts, who noticed the posters but did not read them, explained that they were in a hurry, "in a rush", not attentive or not interested, did not think that it might be useful to them, or did not know how to read Armenian.

A survey conducted by the monitoring group in August 2020 found that 122 out of 196 conscripts (about 62%) believe that only they are primarily responsible for protecting their life and health during military service.

60 respondents (about 30.5%) think that the state is responsible for the protection of their life and health or is primarily responsible.

In response to the question **"During the service, who is responsible for the protection of your life and health?"** the conscripts gave the following answers (Image 4)

- I- 105 respondents (53.5%),
- First of all, me and then the command - 17 respondents (8.7%)
- The command, the Ministry of Defense, the state - 57 respondents (29.1%)
- First the command, then me - 3 respondents (1.5%)
- I don't know - 7 respondent (3.6%)
- I find it difficult to answer - 4 respondents (2%)
- Other- 3 respondents (1.5%)

A survey conducted by the monitoring group in February-March 2021 revealed that 352 out of 527 conscripts (about 67%) believe that only they are primarily responsible for protecting their life and health during military service.

159 respondents (about 30%) think that the command is responsible for the protection of their life and health or is primarily responsible.

In response to the question **"During the service, who is responsible for the protection of your life and health?"** the conscripts gave the following answers (Image 5)

- I- 157 respondents (29.8%),
- First of all, me and then the command - 195 respondents (37%)
- The command, the Ministry of Defense, the state – 120 respondents (22.8%)
- First of all, the command, then also me - 39 respondents (7.4%),
- I don't know - 5 respondent (0.9%),
- I find it difficult to answer - 4 respondents (2%)
- Other- 11 respondents (2.1%).

Image 4. During the service, who is responsible for the protection of your life and health? (N=196, August, 2020)

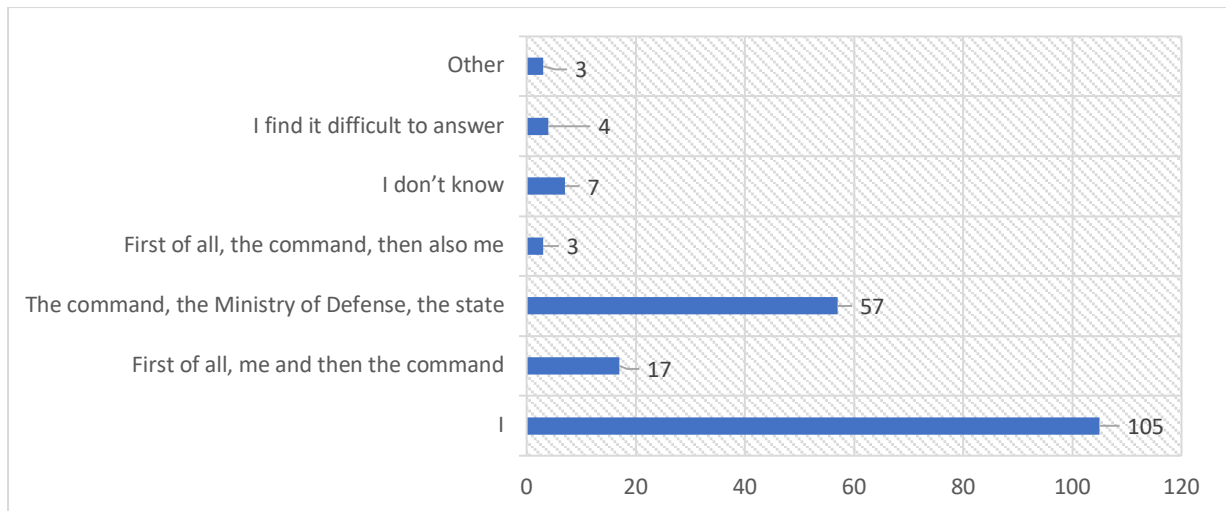
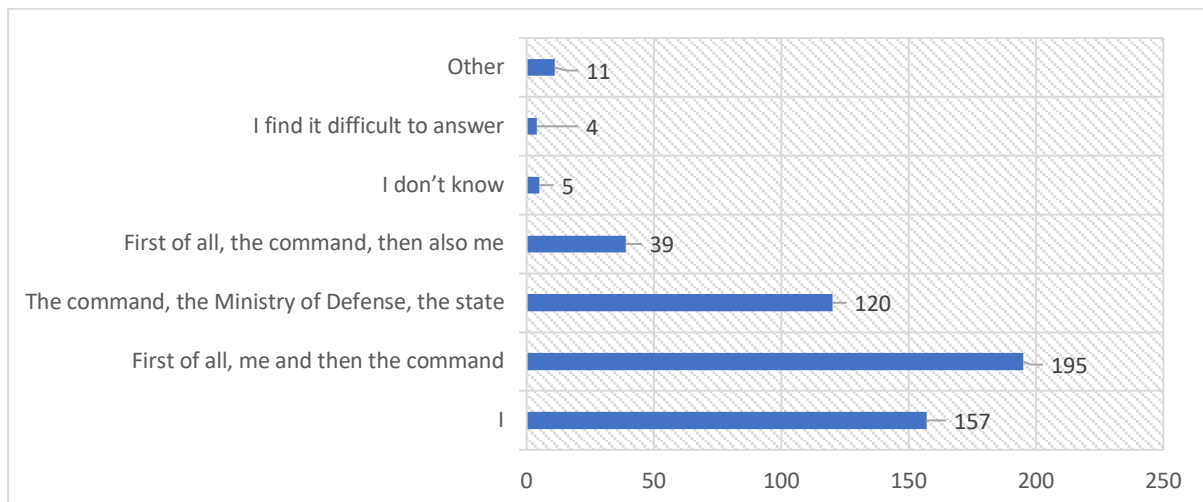


Image 5. During the service, who is responsible for the protection of your life and health? (N=527, February-March, 2021)



Surveys conducted in August 2020 revealed that the majority of conscripts surveyed were unaware of which authorities they could turn to in case their or their co-servicemen's rights were violated during the military service (see Image 6).

During February-March 2021, most of the respondents stated that they "would not turn to anyone", the next most frequently given answers were "to turn to the command" and "I don't know" (see Image 7).

Image 6. Do you know which bodies you can turn to in case of violation of your or your friends' rights during the military service by the servicemen or the command? (N=196, August, 2020)

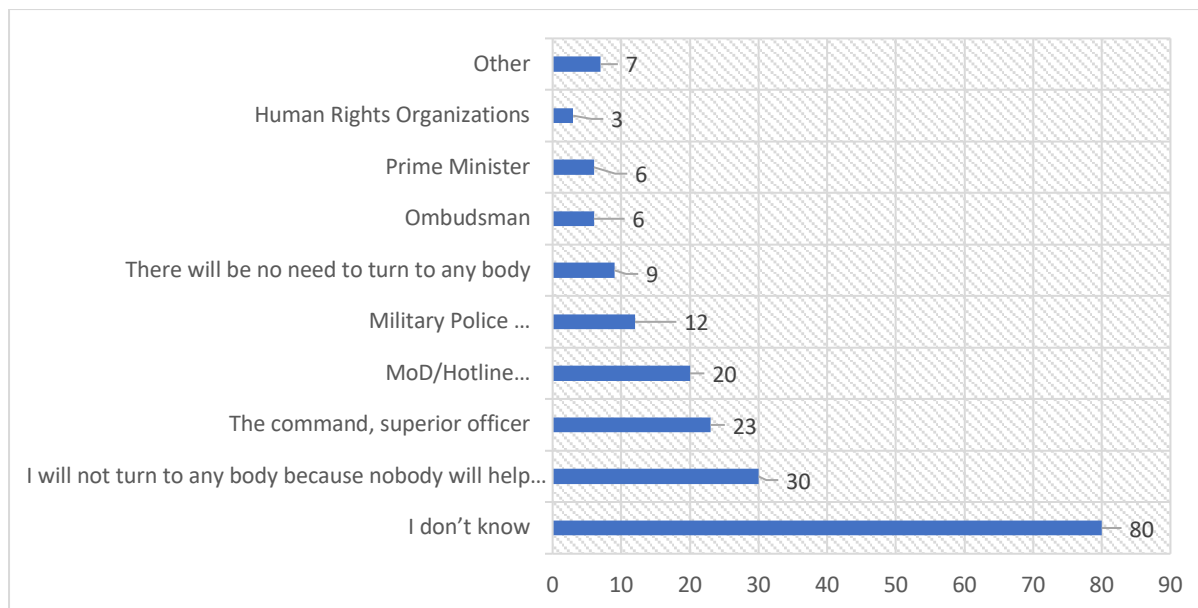
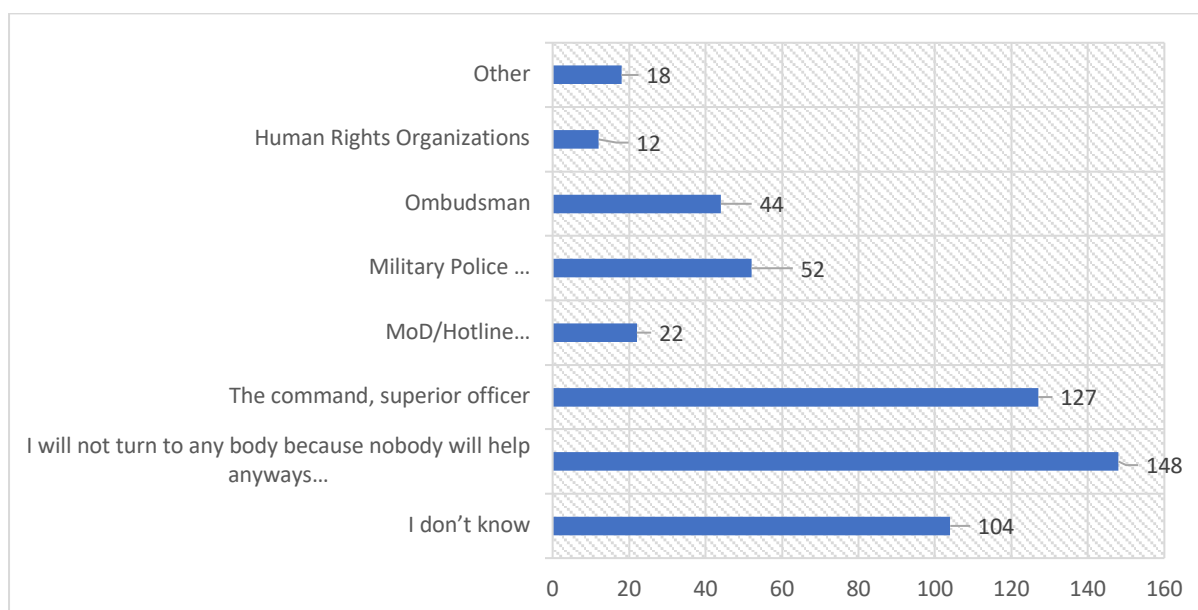


Image 7 Do you know which bodies you can turn to in case of violation of your or your friends' rights during the military service by fellow servicemen or the command? (N=527, February-March ,2021)



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, while the half of those who noticed, did not read them.

The other half of the respondents, when asked to approach and read the posters, refused to do that. 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.

Monitoring results. Awareness raising activities on the right to life

From January to September 27, 2020, no awareness-raising activities on the right to life were held in military units and military commissariats due to pandemic restrictions.

Awareness-raising discussions on the right to life were held regularly in all military units by senior officer-lawyers and assistant officers of the commanders for social and legal affairs (in case of vacancy or absence of the latter, the deputies dealing with moral and psychological support)

International and domestic regulatory legal acts, as well as practical materials on the topic were used during the discussions (orders, instructions, verdicts)⁶⁰.

Since February 2021, the staff of the Human Rights and Integrity Building Centre (HRIBC) of the RA Ministry of Defense has carried out awareness campaigns in military units, and in the territorial subdivisions of the Ministry of Defense.⁶¹ There is no clear timetable for the awareness campaign.⁶²

We are informed from the HRAP annual report that from August to September 2020, 4 awareness-raising exercises were held ⁶³, the details of which are yet unknown.

Monitoring results. Dissemination of information materials on human rights

As the organization was informed by the Ministry of Defense, in the relevant department of the Armed Forces, seven information materials on human rights, including means of protection of rights, were planned to be sent to military units, as of February 25, 2021. These materials, however, are not available on the Internet.⁶⁴

No details on the information were provided to the Peace Dialogue NGO.

The organization also learned that on March 12, 2021, the Human Rights Defender published a manual titled "Protection of Human Rights in the Armed Forces. Legal Framework for Human Rights Defender Monitoring".⁶⁵

It was developed and published within the framework of the "Human Rights and Women in the Armenian Armed Forces - Phase II" project implemented by the Council

⁶⁰ Defense Ministry / 510-GQ / 932-2021, February 24, 2021

⁶¹ RA MoD, The head of the MOD Human Rights and Integrity Building Centre (HRIBC) visited military units, February 18, 2021

⁶² Defense Ministry / 510-GQ / 932-2021, February 24, 2021

⁶³ HRAP 2020, Annual Report, page 5

⁶⁴ Defense Ministry / 510-GQ / 967-2021, February 25, 2021

⁶⁵ RA Human Rights Defender, The Human Rights Defender published a manual on the assessment of servicemen's rights, March 12, 2021

of Europe within the framework of the Council of Europe Action Plan for Armenia 2019-2022.⁶⁶

The organization, however, has no information whether the manual has been sent to the military units and military commissariats.

There is no certainty as to what extent this action, carried out within the framework of the CoE program, falls within the framework of the second action of the HRAP.

Monitoring results. Dissemination of video materials on human rights in the Armed Forces

The three videos on human rights in the armed forces scheduled for the first half of 2020 have not yet been developed.⁶⁷

Within the framework of the June 6, 2020 issue of "Zinuzh" TV program, an animated video was shown, in which it was presented that every citizen of the Republic of Armenia, regardless of gender, can serve in the Armed Forces of the Republic of Armenia, if they meet the established requirements.

Both women and men have equal opportunities for voluntary military service, such as to receive military education, to undergo contract military service or to be promoted.

It was also mentioned that the servicemen are citizens in uniform, having the same rights and freedoms as other citizens.

There are some special rules for servicemen, including a number of social guarantees and means of protection of rights.⁶⁸ The same video was also shown during the June 20, 2020 issue of "Zinuzh".⁶⁹

Within the framework of the June 13, 2020 issue of "Zinuzh", reference was made to the women's councils formed in the RA Armed Forces.

It was noted that they are permanent bodies under the direct supervision of the commander of the military unit on a voluntary basis consisting of 3-7 members. The members of the council are elected by the servicemen of the military unit, by open voting, for a term of 1 year.

Within the framework of the August 8, 2020 issue of "Zinuzh", a reference is made to military education through an animated film.⁷⁰

The film mentions that the education in the military university is free and high quality; high salary is provided; career advancement is guaranteed; and social guarantees are

⁶⁶ RA Human Rights Defender, [The Human Rights Defender published a manual on the assessment of servicemen's rights](#), March 12, 2021; [Manual](#)

⁶⁷ Defense Ministry / 510-GQ / 2710-2020, August 31, 2020

⁶⁸ Zinuzh, 06.06.20, June 6, 2020; 10:57

⁶⁹ Zinuzh, 20.06.20, June 20, 2020; 33:51

⁷⁰ Zinuzh, 13.06.20, June 13, 2020; 25:43

given. The film also emphasizes that RA citizens can be admitted to a military university, regardless of gender, and presents the admission procedure.⁷¹

On February 5, 2021, the Ministry of Defense of the Republic of Armenia released an animated film on the mechanisms of protection of human rights in the Armed Forces.

The video mentions that as citizens in uniform, servicemen receive the same mechanisms of human protection as other citizens.

In case of need for an advice on alleged violations of rights, servicemen may apply to internal and external mechanisms for protection of rights: soldiers can contact the immediate commander, Human Rights and Integrity Building Centre (HRIBC) of the RA Ministry of Defense. And in case of female servicemen, they can contact the subdivision dealing with female servicemen at the General Staff, the Women's Councils, and the Human Rights Defender by calling the Hotline or sending a written complaint to the General Staff "Trust Line", or apply to court.

It is emphasized that when applying to these structures, personal data is protected and cannot be published without the consent of the person.⁷²

The above-mentioned videos were made within the framework of the Council of Europe "Human Rights and Women in the Armenian Armed Forces - Phase II" project in cooperation with the Office of the Human Rights Defender of the Republic of Armenia.

The project is implemented within the framework of the Council of Europe program for Armenia for 2019-2022, which is funded by Germany, Ireland, Liechtenstein and Sweden.

Action 3

To enhance the climate of tolerance and mutual respect in the armed forces

The third action of the HRAP 2020-2022, aimed at ensuring the right to life, is intended to enhance the climate of tolerance and mutual respect in the armed forces for the period 2020-2022, which is expected to reduce the number of fatalities caused by practices contrary to codebooks in the armed forces.

In order to strengthen such an atmosphere, it is expected

- to study the causes of demonstrations of intolerance in the military forces, its contributing factors and ways to overcome them.
- to organize lectures by psychologists in 30% of military units.

⁷¹ Zinuzh, 08.08.20, August 8, 2020; 25:21

⁷² Ministry of Defense, [Mechanisms for the Protection of Human Rights in the Armed Forces \(video\)](#), February 5, 2021

The entity responsible for carrying out the action is the Ministry of Defense of the Republic of Armenia, and the co-implementing bodies are the staff of the Human Rights Defender of the Republic of Armenia, by consent, and the Office of the Representative of the Republic of Armenia to the ECtHR. Funding is provided from the state budget and other sources not prohibited by law.

Monitoring results. general observations

The Ministry of Defense informed that due to the risk of penetration of coronavirus, the planned study in the context of the operation to ensure an atmosphere of tolerance and mutual respect in the Armed Forces was not conducted. The study was supposed to be on the causes of intolerance in the Armed Forces, contributing factors and ways to overcome them.⁷³

Monitoring results. Research

As of July 16, 2020, according to a letter sent to the Peace Dialogue NGO by the Ministry of Defense, analytical material was sent to the Armed Forces on the necessity of discussing the reasons for the occurrence of non-statutory relations and taking effective measures.⁷⁴

As of February 25, 2021, the relevant department of the Armed Forces conducted a sociological survey among contract soldiers and conscripts in military units. The results were later analyzed and 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.⁷⁵ At the time of the publication of the report, detailed information on the above-mentioned sociological surveys and educational activities is not known.

In 2020, 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 as of February 25, 2021, it has not been put into use.⁷⁶

Monitoring results. Lectures by psychologists.

According to the letter of the Ministry of Defense, by the order of the RA Minister of Defense, from September 1 to November 28, 2020 special courses were to be organized for officer-psychologists, within the framework of which a lecture on "Strengthening the atmosphere of tolerance and mutual respect" was planned with the officer-psychologists.

⁷³ Defense Ministry / 510-GQ / 1793-20, June 4, 2020; Defense Ministry / 510-GQ / 2711-20, September 2, 2020; Human Rights Defender, 01 / 13.7 / 4678-20, September 28, 2020

⁷⁴ Defense Ministry / 510-GQ / 2230-2020, July 16, 2020

⁷⁵ MoD / 510-GQ / 2711-20, September 2, 2020; HRAP 2020, Annual Report, page 8; MoD / 510-GQ / 968-2021, February 25, 2021

⁷⁶ HRAP 2020, Annual Report, page 6; MoD / 510-GQ / 968-2021, February 25, 2021

The lecture materials included specific cases, examples of service exams, where the locations and numbers of military units were mentioned, therefore the educational materials were not subject to be revealed.⁷⁷

According to the annual report of the HRAP 2020, based on the order of the RA Minister of Defense on "**Organizing a training course for officer-psychologists at the Military University after V. Sargsyan of the RA Ministry of Defense**", the three-month training course for officer-psychologists launched on September 1, 2010.

For this purpose, a special classroom was opened at the university on September 1.⁷⁸ The training, however, has been suspended since September 27 due to hostilities.⁷⁹ The topics of the lectures for the psychologists were developed in cooperation with the Arar Civilizational Research Foundation.⁸⁰

We learn from the September 19, 2020 issue of "Zinuzh" that V. Sargsyan university hosted a conference on September 18 on "**The causes of suicide and prevention methods. Guarantees of social protection of servicemen as a key factor in relieving neuropsychological stress**".

As a result of the discussions, it was decided to analyze the speeches of the conference participants and to develop a complete incident prevention system.⁸¹

According to the letter of the Ministry of Defense, as of February 25, 2021, in 28 military units of the RA Armed Forces, officer-psychologists and colonels held regular meeting-discussions with the servicemen on the need to strengthen the military company, to build an atmosphere of mutual trust and respect, to maintain the military subordination and interpersonal code relations, and exclude the use of nicknames.⁸²

The monitoring group was not provided with any information on the materials of the lectures organized for the psychologists in military units, about their development, methodology, implementers, the involvement of the Office of the Ombudsman or the representative in the ECtHR, the lecturers and target groups.

The organization of the lectures in military units for the psychologists is mentioned in the AP as a direct expected result of the action aimed to strengthen the atmosphere of tolerance and mutual respect in the armed forces.

However, 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.

⁷⁷ MoD / 510-GQ / 2711-20, September 2, 2020

⁷⁸ HRAP 2020, Annual Report, page 7; Zinuzh, 05.09.20, September 5, 2021 27:59; Mod, [The three-month training program for officer-psychologists](#), September 1, 2020

⁷⁹ HRAP 2020, Annual Report, page

⁸⁰ MoD / 510-GQ / 2230-2020, July 16, 2020

⁸¹ Zinuzh, 19.09.20, September 19, 2020; 22:36

⁸² MoD / 510-GQ / 970-2021, February 25, 2021

Action 4

To establish criteria for prompt and transparent investigation of fatalities in the armed forces

The fourth Action of HRAP 2020-2022 aimed at ensuring the right to life envisages setting standards for awareness-raising on prompt and transparent investigation into the fatalities in the armed forces. This action is expected to reduce the cases of human rights violations during the pre-trial proceedings in criminal cases on fatalities in the Armed Forces.

To implement this, it is expected that by the first half of 2022, 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 will be established.

The Prosecutor General's Office of the Republic of Armenia was established as the entity responsible for the implementation of the action and the immediate result, by consent, while the co-implementing bodies are the Ministry of Justice, the Ministry of Defense, the RA Investigative Committee, by consent, the RA Police, the Office of the RA Representative to the ECtHR. According to the AP document, the funding will be provided from sources not prohibited by law, and no funding is required from the state budget.

Monitoring results

As mentioned above, international organizations have pointed out that the reasons for the ineffective investigation of the right to life in the army were due to systemic problems of criminal justice, including the lengthy investigation of the case.⁸³

Order No. 38 of the Prosecutor General of the Republic of Armenia "**On Establishing Criteria for Rapid and Transparent Investigation of Deaths in the Penitentiary Institutions and in the Armed Forces of the Republic of Armenia**" was developed in the beginning of 2021 and issued on April 4, 2021.⁸⁴

By the mentioned order, The RA Military Prosecutor and the military prosecutors of the garrisons have been instructed, inter alia, to ensure the criteria for a rapid and transparent investigation into deaths in the armed forces, set by the order.

The order sets 16 criteria, which refer to the presentation of all possible hypotheses during the preliminary investigation, their rapid and parallel verification, the interrogation of witnesses, the use of protective measures, the proper examination of the injuries of a dead soldier; the information provided by the legal successor of the victim, the examination of the scene, the acquisition of evidence; forensic medical

⁸³ CoE Commissioner for Human Rights, Report 2015, § 86; ECtHR, *Anahit Mkrtchyan v. Armenia*, 2020, § 96

⁸⁴ HRAP 2020, Annual Report, page 7; RA Prosecutor's Office, letter, 19 / 507-21, March 1, 2021; RA Prosecutor's Office, 19 / 1103-21, April 28, 2021

examinations and clear conclusions, verification of operative-investigative information; the inadmissibility of evidence obtained as a result of ill-treatment or torture; the command staff to perform its duties.⁸⁵

The criteria for the examination of the case defined by the Prosecutor General's Order N 38 of April 1, 2021 expressed the problems mentioned in the reports of the specialized bodies of the UN and the Council of Europe, as well as in the ECtHR judgments against Armenia on the violation of the right to life in non-combat conditions in the army.⁸⁶

In view of this fact, we consider that the decision of the Prosecutor General is an important step in ensuring the effectiveness of the investigation of deaths in non-combat conditions in the army and preventing procedural violations of the right to life.

Proposals for ensuring the right to life in the RA Armed Forces

- Establish the baseline data from the National Strategy 2019 and its derivative action plan, as well as from the data on non-combat deaths in the military prior to the 2020-2022 action plan.
- Set a measurable goal in terms of reducing the number of deaths in the armed forces and raising the effectiveness of their investigation.
- Provide the public with unified statistics on non-combat deaths in the army, their causes and their investigation
- Ensure effective investigation of non-combat deaths in the military by implementing general criminal justice reforms; including establishing and implementing appropriate forensic examination mechanisms as a matter of priority.
- Involve lawyers in the courses on the right to life in the Armed Forces.
- Develop and implement tools, including online, for safe training and coaching under COVID-19.
- Include separate training on the right to life for investigators, prosecutors and judges in the Armed Forces.
- Develop and apply clear criteria to assess the impact of awareness-raising campaigns, information materials, posters, and videos about them through the media on military commissariats and military units on reducing the number of deaths in the army.
- To clarify what specific awareness actions, mentioned in the HRAP, are to be carried out in military units and military commissariats.
- Provide mechanisms for investigating the causes of intolerance in the Armed Forces and for conducting training for psychologists that will allow these activities to be carried out in the face 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.

⁸⁵ RA Prosecutor General, Order "On Establishing Criteria for Rapid and Transparent Investigation of Deaths in Penitentiary Institutions and the Armed Forces of the Republic of Armenia", Paragraph 1 April 1, 2021

⁸⁶ CoE Commissioner for Human Rights, Report 2015, § 86; UN CAT, Concluding observations 2017, § 36; ECtHR, *Anahit Mkrtchyan v. Armenia*, 2020, §§ 8, 9L-100; ECtHR, *Muradyan v. Armenia*, 2017, §§ 142-143; ECtHR, *Mirzoyan v. Armenia*, 2019, §§ 72, 82

- 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 the results of non-statutory relations in the Armed Forces.



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 right⁸⁷.

Various specialized bodies of the UN and CoE, as well as Human Rights Watch have pointed out in their reports issues such as cases of torture in the army and other cases of ill-treatment, criminal subculture and the fact that the servicemen that were ill-treated or who have witnessed ill-treatment do not file complaints to independent bodies for fear of retaliation.⁸⁸

Lack of statistical baseline data

The CoE Commissioner for Human Rights called on the Armenian authorities to provide the public with proper information on human rights violations in the army.⁸⁹

The strategy states that in addition to the cases reflected in official statistics, many cases of torture may go unnoticed; Cases of torture known to the public are also worrying, and some of them remain undisclosed.⁹⁰

As in non-combat deaths and torture in the army, there are no official statistics available to the public. Neither the National Strategy nor the 2020-2022 Action plan contain information on what official statistics of cases of torture it is talked about, and on what basis such cases were considered “cases of torture”.

It is not even clear on what principle such cases were considered revealed or undisclosed.

⁸⁷ National Strategy 2019, p.22

⁸⁸ UN Working Group on Arbitrary Detention, Report 2011, § 67; UN CAT, Concluding Observations 2012, §§ 9, 12; UN CAT, Concluding Observations 2017, §§ 35-36; CoE Commissioner for Human Rights, Report 2011, §§ 123, 124, 130-133, 137-138; CoE Commissioner for Human Rights, Report 2015, §§ 85-86, 91; Report 2013, p. 394; HRW, Report 2015, p. 72; HRW, Report 2016, p. 82

⁸⁹ CoE Commissioner for human rights, Report 2011, § 142

⁹⁰ National Strategy 2019, p.10

HRAP 2020-2022 aimed at increasing the number of criminal cases on the basis of torture sent to court by at least 5%⁹¹. However, there are no baseline data on either cases of torture or ill-treatment in the armed forces or the investigation of cases involving them. Moreover, a question arises, whether the stage of sending cases to court only allows to conclude that cases of torture are revealed, and, as a result, according to the AP, will lead to a decrease in the number of cases of torture and ill-treatment?

Cases of torture and ill-treatment and their investigation

The Peace Dialogue NGO has applied to various state bodies to receive information on cases of torture by servicemen, commanders and military police officers.

According to the letter of the Ministry of Defense, from 2020 to April 2021, 3 anonymous reports were registered in the duty part of the military police of the Ministry of Defense on the inhuman and degrading treatment by servicemen and (or) commanders towards conscripts.⁹² As for torture or other ill-treatment by military police officers, we have received conflicting information in this regard from the Ministry of Defense on the one hand, and the Special Investigation Service and the Prosecutor's Office on the other.

According to the two letters received from the Ministry of Defense in March 2021, no cases of torture, inhuman or degrading treatment were registered in the military police departments of the Ministry of Defense of the Republic of Armenia from 2020 to March 2021.⁹³

According to the information provided by the SIS, in the period from January 1, 2019 to May 1, 2021, 8 criminal cases were investigated by the SIS investigators for cases of torture or ill-treatment by military police officers.⁹⁴ According to the letter of the RA Prosecutor's Office, in the period from January 1, 2019 to May 10, 2021, 11 reports of torture and ill-treatment by military police officers were received, in connection with which the same number of criminal cases was initiated.⁹⁵

Effective examination

In the reports of the UN Committee against Torture and in a number of judgments rendered by the ECtHR against Armenia (Zalyan and others v. Armenia (complaint no. 36894/04 and 3521/07, judgment published on 17.06.2016); Matevosyan v. Armenia (complaint no. 52316/09, verdict published on 14.12.2017), Muradyan v. Armenia (complaint no. 11275/07, the verdict was published on 24.02.2017) issues specific to both systematic criminal justice and military prosecution have been identified, which hinder the effective investigation of cases of torture and ill-treatment.

⁹¹ National Strategy 2019, p.10

⁹² Defense Ministry / 510-GQ / 1919, April 9, 2021

⁹³ Defense Ministry / 510-GQ / 1219, March 11, 2021; Defense Ministry / 510-GQ / 1604, March 25, 2021

⁹⁴ SIS, 18-134m / d-21, May 13, 2021

⁹⁵ RA Prosecutor's Office, letter, May 24, 2021

Such issues include the state's inaction in cases of alleged torture or ill-treatment⁹⁶; lack of independent, impartial⁹⁷ and prompt⁹⁸ examination; failure to develop the hypothesis of ill-treatment in non-combat death cases in the army⁹⁹; not initiating separate criminal proceedings and not involving witnesses in another case as suspects¹⁰⁰; treating witnesses in the case as suspects¹⁰¹; considering the testimony of military police officers suspected of torture or ill-treatment credible; while the testimonies of the witnesses not assessing in detail¹⁰², forced extortion of confessions and using them in court¹⁰³, Institutional-practical shortcomings of medical examinations¹⁰⁴, including deliberate delays in medical examinations leading to the disappearance of significant evidence¹⁰⁵, Failure to conduct proper medical examinations, conducting examinations by non-physicians and failure to draw up a proper medical examination document¹⁰⁶

As mentioned in the chapter dedicated to the right to life, on April 4, 2021, the RA Prosecutor General issued Order N 38 **"On Establishing Criteria for Rapid and Transparent Investigation of Deaths in Penitentiary Institutions and the Armed Forces of the Republic of Armenia"**.¹⁰⁷

By the mentioned order, the RA Military Prosecutor and the military prosecutors of the garrisons were instructed, among other things, to ensure the criteria set by the order for fast and transparent investigation of deaths in the Armed Forces.

The order sets 16 criteria,¹⁰⁸ which reflect a number of the above-mentioned issues and the efforts for excluding them¹⁰⁹.

However, the order refers to the investigation of deaths in non-combat conditions in the army, whereas the cases of torture or ill-treatment that did not result in death were not, in fact, included in the order.

In order to ensure the independence of the investigation of the case, as a result of legislative changes in Armenia following the ECtHR cases, structural and operational changes have been made. The RA Investigative Committee operates separately, which

⁹⁶ ECtHR, *Zalyan and others v. Armenia* (36894/04 and 3521/07), 17 June 2016, §§ 233, 271, 272, 274, 231, 233; ECtHR, *Matevosyan v. Armenia* (52316/09), 14 December 2017, § 75

⁹⁷ ECtHR, *Zalyan and others v. Armenia*, 2016, §§ 9, 272, 274; ECtHR, *Matevosyan v. Armenia*, 2017, § 77

⁹⁸ ECtHR, *Zalyan and others v. Armenia*, 2016, § 272; ECtHR, *Matevosyan v. Armenia*, 2017, §§ 78, 79

⁹⁹ ECtHR, *Muradyan v. Armenia*, 2017, §§ 144, 151

¹⁰⁰ ECtHR, *Zalyan and others v. Armenia*, 2016, § 274

¹⁰¹ ECtHR, *Zalyan and others v. Armenia*, 2016, § 231, 233, 307, 309, 318, 325, 329, 274

¹⁰² ECtHR, *Zalyan and others v. Armenia*, 2016, §§ 275; ECtHR, *Matevosyan v. Armenia*, 2017, § 77

¹⁰³ CAT concluding observations 2017, § 13, CAT concluding observations 2012, § 16, UN working group on arbitrary detention visit to Armenia report 2011, § 67; ECtHR, *Harutyunyan v. Armenia* (36549/03), 28 September 2007, §§ 59, 64, 65

¹⁰⁴ UN CAT, Concluding observations 2017, §§ 17-18; ECtHR, *Zalyan and others v. Armenia*, 2016, § 262; ECtHR, *Matevosyan v. Armenia*, 2017, § 80

¹⁰⁵ UN CAT, Concluding observations 2017, §§ 17-18

¹⁰⁶ ECtHR, *Matevosyan v. Armenia*, 2017, § 80; ECtHR, *Zalyan and others v. Armenia*, 2016, §§ 257, 258, 259, 260

¹⁰⁷ HRAP 2020, Annual Report, page 7; RA Prosecutor's Office, enquiry, 19/507-21, March 1, 2021; RA Prosecutor's Office, 19/1103-21, April 28, 2021

¹⁰⁸ RA Prosecutor General, Order "On Establishing Criteria for Rapid and Transparent Investigation of Deaths in Penitentiary Institutions and the Armed Forces of the Republic of Armenia", April 1, 2021

¹⁰⁹ RA Prosecutor General, Order "On Establishing Criteria for Rapid and Transparent Investigation of Deaths in Penitentiary Institutions and the Armed Forces of the Republic of Armenia", April 1, 2021, Paragraph 1

carries out preliminary investigation of crimes committed during military service, including torture.¹¹⁰

In the meantime, investigators of the Special Investigation Service are responsible for investigating cases of torture by officials¹¹¹.

The law precludes military police from conducting a preliminary investigation¹¹², but as evidence is collected not only during the preliminary investigation but also during the investigation, the risk of ineffective investigation into cases of torture or ill-treatment has not been eliminated in law enforcement practice.

We have been informed by the RA Prosecutor's Office that in the period from January 1, 2019 to May 10, 2021, **no cases of deeming the evidence obtained through torture** in court cases with the participation of RA Military Prosecutor's Office prosecutors were registered. No convictions on the basis of confession alone were reported either.¹¹³

Despite the institutional and operational shortcomings related to **medical examinations**, pointed out by international organizations, no agenda for reforms in this area was envisaged in either the National Strategy or the Action Plan 2020-2022.

Compensation for non-pecuniary damage

The cases of the ECtHR related to compulsory military service and alternative service, highlighted the shortcoming that the RA legislation did not provide for the possibility of compensation for non-pecuniary damage in case of violation of a number of rights enshrined in the ECHR. In the case of *Mirzoyan v. Armenia* (complaint No. 57129/10, judgment was published on 23.08.2019) there was no opportunity to demand compensation for non-pecuniary damage in case of violation of the right to life in the army,¹¹⁴ and in the case of *Khachtryan and others v. Armenia* (complaint no. 23978/06, judgment published on 27.02.2013) in case of violation of the right to liberty and personal immunity protected by Article 5 of the ECHR.¹¹⁵

The RA Civil Code, in accordance with Article 161.1¹¹⁶, now provides for compensation for non-pecuniary damage in case of violation of rights to life; prohibition of torture; inhuman or degrading treatment or punishment; personal liberty and security; a fair trial; respect for private and family life; inviolability of the home; freedom of thought, conscience and religion; freedom of expression; freedom of assembly and association; effective remedies; and property rights.

¹¹⁰ RA Criminal Procedure Code, July 1, 1998, Article 190 (5)

¹¹¹ RA Criminal Procedure Code, July 1, 1998, Article 190 (6)

¹¹² Action plan (17/08/2020), Communication from Armenia concerning the case of ZALYAN AND OTHERS v. Armenia (Application No.36894/04) 1383rd meeting (29 September-1 October 2020) (DH), [DH-DD(2020)747], page 3; RA Criminal Procedure Code, July 1, 1998, Article 189

¹¹³ RA Prosecutor's Office, letter, May 24, 2021

¹¹⁴ ECtHR, *Mirzoyan v. Armenia*, 2019, §§ 72, 82

¹¹⁵ ECtHR, *Khachtryan and others v. Armenia* (23978/06), 27 February 2013, §§ 138, 139, 158

¹¹⁶ RA Civil Code, May 5, 1998, Article 161.1

Actions on the prohibition of torture

The Peace Dialogue NGO monitored actions 12, 14, 15, 18, 19 of the defense sector-related actions of the HRAP 2020-2022 on preventing or reducing the torture and ill-treatment.

These actions are dedicated to the placement of video recordings in the RO departments; the fixing statute of limitations for the crime of torture; development of guidelines for the interpretation and application of the terms "severe physical pain" and "mental suffering"; establishment of a mechanism for anonymous reports of torture, inhuman or degrading treatment or punishment; ensuring mechanisms for effective implementation of the right of victims of torture to receive psychological, social and legal services, and training on torture and ill-treatment of military police, investigators, prosecutors and judges

Below are the results of the monitoring of these activities.

Action 12

Install video recording equipment at military police stations

The twelfth action of the HRAP 2020-2022 dedicated to the prohibition of torture envisages the installation of video recording equipment - 8 cameras, by the second half of 2021, in each of the following police departments:

- 13 military police stations,
- 3 detachments, and
- 1 military base

The expected outcome of this action is reduction of the number of cases of torture, inhuman or degrading treatment in military police departments, decrease of violations of rights enjoyed by parties to criminal trials during pretrial criminal proceedings along with incidents of obtaining evidence in violation of regulations on investigative and procedural practices; video recordings used as evidence in criminal cases.

The state entity responsible for the implementation of the action related to the Military Police and for the expected output is the Ministry of Defense, while no co-implementing entity has been established.

Monitoring results

UN Committee against Torture, in its 2017 report, called on Armenia to "redouble its efforts" to prevent ill-treatment of servicemen.¹¹⁷

The installation of cameras can be one way to prevent such violations.

¹¹⁷ UN CAT, Concluding observations 2017, § 36

As of March 11, 2021, no cameras were installed in military police departments and detachments.¹¹⁸ According to the letter of the Ministry of Defense, in 2020 the cost of installing cameras was calculated.¹¹⁹, which are planned to be included in the 2021 expenditure program of the Ministry of Defense Military Police.¹²⁰ A more detailed schedule for the installation of the cameras was not provided.

The draft amendments to the HRAP 2020-2022 propose a change in the deadline, moving the implementation of the action from the second half of 2021 to the second half of 2022.¹²¹

Action 14

Legislate restrictions on the use of the statute of limitations for the crime of torture

The fourteen action of the HRAP 2020-2022 dedicated to the prohibition of torture envisaged legislating restrictions on the use of the statutory limitations for the crime of torture by the second half of 2020.

It is expected that as a result of the adoption of the draft law, the cases of torture, as well as decisions to reject or dismiss criminal cases of torture will decrease.

The state entity responsible for the implementation and expected outcome is the Ministry of Justice, while the co-implementing bodies are the Prosecutor General's Office of the Republic of Armenia, by consent, The RA Investigative Committee, by consent, the RA Police and the Office of the RA Representative in the ECtHR.

No funding is required from the state budget.

Monitoring results

HRAP 2020-2022 also states that as a result of the adoption of the draft law, the cases of torture will be reduced, as well as the decisions on rejecting the initiation of these criminal cases on them or terminating them.

We have already mentioned above the problem of the lack of baseline data on the reduction of such cases.

In addition, it should be noted that in case of fulfillment of the statute of limitations, the decisions to reject or terminate the criminal cases on cases of torture should not be reduced, but the decisions to reject or dismiss the criminal cases on torture should be completely abolished, if such decisions are based only on the statute of limitations.

¹¹⁸ Defense Ministry / 510-GQ / 1221, March 11, 2021

¹¹⁹ Defense Ministry / 510-GQ / 2230-2020, July 16, 2020

¹²⁰ Defense Ministry / 510-GQ / 1221, March 11, 2021

¹²¹ Amendments to the National Strategy 2019, Action Plan 2020-2022, draft amendments, page 1

According to the new RA Criminal Code adopted on May 5, 2021, statute of limitations is not applied against those who committed torture.¹²²

Under the new code, persons who have committed torture may not be granted a pardon¹²³ or amnesty¹²⁴.

It should be noted that before the adoption of the new Criminal Code, in the case of *Virabyan v. Armenia* (complaint No. 40094/05, judgment was published on 02.02.2013), the Court of Cassation of Armenia applied to the ECtHR for an advisory opinion on whether the non-application of statute of limitations contradict Article 7 of the Convention (*nulla poena sine lege* or punishment solely on the basis of law), unless domestic legislation does not stipulate a requirement not to apply statute of limitations.¹²⁵ At the time of publication of the report, an advisory opinion has not yet been received from the ECtHR.

Action 15

To develop guidelines for interpreting and applying the terms "severe physical pain" and "mental suffering" in compliance with international standards

The fifteen action of the HRAP 2020-2022 dedicated to the prohibition of torture envisaged, by the first half of 2021, studies conducted on definitions of the terms "severe physical pain" and "mental suffering" in the context of torture.

It is also expected that in the same period the RA Academy of Justice will adopt a guideline for law enforcement officers on interpretation and application of these terms, and the guideline will be applied within the framework of the courses implemented by the RA Academy of Justice.

In terms of expected outcome, it is expected that the cases of torture, as well as decisions to reject or dismiss criminal proceedings on cases of torture will decrease.

The entity responsible for carrying out the action is the RA Ministry of Justice, while the co-implementing bodies are:

- the RA Academy of Justice, by consent;
- the RA General Prosecutor's office, by consent;
- the RA Special Investigation Service, by consent; and
- the RA Police;

Funding is planned from the state budget and other sources not prohibited by law.

Monitoring Results

¹²² RA Criminal Code, May 5, 2021, Article 83 (10)

¹²³ RA Criminal Code, May 5, 2021, Article 92

¹²⁴ RA Criminal Code, May 5, 2021, Article 91

¹²⁵ ECtHR Press Release, A request by the Court of Cassation of Armenia for an advisory opinion under Protocol No. 16 has been accepted, 12 May 2021

Pursuant to Article 309.1 of the RA Criminal Code of 2003 or Article 450 of the new Code adopted on May 5, 2021, torture is the intentional infliction of severe physical pain or severe mental suffering on behalf of an official or other person authorized to act on behalf of a state body or at his instigation, order or knowledge, for the purpose of obtaining information or a confession from that person or a third party or for punishing that person for that act committed by that person or a third party or in the commission of which they are suspected or accused of, or for the purpose of intimidating or compelling a third party to do or refrain from doing for any reason based on discrimination of any kind¹²⁶.

The RA Criminal Code does not provide for liability for inhuman or degrading treatment or punishment.

Article 119 of the RA Criminal Code or Article 196 of the new Criminal Code establishes liability for infliction of severe physical pain or mental suffering, if the characteristics of the crime provided for in Article 309.1 (450) are absent, i.e. if the person causing such pain or suffering was not an official or a person representing a state body and (or) did not pursue a specific purpose.¹²⁷

In legal practice, cases of torture or other ill-treatment in the armed forces are often classified as exceeding official powers under Article 309 of the RA Criminal Code, and abuse of official position, abuse of power or exceeding the limits of official powers, according to Article 375 of the RA Criminal Code.

As we have learned from the RA General Prosecutor's Office, in the period from January 1, 2019 to May 10, 2021, out of 11 reports of torture and ill-treatment by military police officers, four were classified as torture and seven as abuse of official position (abuse of power).¹²⁸

In three criminal cases, a decision was made not to prosecute on the grounds of lack of corpus delicti, in one - not to prosecute in the absence of a crime, to terminate the criminal proceedings, in 6 cases the preliminary investigation was continued.

There is no information on the mentioned officials to be subject to disciplinary action.¹²⁹

According to the information provided by the SIS, from January 1, 2019 to May 1, 2021, a total of 248 criminal cases of torture or ill-treatment were investigated by SIS investigators, 107 of which were in accordance with Article 309.1 of the RA Criminal Code, 141 of which were in accordance with Article 309, Part 2 of the RA Criminal Code.¹³⁰

¹²⁶ RA Criminal Code, April 18, 2003, Article 309.1; [RA Criminal Code, May 5, 2021](#), Article 450

¹²⁷ RA Criminal Code, April 18, 2003, Article 119; RA Criminal Code, May 5, 2021, Article 196

¹²⁸ RA Prosecutor's Office, letter, May 24, 2021

¹²⁹ RA Prosecutor's Office, letter, May 24, 2021

¹³⁰ SIS, 18-134-21, May 13, 2021

The Peace Dialogue NGO is not aware of any court cases in which, according to Article 309.1 of the RA Criminal Code, any official convicted of torture has been found guilty. In other words, here we face not only a legislative, but also a law enforcement issue, including in regards to torture or other forms of ill-treatment in the armed forces.

As of February 2021, the draft amendments to the HRAP 2020-2022 proposed amendments to the deadline: move the deadline from the first half of 2021 to the first half of 2022.¹³¹

Action 18

Establish a reporting mechanism for torture, inhuman or degrading treatment or punishment that will guarantee the protection of the applicant.

The eighteen action of the HRAP 2020-2022 on the prohibition of torture envisages putting in place a mechanism for anonymous reporting of torture, inhuman or degrading treatment or punishment by the first half of 2022, through the introduction of means for anonymous reporting of torture, inhuman or degrading treatment in the armed forces.

As of February 2021, the draft amendments to the AP proposed to amend this action by removing the word "anonymous" from it, and adding a mechanism "which would guarantee the protection of the applicant".¹³²

The expected outcome of the action is envisage to be the introduction of a mechanism in the Armed Forces to guarantee the protection of the person reporting of torture, inhuman or degrading treatment.¹³³ With the introduction of such a mechanism, it is expected that the cases of torture, inhuman or degrading treatment in the armed forces will decrease.

The entity responsible for the implementation of the action and for the expected outcome is the Ministry of Defense, while the co-implementing entity is the Office of the Representative of the Republic of Armenia in the ECtHR.

In the draft amendments to the AP, it was also proposed to move the deadline from the first half of 2020 to the second half of 2022.¹³⁴

Monitoring results

were posted in the military units in 2020. The phone number of the military police of the Ministry of Defense is mentioned in the information poster on the topic of life, which was planned to be posted in military commissariats, military units, according to the second action.¹³⁵

¹³¹ Amendments to the National Strategy 2019, Action Plan 2020-2022, draft amendments, page 1

¹³² Amendments to the National Strategy 2019, Action Plan 2020-2022, draft amendments, page 2

¹³³ Amendments to the National Strategy 2019, Action Plan 2020-2022, draft amendments, page 2

¹³⁴ Amendments to the National Strategy 2019, Action Plan 2020-2022, draft amendments, pp. 1-2

¹³⁵ Defense Ministry / 510-GQ / 2230-2020, July 16, 2020; HRAP 2020 Annual Report, page 16

According to the letter of the Ministry of Defense, the aim is to raise awareness among servicemen and ensure anonymous reporting of torture, inhuman or degrading treatment or punishment.

"Hotline" and "Trust Line"

According to the experience of the Peace Dialogue NGO, the citizens mentioned that difficulties often arise when connecting to the "Hotline". The reasoning of the Ministry of Defense is the workload, therefore, it is planned to increase the number of lines for receiving citizens' calls.

"Peace Dialogue" NGO has had experience in several cases, when submitting anonymous reports of rights violations through the Hotline has been effectively used. According to the website of the Ministry of Defense, the "Trust Line" operating in the General Staff since 2019 has been operating on a daily basis since April 13, 2020.

It allows applications, suggestions or complaints, to be submitted anonymously, if necessary, and the confidentiality of calls is guaranteed.

From the website of the Ministry of Defense we also learn that the goal of the "Trust Line" is to neutralize the factors hindering the realization of servicemen's rights, to promptly respond to complaints and suggestions, to control the situation and make necessary decisions, as well as to strengthen the mutual trust between the commanders and the soldiers.¹³⁶

We also learn from the website that strict control has been established to exclude discriminatory treatment and persecution of servicemen who have applied to the "Trust Line", and in case of its occurrence, an official investigation is appointed and an adequate decision is made. If necessary, legal and advisory assistance is also provided in connection with the issues raised.¹³⁷

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 team is trying to find out the effectiveness of all these mechanisms in reporting anonymously on torture, inhuman or degrading treatment in the armed forces.

The perceptions of conscripts about torture and ill-treatment

To find out the conscripts' perceptions of torture, inhuman or degrading treatment, the monitoring team tried to find out from the respondents and answer to the question whether the commander had the right to hit the serviceman, and if so, in what cases and under what circumstances.

¹³⁶ Armed Forces General Staff "Trust Line" will operate on a daily basis, April 17, 2020.

¹³⁷ Armed Forces General Staff "Trust Line" will operate on a daily basis, April 17, 2020.

Of the 196 conscripts surveyed in August 2020, 17 (9%) indicated that in certain circumstances the commander had the right to hit a serviceman. (See Image 8). And from February to March 2021, 37 out of 527 conscripts surveyed (about 7%) said that in some circumstances the commander has the right to hit a serviceman. (See Image 9).

Image 8. Does the commander have the right to hit the serviceman? (N=196, August 2020)

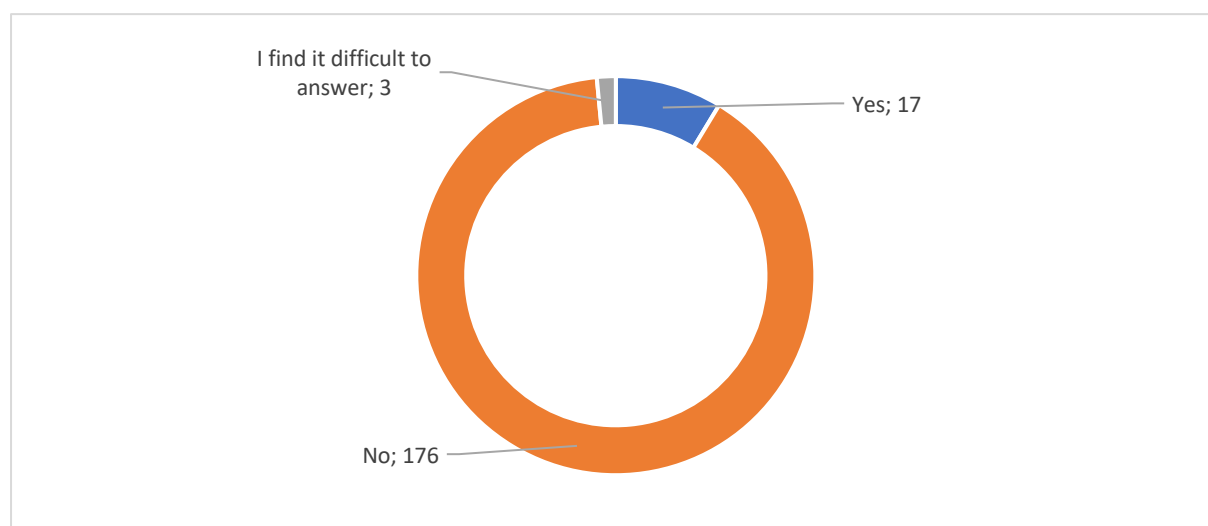
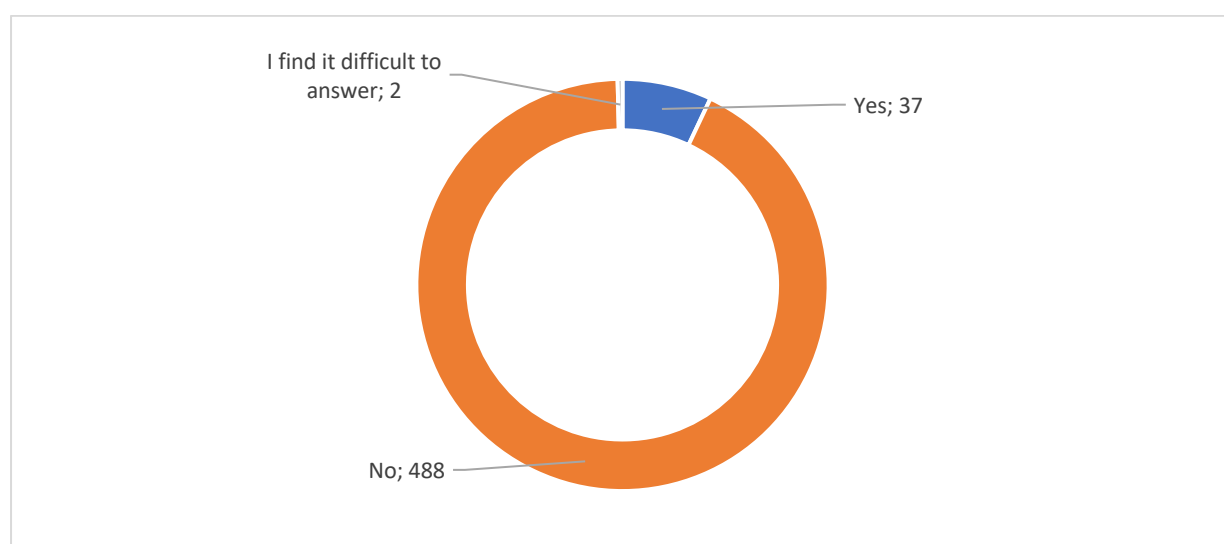


Image 9. Does the commander have the right to hit the serviceman? (N=527, February-March 2021)



According to the conscripts, violence by a commander against a serviceman would be "justified" if the latter refused to carry out the order, disobeyed his superior or was the first to use violence against the commander.

In the responses of 2021, martial law was added as a justification for hitting a serviceman. 488 respondents (about 93%) answered that there is no such right (See Image 9).

To the question “Which body will you turn to if you are mistreated or you witness a co-serviceman being mistreated”, in August 2020, 114 (58%) of the respondents stated that they would not apply to any body or would try to solve the problem on their own, 15 (7.7%) would apply to the commander, and 3 (1.5%) would apply to the "Hotline" of the Ministry of Defense (See Image 10).

From February to March 2021, 321 (about 61%) would not apply to anyone or do anything, 66 (12.5%) would apply to the commander, and 7 (1.3%) would apply to the Hotline of the Ministry of Defense. (See Image 11).

In other words, more than half of the respondents do not even consider the possibility of applying to any state body in case of ill-treatment.

Image 10. Which body will you turn to if you are mistreated or you witness a co-serviceman being mistreated (N=196, August 2020)

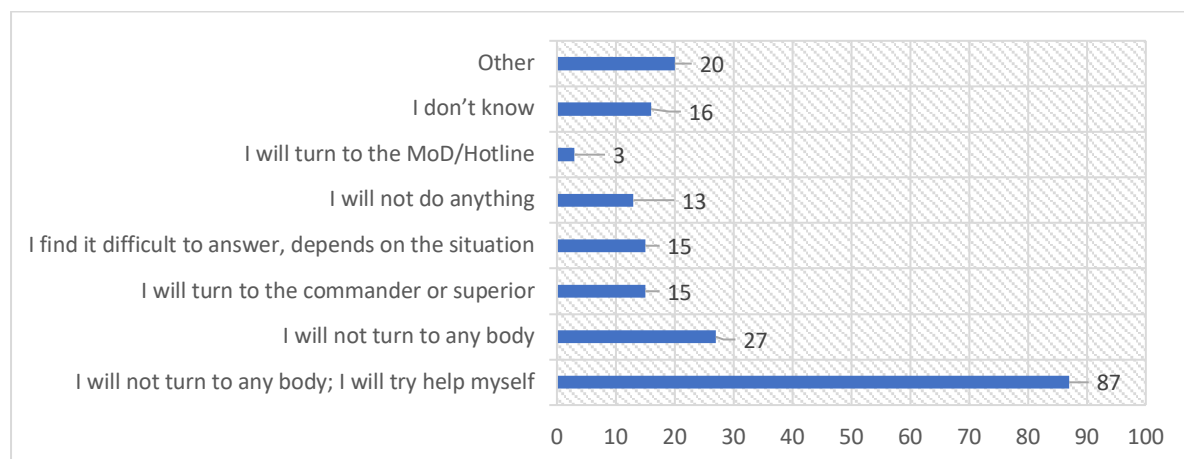
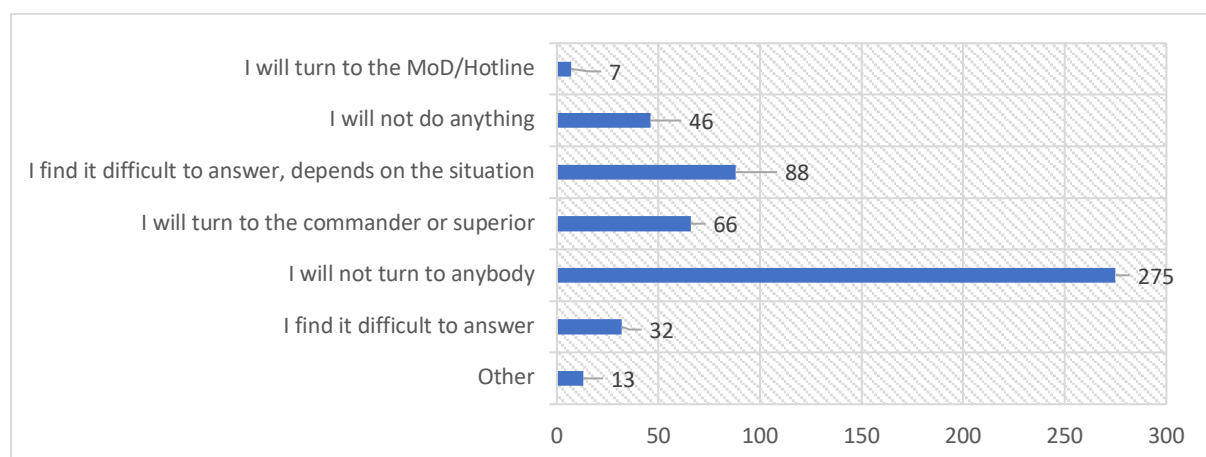


Image 11. Which body will you turn to if you are mistreated or you witness a co-serviceman being mistreated (N=527, February-March 2021)



Action 19

Provide mechanisms for effective implementation of the right of victims of torture to access psychological, social and legal services

The nineteenth action of the HRAP 2020-2022 dedicated to the prohibition of torture is intended to ensure mechanisms for the effective implementation of the right of victims of torture to access psychological, social and legal services. The expected outcome is that in the second half of 2020, the procedure and conditions for the access of psychological, social and legal services for victims of torture will be improved and used effectively.

It is expected that by doing so, victims of torture and other ill-treatment will be provided with rehabilitation services by the state, including medical, psychological, social and legal, as well as guarantees created to restore the rights of victims of torture.

The entity responsible for carrying out the action is the RA Ministry of Justice. Funding will be provided from the state budget and from other sources not prohibited by law.

Monitoring results

The UN Committee against Torture, in its 2017 report, noted that it was worrying that there was no state-funded public specialized center, which would provide multidisciplinary and comprehensive rehabilitation (including medical, psychological, social and legal) services for victims of torture and ill-treatment.¹³⁸

In addition, the Committee recommended that compensation and rehabilitation services (including appropriate medical and psychological assistance) be provided to ill-treated servicemen in the army.¹³⁹

As we have learned from the Ministry of Justice, due to the COVID-19 and the war, the 19th action was not implemented in 2020, and as of May 11, 2021, it was under implementation.

Within the framework of the amendments to the HRAP 2020-2022, it is planned to extend the deadline¹⁴⁰ for the implementation of the action until the second half of 2022.¹⁴¹

As of May 11, 2021, a study was conducted by the Ministry of Justice with the expert assistance of the Council of Europe on the international practice, best standards, and mechanisms used, as well as the gaps in the legal regulations in Armenia on the

¹³⁸ UN CAT, Concluding observations 2017, §§ 45, 46

¹³⁹ UN CAT, Concluding observations 2017, § 36

¹⁴⁰ Ministry of Justice, № /14.1/12102-2021, May 11, 2021

¹⁴¹ Amendments to the National Strategy 2019, Action Plan 2020-2022, draft amendments, page 33

effective exercise of the right of victims of torture to access psychological, social and legal services.

The study was expected to be available in July 2021.¹⁴²

During the war from September 27 to November 9, 2020, and after that, many servicemen and civilians were captured by the Azerbaijani troops.

There is no official data on the number of captives, but as of March 16, 2021, according to the ECHR notification to the Committee of Ministers, 188 Armenians remained in captivity in Azerbaijan.¹⁴³

Both during and after the hostilities, numerous videos started circulating on social networks depicting torture and killing of Armenian prisoners of war by the Azerbaijani Armed Forces. At least two of the returned captives, conscripts Saro Markosyan and Narek Nersisyan, whose parents recognized them from the circulating videos, were told to continue their service after returning from captivity. After returning from captivity, the servicemen underwent a medical examination, including counseling with a psychologist. The latter noted that they would have more visits, but no further psychological help was provided to the servicemen.

All of this happened despite the fact that the servicemen were mistreated in captivity, and upon their return, they stated that they were not ready to serve, moreover, there were changes in their behavior as well.

In the conditions of new challenges created by the war, it is necessary not to extend the deadline for the implementation of Action 19, but on the contrary, to take quick and comprehensive steps, including at the legislative level, in order to provide rehabilitation services, including psychological services, to servicemen.

Action 26

Conduct training on torture, inhuman or degrading treatment in accordance with international standards, including for military police, investigators, prosecutors, and judges

The 26th action of the HRAP 2020-2022 on the prohibition of torture envisages to provide training on torture, inhuman or degrading treatment in accordance with international standards.

For the period 2020-2022 it is expected to train

- 35% of military police,
- 51% of investigators,
- 7% of prosecutors, and

¹⁴² Ministry of Justice, № /14.1/12102-2021, May 11, 2021

¹⁴³ ECtHR, *Armenia v. Azerbaijan* and alleged captives; notification to the Committee of Ministers of interim measures indicated, ECHR 086 (2021), 16 March 2021

- 10% of judges.

It is expected that as a result of the trainings, cases of torture, inhuman or degrading treatment of persons in military police units, as well as that of the participants in criminal proceedings will decrease.

The entity responsible for the training of military police officers is the Ministry of Defense of the Republic of Armenia, the co-implementing bodies are the staff of the Human Rights Defender of the Republic of Armenia, by consent, and the Office of the Representative of the Republic of Armenia to the ECtHR.

The Ministry of Justice is the entity responsible for training investigators, prosecutors and judges on the prohibition of torture.

The RA Academy of Justice, by consent, the RA Investigative Committee, by consent, the RA Special Investigation Service, by consent, the staff of the RA Human Rights Defender, by consent and the Office of the RA Representative to the ECtHR were established as co-implementing bodies for the training of investigators.

The RA Academy of Justice, by consent, the General Prosecutor's Office of the Republic of Armenia, by consent, the staff of the RA Human Rights Defender, by consent and the Office of the RA Representative to the ECtHR were established as co-implementing bodies for the training of prosecutors, and for the training of judges, the co-implementing bodies have been established to be the RA Academy of Justice, by consent, the Committee on Educational Affairs of the General Assembly of Judges, by consent, and the Office of the RA Representative to the ECtHR.

Funding will come from the state budget and other sources not prohibited by law.

Monitoring results. general observations

In its final observations for 2017, the UN Committee against Torture noted the need to develop mandatory in-service training on the prevention of torture and its effective registration and documentation on the basis of the Istanbul Protocol.

The Committee also proposed that a specific methodology be developed to assess the impact of such training on the reduction of torture as well as the effectiveness of the investigation into torture.

It was suggested to develop training programs on the use of non-compulsory means of conducting the investigation¹⁴⁴.

Although, as a result of the training, the government expects to reduce the incidence of torture, inhuman or degrading treatment of persons in military police departments and participants in criminal proceedings, at the time of publication of this report, **no methodology has been developed** to assess the impact of such training on the reduction of torture and on the effectiveness of the investigation into cases of torture.

¹⁴⁴ UN CAT, Concluding observations 2017, § 43-44, UN CAT, Concluding observations 2012, § 25

Unlike the topic of the right to life, the 2020-2022 Action Plan **did not envisage awareness campaigns, video recordings, or dissemination of other information materials on the prohibition of torture in the Armed Forces**, whereas the National Strategy emphasizes the absolute prohibition of torture, inhuman or degrading treatment or punishment.¹⁴⁵

This prohibition, unlike the right to life, is also absolute from the point of view of international law, including international norms of armed conflict. **No training was envisaged for lawyers** on the prohibition of torture. The in-depth knowledge and practical skills of lawyers on the substantive and procedural aspects of the prohibition of torture are an additional guarantee in terms of protecting the rights of victims in cases of its violation and preventing violations of their procedural rights.

This is especially true of cases of torture and other ill-treatment in the armed forces, as victims' rights become more vulnerable when dealing with the sensitivity of the sphere and confidential information.

In addition, **no training was envisaged for commanders on torture, inhuman or degrading treatment or punishment**, whereas, in military units, commanders are responsible for both preventing and investigating torture at an early stage.¹⁴⁶

In 2020, **due to COVID-19 related pandemic restrictions**, the trainings of military police officers, investigators, prosecutors to be organized by the RA Academy of Justice on the topic of prohibition of torture **did not take place**.¹⁴⁷

According to the decision of the Government of the Republic of Armenia dated March 16, 2020 on declaring a state of emergency in the Republic of Armenia, the educational process in educational organizations has been suspended throughout the whole period of the state of emergency, except for distance learning. This restriction, however, did not apply to military educational institutions¹⁴⁸.

This means that the planned training courses could be organized (including offline) regardless of the COVID-19 pandemic.

Monitoring results. training of military police

According to the letter of the Ministry of Defense, it is planned to involve the staff of the disciplinary unit of the Ministry of Defense, the receiving-transferring authority and the disciplinary isolator in the training courses on the prevention of torture.¹⁴⁹ According to the letter of the Ministry of Defense and the semi-annual report of 2020,

¹⁴⁵ National Strategy, 2019, page 21

¹⁴⁶ RA Criminal Procedure Code, July 1, 1998, Articles 56 (1), 56 (8)

¹⁴⁷ Defense Ministry / 510-GQ / 2711-20, September 2, 2020; Human Rights Defender 01 / 13.7 / 4678-20, September 28, 2020; Investigative Committee, 12/12 / 47261-20, August 28, 2020; Prosecutor's Office, 44/6 / 19412-2020, August 28, 2020; Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁴⁸ 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, Point 21

¹⁴⁹ Defense Ministry / 510-GQ / 2711-20, September 2, 2020

as of July 2020, the format of the training course was discussed with international partners¹⁵⁰.

Within the framework of the cooperation between the RA Ministry of Defense and the Council of Europe, the draft training program was developed by international experts. As of September, 2020 it was being studied.¹⁵¹

In 2020, the international partners developed the topics of the training course and the timeline, but due to the COVID-19 pandemic and the hostilities that broke out the same year, they have not been implemented¹⁵². It is planned to conduct training courses in small groups in March-April 2021 in compliance with COVID-19 rules¹⁵³.

According to the information provided by the Ministry of Defense, the assessment of trained police officers and the issuance of certificates is not envisaged by the National Strategy¹⁵⁴.

Monitoring results. Training of investigators

As of August 28, 2020, the format of training investigators on the prevention of torture was discussed¹⁵⁵.

According to the Ministry of Justice, it was planned to train 28.7% of investigators in 2020¹⁵⁶.

The 2020 program of annual training of investigators includes the course "Current issues of application of legal positions of the ECtHR in criminal cases". The curriculum of this course, as a separate topic, envisages the current case law of the European Court of Human Rights (ECtHR) on protection of criminal law, prohibition of torture and other ill-treatment, racism and discrimination, as well as the issues of its application against the Republic of Armenia.¹⁵⁷

According to the HRAP annual report for 2020, from July to December, 2020, 5 investigators were trained (5.1%)¹⁵⁸:

The program also includes a course "**Criminal issues of crimes against the order of military subordination and the statutory relations of servicemen**".

¹⁵⁰ Defense Ministry / 510-GQ / 2230-2020, July 16, 2020; Ministry of Justice, 14.1 / 19846-20, September 3, 2020, Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p. 26

¹⁵¹ Defense Ministry / 510-GQ / 2711-20, September 2, 2020

¹⁵² HRAP 2020, Annual Report page 17; Defense Ministry / 510-GQ / 1604, March 25, 2021

¹⁵³ Defense Ministry / 510-GQ / 1604, March 25, 2021

¹⁵⁴ Defense Ministry / 510-GQ / 2711-20, September 2, 2020

¹⁵⁵ Investigative Committee 12/12 / 47261-20, August 28, 2020.

¹⁵⁶ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁵⁷ HRAP 2020, Annual Report, pp. 17-18

¹⁵⁸ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice; HRAP 2020, Annual Report pages 17-18

It was planned to train eleven (11.3%) investigators from July to December 2020¹⁵⁹.

Within the framework of the 2020 annual training program for the RA Special Investigation Service officers, a course entitled "**Criminal Legal Characteristics of Torture - Peculiarities of Investigation**" was included within the framework of which the issues of protection of the right not being a subject to torture, inhuman or degrading treatment. Moreover, the ECHR criteria for the investigation of cases of torture, the criminal-legal characteristics of torture, the peculiarities of its delimitation and classification from related crimes are studied¹⁶⁰.

It was planned to train five (18.5%) SIS investigators from February 3 to 7, 2020¹⁶¹, which, as we learn from the HRAP 2020 annual report, has been done¹⁶².

According to the National strategy and first semi-annual report in 2020, as of July 20, 2020, the Academy of Justice held a seminar "**On the Effective Investigation of Torture, Ill-Treatment and Death in the Context of the Armed Forces**"¹⁶³. However, the report does not provide details about the organization of the seminar and the participants.

The Council of Europe website informs about another course on the prohibition of torture. On July 31, 2020, a six-week HELP distance learning course on "**Combating ill-treatment**" was launched with the participation of 20 legal professionals, including 10 investigators. All participants who successfully complete the course were to be awarded certificates of completion by the Council of Europe and the Academy of Justice.¹⁶⁴

There is also no information on whether the cases of ill-treatment in the Armed Forces were discussed, or whether there were any investigators from the General Department of Military Investigation among the investigators who participated in the training.

Monitoring results. Training of prosecutors

According to the information provided by the 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 of Justice, dedicated to torture, inhuman or degrading treatment in the armed forces.¹⁶⁵

¹⁵⁹ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice.

¹⁶⁰ HRAP 2020, Annual Report, pp. 17-18

¹⁶¹ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁶² HRAP 2020, Annual Report, pp. 17-18

¹⁶³ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p.27

¹⁶⁴ CoE Yerevan Office, The second group of legal specialists participates in the HELP distance learning course on "Fighting ill-treatment", July 31, 2020.

¹⁶⁵ Prosecutor's Office, 44/6 / 19412-2020, August 28, 2020

According to the official website of the Council of Europe, 14 prosecutors participated in the workshop¹⁶⁶.

The workshop was conducted (chaired) by CE international consultants W. Jordash, who presented the issues of the effective examination, and E. Duban, who presented the peculiarities of the investigation of cases involving female servicemen.¹⁶⁷

The **"Current Issues of the RA Criminal Law"** course included in the 2020 annual training program for prosecutors implemented by the RA Academy of Justice¹⁶⁸ was planned to train 32 prosecutors (47%) from September to December 2020.

In September-December 2020, it was planned to train 24 prosecutors (35,2%) in the course **"Peculiarities of the method of qualification and investigation of war crimes"**, and 9 prosecutors (13,2%) with the course **"Current Issues of the RA Criminal Procedure"**, also from September to December 2020.

The course **"Criminal Law Characteristics of Torture - Peculiarities of Investigation"** was planned to be held in April-May 2020, but due to the coronavirus, it was postponed until September-December 2020.¹⁶⁹

On July 31, 2020, a six-week HELP distance learning course on "Combating Mistreatment" was launched with the participation of 20 legal professionals, including 10 prosecutors¹⁷⁰. All participants who successfully completed the course were to be awarded graduation certificates by the Council of Europe and the Academy of Justice. There is no information available on the discussion of cases of ill-treatment in the Armed Forces during the training, as well as the participation of military prosecutors in the training.

According to the ARAP 2020 annual report, from September to December, 2020, 32 prosecutors were trained - 47%¹⁷¹.

According to the National Strategy and the first semi-annual HRAP report for 2020, as of July 20, 2020, the Academy of Justice held a seminar on **"Effective investigation of torture, other forms of ill-treatment and death cases in the Armed Forces."**¹⁷²

¹⁶⁶ CoE Yerevan Office, Armenian judges and prosecutors were trained on effective investigation of torture, other forms of ill-treatment and death cases in the armed forces, March 12, 2020

¹⁶⁷ Prosecutor's Office, 44/6 / 19412-2020, August 28, 202, CoE Yerevan Office, Armenian judges and prosecutors were trained on effective investigation of torture, other forms of ill-treatment and death cases in the armed forces, March 12, 2020

¹⁶⁸ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁶⁹ Same source

¹⁷⁰ CoE Yerevan Office, The second group of legal specialists participates in the HELP distance learning course on "Prohibition of ill-treatment", July 31, 2020; See also HRAP report, updated, February 12, 2021

¹⁷¹ HRAP 2020, Annual Report, page 18; See also the report on the HRAP and the National Strategy, updated February 12, 2021

¹⁷² Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, pp. 27-28

The report does not provide details about the organization of the seminar and the participants.

Monitoring results. Training of judges

In 2020-2021, the training program for judges and candidates for judges organized at the Academy of Justice included a course titled "Criminal Legal Characteristics of Torture - Peculiarities of Investigation"¹⁷³, which trained 8 judges - 3.47%¹⁷⁴.

The training program also included the course "**Current issues of application of ECtHR legal positions in criminal cases**". The program covers as a separate topic the current case law of the ECHR on the protection of the prohibition of torture and other inhuman or degrading treatment, racism and discrimination, in the field of criminal law and litigation, as well as the issues of its application to the Republic of Armenia.¹⁷⁵

In September-December 2020, 24 judges (30.76%)¹⁷⁶ were trained within the framework¹⁷⁷ of the HELP distance learning course on "Prohibition of Ill-Treatment".

According to the website of the Council of Europe, on April 8, 2020, 10 judges in the field of criminal law participated in the eight-week HELP distance learning course on "**Reasoning of judgments in criminal cases**". The topic was also related to the reasoning of judicial decisions made by domestic courts in criminal cases in the context of Article 3 of the ECHR, which prohibits torture. It was planned to award graduation certificates by the Council of Europe and the Academy of Justice to all participants who successfully completed the course¹⁷⁸.

The second HELP distance learning course on "**Reasoning of judgments in criminal cases**" took place on May 12, 2020, where the reasoning of criminal cases related to the prohibition of torture was also discussed. This time 17 judges with criminal specialization participated. The course lasted eight weeks and the participants who completed the course successfully were awarded certificates this time as well¹⁷⁹.

It is not known to what extent these courses addressed (if, of course, they did) the nuances of reasoning in specific cases involving the prohibition of torture in the armed forces.

The training on the prohibition of torture and ill-treatment in the Armed Forces also took place on March 12, 2020, which, according to the website of the CoE Yerevan Office, was attended by eight judges of the Criminal Court of Appeal, and the Courts

¹⁷³ HRAP 2020, Annual Report, page 19

¹⁷⁴ RA Academy of Justice, 089 / 9-2021, April 16, 2021

¹⁷⁵ HRAP 2020, Annual Report, page 19

¹⁷⁶ The report on the HRAP and the National Strategy, updated February 12, 2021

¹⁷⁷ HRAP 2020, Annual Report, page 19

¹⁷⁸ CoE Yerevan Office, Armenian judges and judicial servants successfully completed a new HELP distance-learning course, April 8, 2020

¹⁷⁹ CoE Yerevan Office, Second group of judges in Armenia to follow HELP course on reasoning of judgments, May 12, 2020

of First Instance in Yerevan and other regions of Armenia. The training was organized within the framework of the **"Human Rights in the Armed Forces"** program of the Council of Europe in cooperation with the RA Academy of Justice.

Issues related to the effective investigation of torture, ill-treatment and fatalities in the armed forces were discussed during the training.

The training was conducted by Council of Europe experts W. Jordash and E. Duban, who addressed the issue of effective investigation into torture, ill-treatment and deaths in the armed forces, as well as the specifics of the investigation of cases involving female soldiers¹⁸⁰.

The RA Academy of Justice held a seminar on **"Effective investigation into torture, ill-treatment and death in the context of the armed forces."**¹⁸¹

Proposals for ensuring the prohibition of torture in the RA Armed Forces

- Establish clear criteria for considering cases of torture as such, whether they are detected or not, and publish statistics based on them
- Include baseline data in the HRAP on cases of torture and ill-treatment in the armed forces, as well as on the investigation of such cases.
- Ensure the investigation of cases of torture in the Armed Forces in accordance with Article 309.1 of the RA Criminal Code and Article 450 of the new Criminal Code adopted in May 2021 and conviction of the guilty.
- Ensure an effective investigation into cases of torture and ill-treatment in the armed forces, including an agenda of reforms to address the institutional and practical shortcomings of medical examinations.
- Not delay the implementation of mechanisms for the effective implementation of the right of victims of torture to access psychological, social and legal services, provided for in Action 19. Immediately provide appropriate psychological assistance to the persons captured and returned, as a result of the hostilities that began on September 27, 2020.
- Develop a special methodology to assess the impact of the training on torture and ill-treatment training aimed at reducing the incidence of torture and ill-treatment and the effectiveness in investigating them, in line with the final observations of the UN Committee against Torture in 2017.
- To envisage the implementation of awareness-raising materials and video campaigns dedicated not only to the right to life, but also to the prohibition of torture and ill-treatment in the Armed Forces set by HRAP 2020-2022.
- Provide training on torture, inhuman or degrading treatment or punishment for commanders and officers as well.

¹⁸⁰ CoE Yerevan Office, Armenian judges and prosecutors were trained on effective investigation of torture, other forms of ill-treatment and death cases in the armed forces, March 12, 2020

¹⁸¹ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p.p 27-28

- Involve lawyers as well in the trainings on the right to refrain from torture and other forms of ill-treatment in the armed forces.
- Develop and implement tools, including online, for safe training and education in the face of Covid-19.



THE RIGHT TO FAIR TRIAL

The National Strategy emphasizes that the right to a fair trial is a guarantee of human legal security in a democratic society¹⁸².

This strategy and the HRAP 2020-2022 primarily target fair investigation of criminal justice related cases, in particular through measures to improve the preliminary investigation.

The objective of the HRAP 2020-2022 is to decrease the number of complaints filed to the ECHR for violations of the right to a fair trial and to reduce the defendants' human rights violations and the 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. Consequently, it becomes practically 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.

International specialized bodies have noted that despite legislative initiatives prohibiting the use of evidence in court obtained through torture, in practice forced confessions are used in court as evidence.

Soldiers, including victims, are tortured or ill-treated for obtaining information from them.¹⁸³

We have been informed by the RA Prosecutor's Office that in the period from January 1, 2019 to May 10, 2021, no cases of deeming the evidence obtained through torture in court cases with the participation of RA Military Prosecutor's Office prosecutors were recorded, as well as no convictions of persons based on confession alone.¹⁸⁴

According to the letter of the Ministry of Defense, from 2020 to April 2021 no cases of violation of the right to a fair investigation were registered in the military police departments of the Ministry of Defense of the Republic of Armenia.¹⁸⁵

Actions on the right to a fair trial

¹⁸² National Strategy, page 23

¹⁸³ UN CAT, Concluding observations 2017, § 13, UN CAT, Concluding observations 2012, § 16, UN Working group on arbitrary detention visit to Armenia report 2011, § 67; CoE Commissioner for Human Rights, Report 2015, § 86; ECtHR, *Harutyunyan v. Armenia*, 2007, §§ 59, 64, 65

¹⁸⁴ RA Prosecutor's Office, letter, May 24, 2021

¹⁸⁵ Defense Ministry / 510-GQ / 1779, April 2, 2021

From the actions of the HRAP 2020-2022 aimed at ensuring the right to a fair trial, the Peace Dialogue NGO monitored Actions 27, 28 and 34, which are dedicated to the provision of video recording of investigative-judicial actions, furnishing of investigative departments, training of military police officers, investigators, prosecutors, and judges on the right to a fair trial. Below are the results of the monitoring of these activities.

Action 27

To ensure video and audio recording of investigative and procedural actions

The twenty-seventh action on the Right to a Fair Trial of HRAP 2020-2022 is intended to ensure video recording of investigative and procedural actions by the first semester of 2022.

It is expected that by the deadline, 85 subdivisions of the RA Investigative Committee will have video recording equipment but the number of video recording equipment provided to the Special Investigation Service is not specified.

The entity responsible for the installation of video recording equipment in the RA Investigative Committee is the RA Investigative Committee, by consent, and for the installation in the Special Investigation Service (SIS) is the SIS also by consent. No co-implementing entity has been defined.

Funding will be provided from the state budget and other sources not prohibited by law.

Monitoring results

From January 2020 to May 2021, the monitoring group did not monitor the status of the implementation of Action 27.

Action 28

Equip the investigative departments in such a way that the identification or confrontation can be carried out when the participants are placed outside of mutual visual contact.

The twenty-eighth action dedicated to the right to a fair trial of the HRAP 2020-2022 is intended to equip the investigative divisions in such a way that the identification and confrontation can be carried out when the participants are out of sight of each other.

It is expected that by the first half of 2021 in 10 subdivisions of the RA Investigative Committee, and by the first half of 2022 in 2 subdivisions of the SIS, rooms will be set up for identification and confrontation purposes so that participants of investigative procedures are placed outside of mutual visual contact.

The RA Investigative Committee has been appointed as the entity responsible for setting up such a room in the RA Investigative Committee, and the SIS has also been appointed by consent to set up a room in the SIS. No co-implementing entity has been defined in either of these cases.

Funding will be provided from the state budget and other sources not prohibited by law.

Monitoring results

From January 2020 to May 2021, the monitoring group did not monitor the status of the implementation of Action 28.

Action 34

Provide training for military police officers, investigators, prosecutors, judges on the right to a fair trial in accordance with international standards

The thirty-fourth action of the HRAP 2020-2022 dedicated to Fair Trial intends to provide training on the Right to a Fair Trial in accordance with international standards, including:

- Military police,
- investigators,
- prosecutors, and
- judges:

For the period 2020-2022 it is expected to train

- 30% of military police
- 11% of SIS investigators
- 25% of prosecutors
- 41% of judges

It is expected that as a result of the training of military police and prosecutors, the number of cases of violation of the right to a fair trial will be reduced in the pre-trial proceedings of the criminal case, and as a result of the trainings of SIS investigators the number of violations will decrease in the preliminary investigation of the criminal case, as well as in criminal, civil and administrative cases as a result of judges' training. The entity responsible for the training of military police is the RA Ministry of Defense, while no co-implementing body has been established.

The entity responsible for the training of SIS investigators, prosecutors and judges is the RA Ministry of Justice.

The RA Academy of Justice, the RA Investigative Committee and the Special Investigation Service were outlined as the co-implementing bodies for the training of SIS investigators, by consent.

The coordinating bodies for the training of prosecutors are the RA Academy of Justice and the RA General Prosecutor's Office by consent.

The coordinating bodies for the training of judges are the RA Academy of Justice and the Committee on Educational Affairs of the General Assembly of Judges upon agreement.

Funding will be provided from the state budget and from other sources not prohibited by law.

Monitoring results. General observations

In 2020, due to coronavirus pandemic restrictions, no training was provided for military police and investigators on a fair trial ¹⁸⁶

Monitoring results. Training of military police

According to the information provided by the Ministry of Defense, the topics and the schedule of the training were developed by international partners in 2020, the format of the training was also discussed with them.¹⁸⁷

Due to the COVID-19 pandemic¹⁸⁸ and the hostilities that started on September 27, 2020, no training was conducted.¹⁸⁹

As of March 12, 2021, the servicemen of the Military Police of the Ministry of Defense of the Republic of Armenia did not participate in the training in accordance with international standards on the "Right to a fair trial".¹⁹⁰

According to the letter of the Ministry of Defense, the preparatory works for the training schedule, educational materials and the evaluation procedure are carried out in cooperation with the Human Rights and Integrity Building Centre of the Ministry of Defense of the Republic of Armenia.¹⁹¹

No information was provided on the training timeline, training materials, their authors, the involvement of international organizations in the development of the materials, the criteria for selecting the trainers or organizations, the evaluation of military police officers undergoing the training, the issuance of certificates and the evaluation of training effectiveness either.

¹⁸⁶ HRAP, 01 / 13.7 / 4678-20, September 28, 2020

¹⁸⁷ Defense Ministry / 510-GQ / 374, May 19, 2020

¹⁸⁸ Defense Ministry / 510-GQ / 1779, April 2, 2021

¹⁸⁹ HRAP 2020, Annual Report, page 24

¹⁹⁰ Defense Ministry / 510-GQ / 1229, March 12, 2021

¹⁹¹ Defense Ministry / 510-GQ / 1229, March 12, 2021

Monitoring results. Training of SIS investigators

Although the immediate result of this action is the conduct of training only for SIS investigators, the investigators of the RA Investigative Committee are also involved in the training on the fair examination of the case defined by this action.

The RA Investigative Committee informed the Peace Dialogue NGO about their involvement.¹⁹²

As of August 28, 2020, training formats were discussed.¹⁹³

According to the Ministry of Justice, it was planned to train 28.7% of investigators in 2020.¹⁹⁴

According to the HRAP 2020 annual report, the training program titled "**Current Issues of Application of ECtHR Legal Positions in Criminal Cases**" included in the curriculum for the RA Investigative Committee officers (investigators) envisages the current case law of the ECtHR on the protection of the right to a fair trial and issues of its application against Armenia as a separate topic.¹⁹⁵

From July to December, 2020, 5 investigators (5.1%) were trained within the course.¹⁹⁶

The training program for investigators also included a course titled "**Criminal Law Issues of Crimes against Military Order and Code of Conduct between Servicemen.**"

It was planned to train 11 investigators (11.3%) from July to December 2020.¹⁹⁷

Monitoring results. Training of prosecutors

According to the information provided by the Ministry of Justice, the 2020 annual training program for prosecutors implemented by the RA Academy of Justice includes the course "**Current issues of the RA criminal law**"¹⁹⁸, in the framework of which the right to a fair trial, the essence of its components and the issues of their provision in criminal proceedings were discussed, as well as the ECtHR practice on those issues.¹⁹⁹

¹⁹² Department of Criminalistics of the General Department on Special Assignments, Organizational-analytical Activity and Criminalistics, N 12/12 / 47261-20, August 28, 2020

¹⁹³ Investigative Committee, 12/12 / 47261-20, August 28, 2020

¹⁹⁴ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁹⁵ HRAP 2020, Annual Report, pages 24-25

¹⁹⁶ HRAP 2020, Annual Report, pages 24-25

¹⁹⁷ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁹⁸ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

¹⁹⁹ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, pp. 32-33; HRAP 2020, Annual Report, page 25

This course was intended to train 32 prosecutors (47%), from September to December, 2020.

The program also includes the topic "**Current issues of international human rights law**", which was intended to train prosecutors from April to May 2020, but was postponed until the end of the same year.²⁰⁰ The course "**Peculiarities of the method of qualification and investigation of war crimes**" was included in the annual training program, envisaging training of 24 prosecutors - 35.2%, from September to December 2020, as well as the course "**Current issues of the RA Criminal Procedure**" with training for 9 prosecutors - 13.2%, also from September to December 2020.²⁰¹

Monitoring results. Training of judges

The annual training program of the RA Academy of Justice for 2020-2021 included the courses "**Current issues of RA criminal proceedings**", "**Current issues of RA administrative proceedings**", and "**Current issues of RA civil proceedings**".

Within the framework of these courses, among other things, the subject of discussion is the legal relations related to the fair examination of the case in the criminal, administrative-civil-legal spheres and the issues of ensuring the right discussed in those proceedings, including the legal nature of the right to a fair trial, fair hearings, the principle of competition, reasonable terms for a public hearing, the equality of the parties enshrined in the ECHR approaches as "equality of arms".²⁰²

As we have learned from the Committee on Educational Affairs of the General Assembly of Judges, 14 judges (6.08%), were trained in 2020 within the framework of the "**Current issues of RA criminal proceedings**" course.²⁰³

According to the HRAP annual report for 2020, 24 judges (30.76%) were trained within the framework of the course.²⁰⁴

According to the HRAP annual report for 2020, 23 judges (48.93%) were trained in the course "**Current issues of RA administrative proceedings**" and 119 judges (98.34%) within the framework of "**Current issues of RA civil proceedings**".²⁰⁵

²⁰⁰ Prosecutor's Office, 44/6 / 19412-2020, August 28, 2020; *See also* Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice

²⁰¹ Letter of the Ministry of Justice of the Republic of Armenia dated October 14, 2020 on the courses conducted by the Academy of Justice; *See also* HRAP 2020, Annual Report, page 25; HRAP 2020, Annual Report, updated, February 12, 2021

²⁰² Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, pp. 33; HRAP 2020, Annual Report, page 25; Committee on Educational Affairs of the General Assembly of Judges of the Republic of Armenia, N-66/20-U, E-7343, October 22, 2020; Committee on Educational Affairs of the General Assembly of Judges, N-00/20-U, E-6451, September 11, 2020; Curriculum, Annual Training of Persons Included in the List of Judges and Judges Candidates, Appendix 1, Decision KK-010/19/1 of the Governing Council of the Academy of Justice of November 29, 2019; Committee on Educational Affairs of the General Assembly of Judges, E-2282, March 31, 2021; RA Academy of Justice, 089 / 9-2021, April 16, 2021

²⁰³ Committee on Educational Affairs of the General Assembly of Judges, E-2282, March 31, 2021

²⁰⁴ HRAP 2020, Annual Report, updated, February 12, 2021.

²⁰⁵ HRAP 2020, Annual Report, pages 25

Within the framework of the course **"Current Trends in the Science of Constitutional Law and Constitutional Justice in the Republic of Armenia"** it is planned to train 53 judges (23.04%) in 2021.²⁰⁶

The curriculum of the Academy of Justice for 2020-2021 included the course **"Current issues of application of ECtHR legal positions in criminal cases"**, which also included the current case law of the ECHR on the protection of the right to a fair trial and the issues of its application against the Republic of Armenia.²⁰⁷

In 2020, 28 judges (12.17%) were trained in this course. In 2021 it is planned to train 8 judges - 3.47%.²⁰⁸

According to the website of the Council of Europe, on April 8, 2020, 10 judges in the field of criminal law participated in the eight-week HELP distance learning course on **"Reasoning of judgments in criminal cases"**.

The topic was also related to the reasoning of judgements made by domestic courts in criminal cases in the context of Article 6 of the ECtHR, dedicated to the fair trial of a case.

It was planned to award graduation certificates by the Council of Europe and the Academy of Justice to all participants who successfully completed the course.²⁰⁹

The second HELP distance learning course on **"Reasoning of judgments in criminal cases"** took place on May 12, 2020, where the reasoning of judgements in criminal cases dedicated to the fair trial of the ECtHR was again discussed. This time 17 judges with a specialization in criminal law participated.

The course lasted eight weeks and the participants who completed the course successfully were awarded certificates this time as well.²¹⁰ No information is available on the extent to which these courses have covered (if covered) the nuances of reasoning in the framework of fair criminal investigation of the cases related to the armed forces.

Recommendations for ensuring the Right to a Fair Trial

- Publish and include in the HRAP 2020-2022 baseline numbers of complaints to the ECHR on violations of the right to a fair trial, human rights violations against defendants, and complaints with those violations at the time of the adoption of the National Strategy 2019, giving an opportunity to measure the expected reduction of cases of violation of the right to a fair trial.

²⁰⁶ RA Academy of Justice, 089 / 9-2021, April 16, 2021

²⁰⁷ Semi-annual report on the activities carried out during the first half of 2020 under the HRAP 2020, July 20, 2020, p. 33; HRAP 2020, Annual Report, page 25

²⁰⁸ RA Academy of Justice, 089 / 9-2021, April 16, 2021

²⁰⁹ CoE Yerevan Office, Judges and Judicial Officers Successfully Complete New HELP Distance Learning Course, April 8, 2020

²¹⁰ CoE Yerevan Office, the second group of Judges Participate in HELP Distance Learning Course on "Reasoning of judgments in criminal cases", May 12, 2020

- Develop and apply tools, including online, in order to carry out training and courses safely in the conditions of COVID-19 pandemic.



EQUALITY OF RIGHTS AND NON-DISCRIMINATION

The Committee on the Elimination of Discrimination against Women noted the persistent existence of discriminatory stereotypes against women in Armenia in connection with the roles and responsibilities of women and men in the family and society, which subordinates the social status of women, their educational and professional advancement.²¹¹

The level of involvement of women in higher positions and their participation in decision-making is still low.²¹²

According to the National Strategy, the issue of creating legislative guarantees for ensuring equality and their effective implementation remains 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 states that the promotion of de facto equality between women and men is one of the government's priorities.²¹³

Under the Republic of Armenia's National Action Plan (2019-2021) on the United Nations Security Council Resolution 1325, the state again aims to promote the involvement of women in the armed forces.²¹⁴

The existence of legal mechanisms aimed at ensuring equality has been set as an objective for the implementation of the activities of equality and non-discrimination in the HRAP 2020-2022 and as a goal, it has been determined that the number of complaints submitted to the Equality Council will increase, the initial data of which is zero.²¹⁵

In contrast to the other rights discussed in this report, the section on equality and non-discrimination, provided baseline data, which, as noted above, was zero.

²¹¹ Example: UPR 2019 (4th), § 19; CEDAW/C/ARM/CO/5-6, § 14

²¹² UPR 2019 (4th), § 76; CEDAW/C/ARM/CO/5-6, § 20 (a)

²¹³ National Strategy, 2019, page 39

²¹⁴ Government of the Republic of Armenia, 2019-2021 National Action plan of the Republic of Armenia on the United Nations Security Council Resolution 1325 on Women, Peace and Security and timetable for its implementation, February 28, 2019

²¹⁵ HRAP 2020-2022, page 26

Here, however, the question 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 HRAP 2020-2022 focuses only on increasing the involvement of women in ensuring equality in the armed forces. No reference was made to the protection of the rights of other groups and the exclusion of discrimination based on social, ethnic, sexual orientation or other grounds. Meanwhile, Human Rights Watch, for example, in its 2019 and 2020 reports highlighted issues of discrimination against LGBT+ people in connection with military service, in particular undergoing or avoiding it.²¹⁶

Actions on Equality of Rights and Non-Discrimination

Out of the actions aimed at equality and non-discrimination in the HRAP 2020-2022, the "Peace Dialogue" NGO monitored Action 48, which is dedicated to promoting the engagement of women in the armed forces. Below are the results of the monitoring of that action.

Action 48

Promote the engagement of women in the armed forces

The forty-eighth Action of the HRAP 2020-2022 on Equality and Non-Discrimination is intended to promote the engagement of women in the armed forces.

It is expected until the first half of 2022 to

- conduct a study to look into the motives behind enlistment, continued service and demobilization of women in the armed forces;
- envisage a position to deal with promotion and protection of the rights of female military personnel assigned, and
- developed and disseminate through the mass media 5 video recordings dedicated to service of female military personnel in the armed forces.

It is expected that the above-mentioned actions will contribute to the increase of the number of female servicemen in the Armed Forces. The responsible entity for this action is the RA Ministry of Defense. No other co-implementing parties have been defined.

The funding will be provided from the state budget and other sources not prohibited by law.

As of February 2020, the draft amendments to the AP propose to postpone the deadline for this action from the first half of 2022 to the second half of 2022.²¹⁷

²¹⁶ HRW report 2019, p. 44; HRW report 2020

²¹⁷ HRAP 2019, Amendments and additions to the National Strategy 2020-2022, page 5

Monitoring results. General observations

In its 2017 report, the UN Committee on the Elimination of Discrimination against Women drew attention to the fact that there is a list of professions strengthened by the decision of the government, which are defined as dangerous for women. It reaffirms discriminatory stereotypes about women and segregation in the workplace.²¹⁸

Government Decree No. 2308-N of 29 December 2005 established, for example, defined hard work for persons under 18 years of age, pregnant women and women who are taking care of children under one. Among these types of work are military security, special communications service, cashiers and work related to other public administration bodies and services²¹⁹ that are considered types of work with sensory, emotional, stress and risk factors.²²⁰

The decision 2308-N of the Government of the Republic of Armenia of December 29, 2005 is in contradiction with the goal set by the 48th action of the HRAP 2020-2022 (promotion of women's involvement in the armed forces). In addition to a number of other reasons, this decision opens wide opportunities to prevent the involvement of women in "work related to public administration bodies and services".

In terms of international cooperation, it should be noted that in 2020 Armenia continued to cooperate with the Council of Europe Armenia Office in the implementation of the program "Human Rights and Women in the Armed Forces in Armenia-Phase II".

The aim of the program is to promote the protection of human rights (particularly of female servicemen) in the Armed Forces and to strengthen the effectiveness of legal proceedings in military cases by supporting the development of legal act drafting skills and capacities in favor of the implementation of the National Strategy and HRAP 2020-2022.

The specific aim of the program is to increase the involvement of women in the armed Forces in accordance with the standards and recommendations of the Council of Europe.²²¹

Monitoring results – Study

²¹⁸ UN CEDAW, Concluding observations 2017, § 24

²¹⁹ Decision 2308-N of the Government of the Republic of Armenia on approving the list of works that are considered heavy and harmful for persons under 18 years of age, pregnant women and women caring for children under one year of age, December 29, 2005, point 11.10

²²⁰ UN CEDAW, Concluding observations 2017, § 24

Decision 2308-N of the Government of the Republic of Armenia on approving the list of works that are considered heavy and harmful for persons under 18 years of age, pregnant women and women caring for children under one year of age, December 29, 2005, point 11

²²¹ CoE, Armenian programs, [Human Rights and Women in the Armed Forces in Armenia-Phase II](#), "Zinuzh" program [11.07.20, June 11, 2020, 08:09 minutes](#)

According to the HRAP 2020 annual report, anonymous sociological surveys, individual and group conversations were conducted with 30 female servicemen during the year about their perceptions of service, adaptation and reasons for termination of service.

The results were summarized and submitted to the superior command with relevant proposals.²²²

According to the letter of the Ministry of Defense, the department of work with female servicemen formed by the order of the RA Minister of Defense of October 19, 2019, regularly conducts anonymous inquiries, studies, discussions to look into the motives behind enlistment, continued service and demobilization of women in the armed forces.²²³

Monitoring results. A position to deal with promotion and protection of the rights of female military personnel assigned

According to the HRAP 2020 annual report, By the order of the Chief of the General Staff of the RA Armed Forces dated 30.01.2020, the formation and activity of women's councils in the military units was regulated.

The aim is to maintain a stable moral and psychological atmosphere in military personnel, and in their families, to involve personnel in social activities, to effectively integrate female soldiers into the service, to strengthen discipline, as well as assisting the command of the military unit in organizing patriotic education.²²⁴

Within the framework of the June 13, 2020 issue of the "Zinuzh" ("Armed Forces") program, reference is made to the women's councils formed in the RA Armed Forces. It is mentioned that they are permanent bodies consisting of 3-7 members on a voluntary basis under the direct leadership of the commander of the military unit. The members of the council are elected by the servicemen of the military unit, by open voting, for a term of 1 year.

The Council cooperates with various bodies. Anyone from the military unit staff can apply for its assistance. The purpose of the councils is to promote the integration of female servicemen into military service, to meet the social needs of servicemen and their members, and to maintain a morally and psychologically stable state.

The tasks of the Council are to assist in the study and resolution of family or workplace issues; support the protection and strengthening of the right to motherhood for the families of servicemen and civilian personnel; to support the organization of children's educational activities; to carry out propaganda of family values, healthy lifestyle, spiritual-moral-patriotic upbringing; to increase the prestige of the military family; to

²²² HRAP 2020, Annual report, pages 53-54

²²³ Defense Ministry / 510-GQ / 1603, March 25, 2021

²²⁴ HRAP 2020, Annual report, pages 54-55

explain to the family members of the servicemen the problems conditioned by the nature of the military service, to develop a respectful attitude towards the profession of the military and the Armed Forces through the family members of the servicemen; to involve the members of the servicemen's families in the improvement, cleaning and landscaping/gardening of military units and barrack areas.

The ultimate goal of women's councils is to promote the engagement of women in the armed forces and increase the attractiveness of military service.²²⁵

According to the letter of the Ministry of Defense, on October 19, 2019, by the order of the RA Minister of Defense, a department for working with female servicemen was formed.

The purpose of the activity of the department is, based on studies and analyzes in the Armed Forces, to present proposals for the organization of military service of women servicemen, for ensuring equal opportunities, and for addressing the issues of concern to female servicemen and the issues raised by them.²²⁶

It is not clear for the Peace Dialogue NGO, first of all, what the establishment of the above-mentioned women's council has to do with the assigning the position that would deal with the promotion and protection of the rights of women servicemen envisaged by the AP. The powers of women's councils, including in decision-making, are also unclear. The position of promoting and defending the rights of women servicemen presupposes decision-making powers, however, in the case of women's councils, this aspect is ambiguous. In addition, the composition of women's councils is formed for a period of one year, which may create obstacles in the continuous and effective response to violations of women's rights.

Monitoring Results. Video recordings

According to the letter of the Ministry of Defense, 4 videos were prepared jointly with the CoE Office in Yerevan to ensure public awareness about women serving in the Armed Forces.²²⁷

Within the framework of the June 6, 2020 issue of the program "Zinuzh", it is explained through the animated film that according to the RA legislation, both women and men can receive military education, enter contract military service or be promoted, if they meet the established requirements.

It was also mentioned that the servicemen are citizens in uniform, having the same rights and freedoms as other citizens. There are some special rules for servicemen, a

²²⁵ Zinuzh, 13.06.20, June 13, 2020; 25:43

²²⁶ Defense Ministry / 510-GQ / 1603, March 25, 2021

²²⁷ Defense Ministry / 510-GQ / 1603, March 25, 2021

number of social guarantees and means of protection of rights.²²⁸ The same video was shown during the June 20, 2020 issue of "Zinuzh" program.²²⁹

Another video of the June 6, 2020 issue of "Zinuzh" program is dedicated to military education, in particular the procedure for admission to the Monte Melkonyan Military School is presented and it is mentioned that from now on, as a novelty, girls can also apply to the educational complex.

In an interview, Deputy Defense Minister Gabriel Balayan stressed that a separate building has been assigned for the girls' platoon. At least one platoon is planned for the 2020 admission. Command positions have been added for the girls' platoon, some changes have been made in terms of living conditions and technical means have been acquired. The Deputy Minister also noted that discipline is planned to be increased, as experience shows that, for example, in the presence of female commanders, servicemen are more disciplined.²³⁰ And one report of the June 13, 2020 issue of "Zinuzh" program is dedicated to two of the first female applicants to the Monte Melkonyan Military School.²³¹

In the framework of the August 8, 2020 issue of "Zinuzh", another animated film presents the openness of military education and career for both women and men. The video encourages both men and women to consider military careers, noting that education at a military university is free and of high quality, also that a high salary is provided, career advancement is guaranteed, and social guarantees are given.²³²

On February 5, 2021, a video was published on the official website of the Ministry of Defense - an animated film about the protection of human rights in the Armed Forces.²³³ The film presents the internal and external mechanisms that servicemen can apply in case of violation of their rights. The separate mechanisms for women are also presented. For example, in addition to the women servicemen at the General Staff, reference is also made to women's councils in the military.²³⁴

In terms of responding to the post-war issues, it was proposed to add 48.1 point as an amendment to the HRAP 2020-2022 in the "Equality of rights and Non-Discrimination" section, which envisages the implementation of programs in 2021-2022 for the effective protection of the rights of the displaced persons, the disabled, the dead, the missing, the captives and their families as a result of the Artsakh war.

It is expected that the needs of social, psychological and legal support services available for these individuals will be collected and met, as well as targeted assistance programs will be developed and implemented.²³⁵

²²⁸ Zinuzh, 06.06.20, June 6, 2020; 22:57

²²⁹ Zinuzh, 20.06.20, June 20, 2020; 33:51

²³⁰ Zinuzh media, Zinuzh 06.06.20, 16:35

²³¹ Zinuzh, 13.06.20, June 13, 2020; 25:43

²³² Zinuzh media, Zinuzh 08.08.20, August 8, 2020; 25:18

²³³ Defense Ministry / 510-GQ / 967-2021, February 25, 2021; MoD, [Mechanisms for the protection of human rights in the Armed Forces](#) (Video); February 5, 2021

²³⁴ Defense Ministry / 510-GQ / 967-2021, February 25, 2021; MoD, [Mechanisms for the protection of human rights in the Armed Forces](#) (Video); February 5, 2021

²³⁵ HRAP 2019, [Amendments and additions to the National Strategy 2020-2022](#), page 5

At the time of publication of the report, the Peace Dialogue NGO did not have access to information on needs assessments, as well as the availability of specific support programs and their content. We consider the inclusion of a separate action dedicated to the protection of the rights of the victims of the Artsakh war in the HRAP 2020-2022, including servicemen, as a positive step.

Proposals to ensure equality and non-discrimination

- Investigate cases of discrimination on the grounds of social, ethnic, sexual orientation or other grounds in the armed forces. Take steps to prevent discrimination against these groups at the legislative and practical levels, and to apply appropriate response mechanisms in the event of discrimination.
- Repeal Government Resolution 2308-N of 29 December 2005 following the recommendation of the UN Committee on Discrimination against Women.
- Take steps to eliminate stereotypes about women and in the direction of eliminating the obstacles to professional orientation and advancement that are the result of the mentioned stereotypes.

COVID-19

Ensure the necessary measures to prevent the spread of a new coronavirus (COVID-19) and prevent the penetration of the virus into the armed forces during the preparations for the 2020 summer conscription, the examination of the citizens' health condition and medical examination, as well as the organization of the recruitment of the Armed Forces.

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.

Measures to prevent the spread of COVID-19 in the Armed Forces

In 2020 Covid-19 penetrated into the armed forces as well.²³⁶

According to Sahak Ohanyan, the head of the military medical department of the Armed Forces, Before the war we had about 1,200 patients with COVID-19, including both servicemen and workers and their family members involved in the Ministry of Defense and the General Staff.

²³⁶ Zinuzh, 28.03.20, March 28, 2020; 0:17

Since September 27, 2020, due to the war, the number of infected people in the armed forces has reached 3500. As of April 2021, the number of patients with COVID-19 decreased to about 150.²³⁷

Since the beginning of 2020, to combat the spread of COVID-19, a number of restrictions and measures have been applied in the Armed Forces.

Self-isolation, precautionary measures, awareness raising

According to the March 28, 2020 issue of the "Zinuzh" program, the infected servicemen were hospitalized, and those who had close contact with them were isolated in a specially designated area.²³⁸

From the June 6, 2020 issue of the "Zinuzh" program, we learn that preventative medical and disinfection measures were carried out in the military units of the Armed Forces and administrative complex of MoD. The military units and the adjacent areas were disinfected with special products; moreover, the entrances of military units were provided with control devices and thermometers.

The servicemen were informed about the precautionary measures against the spread of COVID-19.²³⁹ Disinfectants supplied to military units have undergone laboratory tests to determine the effectiveness of the sanitizers.²⁴⁰

Military Police, which monitored the movement restrictions, received the necessary equipment from the military medical service of the Armed Forces - means of protection against the epidemic: protection clothes, goggles and masks.²⁴¹

Movement restrictions and inspections

As we have learned from the May 16, 2020 issue of the "Zinuzh" program, restrictions have been imposed on the movement of personnel in the Armed Forces: holidays have been postponed indefinitely, visits have been banned.

According to the head of the department of moral and psychological support of Armed Forces, connected with the changes in the situation, the vacations were planned to be restored, and in separate military units it was planned to provide separate rooms to ensure the online communication of the servicemen with relatives.

In addition, in exceptional cases, with the permission of the head of the territorial division of garrison and under the direct supervision of the commander of the military unit, it is planned to allow visits in compliance with anti-epidemic measures and safety rules.²⁴²

As of April, 2020, the MoD has opened passport-checkpoints in all regions and large communities of the Republic of Armenia, a round-the-clock duty has been established.

²³⁷ Zinuzh, 03.04.21, April 3, 2021; 34:01

²³⁸ Zinuzh, 28.03.20, March 28, 2020; 0:17

²³⁹ Zinuzh 06.06.20, June 6, 2020; 14:00

²⁴⁰ Zinuzh, 02.05.20, May 5, 2020; 26:46

²⁴¹ Zinuzh, 18.04.20, April 18, 2020; 1:44

²⁴² Zinuzh, 16.05.20, May 16, 2020; 01:31

The military police officers controlled the inter-regional, inter-city movement of vehicles of the Ministry of Defense, checked the documents, measured the temperature of the servicemen, recorded the data of each of them, travel was allowed only in the absence of fever.²⁴³

The movement of the food supply vehicles, their permissions and the staff were checked as well. The groups of the Military Police were provided with the necessary protective equipment, and cooperated with law enforcement agencies and healthcare institutions.²⁴⁴

As of April, 2020 the movement to the Republic of Artsakh was restricted as well. Several checkpoints were installed, military units and officers' vehicles were inspected and disinfected.²⁴⁵

However, after the war that started on September 27, 2020, and after the announcement of the November 9 ceasefire, not only the crossing zone of Berdzor was removed, but Russian troops have been deployed here to check documents.

Military educational institutions

As of April 2020, the educational process has resumed at the Monte Melkonyan Military and Sports College. The officers, management staff, teachers and technical staff were tested for COVID-19.

In addition, the specialists of the Hygienic Epidemiological Center of the Armed Forces worked in the territory of the academy. Twice a day, the temperature of the staff was measured; moreover, they were provided with means for protection and disinfection, medical masks and gloves. Classes were organized to maintain a distance of one meter: the students of the college sat at a distance, one on each bench.²⁴⁶

In the process of transporting the students to the college, it was ensured that everyone on the buses was wearing masks and gloves. Moreover, only after undergoing a temperature check and only with the doctor's permission did they approach the car, disinfect their hands and take their seat on the bus²⁴⁷:

After arriving at the college, the students were tested for COVID-19 by the military medical specialists in one of the classrooms of the college, afterwards, they were isolated in a separate room for at least a day until the test results were ready.²⁴⁸

From the June 6, 2020 issue of "Zinuzh", we learn that the relevant service of the Armed Forces has disinfected the school premises from the inside and outside several times.²⁴⁹

Hospitals

²⁴³ Zinuzh, 18.04.20, April 18, 2020, 1:44

²⁴⁴ Zinuzh, 18.04.20, April 18, 2020; 1:44

²⁴⁵ Zinuzh, 18.04.20, April 18, 2020; 1:44

²⁴⁶ Zinuzh, 18.04.20, April 18, 2020; 5:58

²⁴⁷ Zinuzh, 18.04.20, April 18, 2020; 5:58

²⁴⁸ Zinuzh, 18.04.20, April 18, 2020; 5:58

²⁴⁹ Zinuzh 06.06.20, June 6, 2020; 21:30

We learn from the "Zinuzh" program that military hospitals and civilian hospitals did not stop the anti-epidemic measure throughout the war that started on September 27, 2020: all kind of visits were banned and active cooperation was kept with specialized structures.²⁵⁰

Equipment and cooperation with Russia

According to the "Zinuzh" program, as a result of cooperation between the defense departments of Armenia and Russia, in April 2020, two special equipment (mobile system-laboratories) were brought to Armenia for operative testing of army personnel in different directions.

One of them is a mobile group and a virology laboratory, takes samples in the military units together with the staff of the Hygienic Epidemiological Center of the Armed Forces, including in the Russian 102nd military base and objects of military significance. The other one is a mobile laboratory as well, which shows the final results of collected samples.²⁵¹

The mentioned system has the opportunity to move quickly, to be located anywhere, to be expanded in the field, to carry out its tasks 45 consecutive days without contact with the outside world. It can perform approximately 100 reliable PCR tests per day, and 30 reliable PCR tests in 5 hours and ensures the safety of the operating personnel. This equipment is used in Russia, Italy and Serbia.²⁵²

Starting from April 7, 2020, a group of specialists from the 48th Research Center of Radiation, Chemical and Biological Defense Forces of the Ministry of Defense of Russia provided professional assistance to the Hygienic Epidemiological Center of the Armed Forces.²⁵³ On April 2, 2021, at the end of their mission, the group of specialists from the 48th Research Center of Radiation, Chemical and Biological Defense Forces of the Ministry of Defense of Russia were awarded departmental medals by the order of the RA Minister of Defense for conscientious service in the implementation of anti-epidemic measures to prevent the spread of coronavirus in the Armed Forces.²⁵⁴

Measures to prevent the spread of COVID-19 during the replenishment of the Armed Forces

The Peace Dialogue NGO sent an enquiry to the Ministry of Defense of the Republic of Armenia to find out what measures were taken to prevent the spread of a new coronavirus (COVID-19) and its penetration into the armed forces during the reorganization of the Armed Forces.

In a response letter ²⁵⁵ the Ministry of Defense particularly mentioned that the head of the territorial subdivision service of the RA Ministry of Defense had given an order

²⁵⁰Zinuzh, 16.01.21, January 16, 2021; 09:24 ; Zinuzh, 28.03.20, March 28, 2020; 0:17

²⁵¹ Zinuzh, April 11, 2020; 1:26

²⁵² Zinuzh, April 11, 2020; 1:26

²⁵³ Zinuzh, 03.04.21, April 3, 2021; 28:34

²⁵⁴ Zinuzh, 03.04.21, April 3, 2021; 28:34

²⁵⁵ MoD / 510-GQ / 1719-20, May 27, 2020

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 June 20, 2020 issue of "Zinuzh" program referred to the topic of the recruitment of conscripts in territorial units during COVID-19. We learn from the video that the conscripts are invited to the military commissariat one by one with a nominal roll call. At the entrance of the military commissariat, their temperature is measured and hands are disinfected. In the corridors social distance in the corridor is provided by the distribution of seats in the waiting hall. The conscripts are called to the military commissariat according to separate groups, days and hours to exclude accumulations.²⁵⁶

From the July 4, 2020 issue of "Zinuzh" program, we learn that before accepting conscripts, the territories of military commissariats are disinfected with special substances.

There are markings in military commissariats to maintain social distance.²⁵⁷ Unlike the previous conscriptions, during the 2020 conscription, the relatives of the conscripts did not visit the Republican Conscription station to prevent the spread of the COVID-19.

Instead, the parents watched the military unit draw online from the territorial subdivisions.²⁵⁸

Conscription activities at the Republican Conscription station were carried out only in vacated outdoor areas. Special markings were drawn to keep the social distance. The masks were changed every 3-4 hours.²⁵⁹

During the last medical examination at the Central Military Conscription station, the conscripts' temperature was measured and blood sampling tests were taken to check the presence of coronavirus antibodies. The blood test is taken in the conscription station. In case of suspicious results, the conscript is quickly isolated and undergoes PCR testing to confirm or rule out the infection. The result is ready within 50 minutes after taking the blood. If necessary, an express PCR examination is performed, which lasts 20-30 minutes.²⁶⁰

According to the July 4, 2020 issue of "Zinuzh", after undergoing the medical examination in the conscription station, the conscripts are in the quarantine zone for

²⁵⁶ Zinuzh, 20.06.20, June 20, 2020; 1:33

²⁵⁷ Zinuzh, 04.07.20, July 4, 2020; 2:04

²⁵⁸ Zinuzh, 04.07.20, July 4, 2020; 2:04

²⁵⁹ Zinuzh, 04.07.20, July 4, 2020; 2:04

²⁶⁰ Zinuzh, 04.07.20, July 4, 2020; 2:04, Zinuzh, 13.02.21, February 13, 2021; 05:01; Zinuzh, 27.02.21, February 27, 2021; 11:41

14 days before leaving for the selected military units and taking a double coronavirus test. After comparing the two tests the recruits join the ranks of the Armed Forces.²⁶¹

Failure to perform the HRAP activities due to COVID-19

As reported by the responsible entity and (or) the co-implementing body for carrying out the actions, during 2020, a number of activities were not implemented due to the COVID-19 pandemic.²⁶² Among such activities were the training of commanders, military police and investigators on the right to life, training of military police and investigators on the prevention of torture, training of investigators and prosecutors on fair trial.

In this regard, it should be noted, however, that during the state of emergency, in accordance with the decision of the Government of the Republic of Armenia of March 16, 2020 on declaring a state of emergency in Armenia, the educational process in educational organizations has been suspended, except for distance learning.

This restriction did not apply to military educational institutions.²⁶³ According to the Ministry of Defense, it is because of COVID-19 that the study on the causes of intolerance in the Armed Forces, contributing factors and ways to overcome them has not been carried out.²⁶⁴, and in the first half of 2020 no training of psychologists were held in the military units.

The results of the surveys conducted among conscripts

The monitoring group conducted surveys with conscripts at military commissariats on measures taken to prevent the spread of COVID-19 in August 2020 during the summer conscription, and from February to March 2021 during the winter conscription.

In August 2020, 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. (See Image 12)

From February to March 2021, 272 out of 527 respondents (51%) gave a positive answer to the same question, and 241 (46%) gave a negative answer. (See Image 13)

Image 12. Were you able to keep your distance from each other while waiting in line at military commissariats and medical institutions? (N=196, August 2020)

²⁶¹ Zinuzh, 04.07.20, July 4, 2020; 2:04

²⁶² Ministry of Justice, letter /14.1/3262-2021, February 12, 2021.

²⁶³ 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

²⁶⁴ Defense Ministry / 510-GQ / 1793-20, June 4, 2020; Defense Ministry / 510-GQ / 2711-20, September 2, 2020

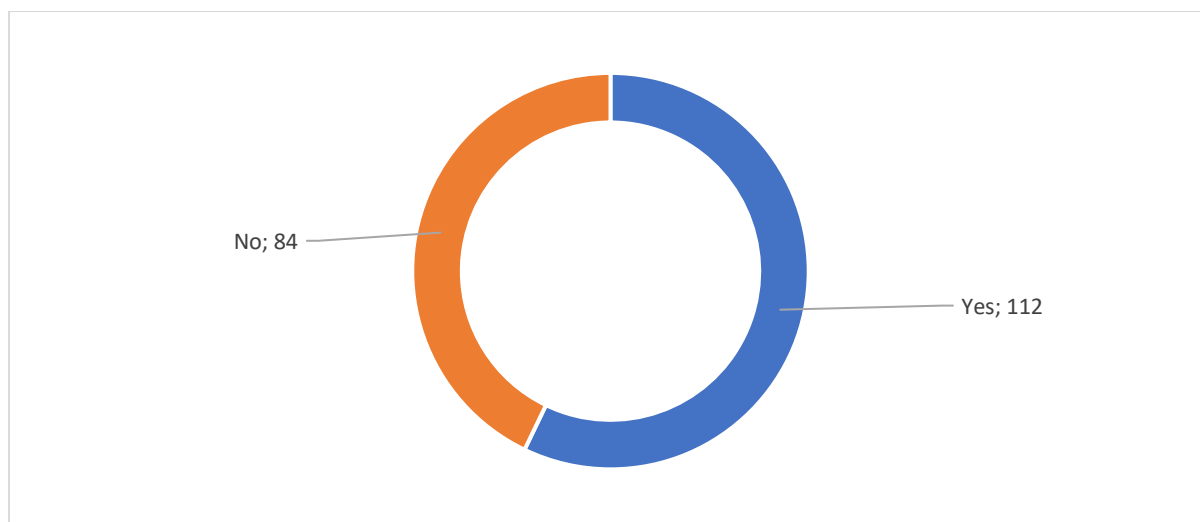
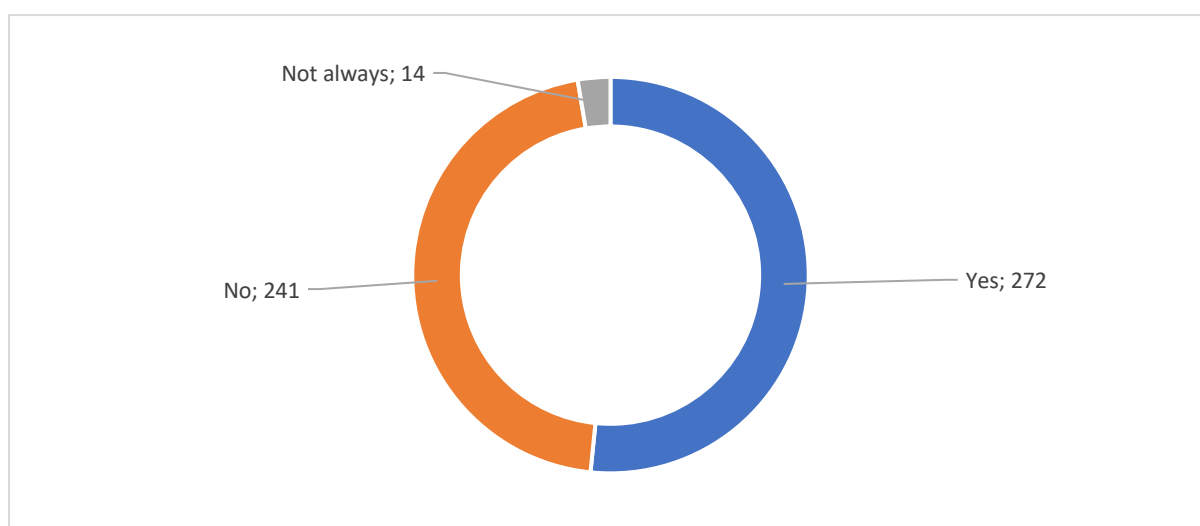


Image 13. Were you able to keep your distance from each other while waiting in line at military commissariats and medical institutions? (N=527, February-March 2021)



In August 2020, when asked about the accumulation of people while waiting in the line at military commissariats and medical institutions, 99 (51%) out of 196 conscripts answered that there were no accumulations, and 97 (49%) answered that there were. (See Image 14)

To the same question, from February to March 2021, 205 (39%) of the 527 respondents said there were no accumulations, and 315 (60%) said that there were (See Image 14).

Image 14. Were there any accumulations at the military commissariats and/or medical facilities? (N=196, August 2020)

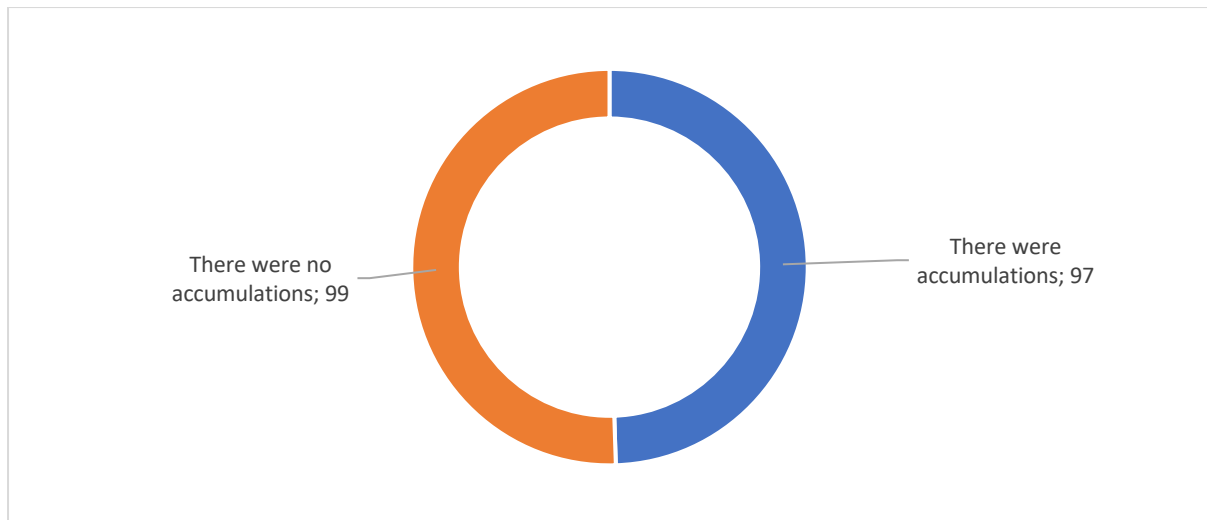
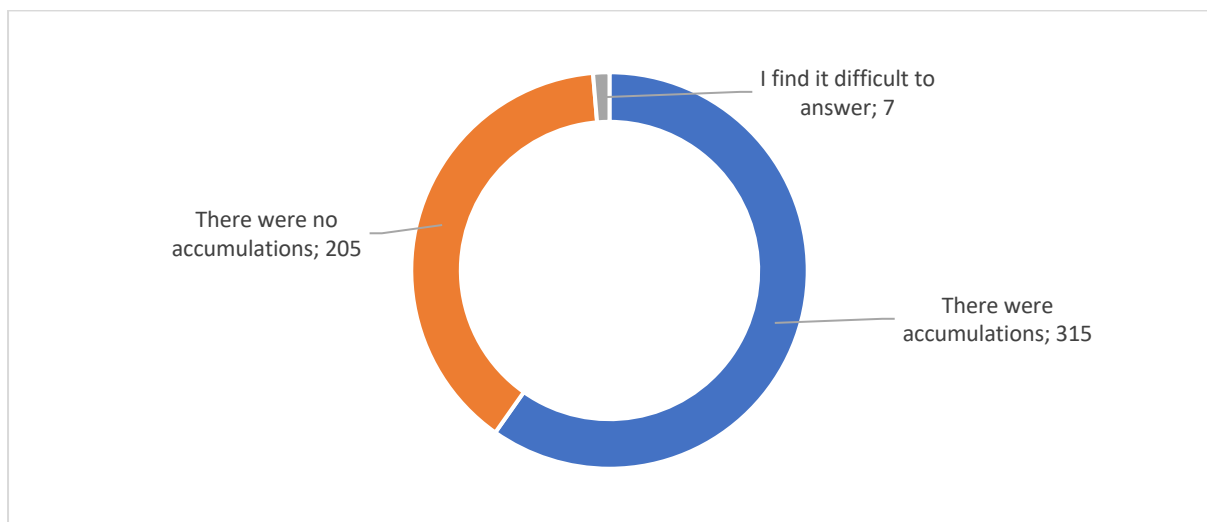


Image 15. Were there any accumulations at the military commissariats and/or medical facilities? (N=527, February - March 2021)



The respondents were aware of the means of protection against the infection. In August 2020, 75 (38%) of the respondents mentioned the mask as a means of protection. Disinfection of the hands was in second place with 13.3% of the answers (26 people), and 10 (5%) said they were not using any protective equipment.

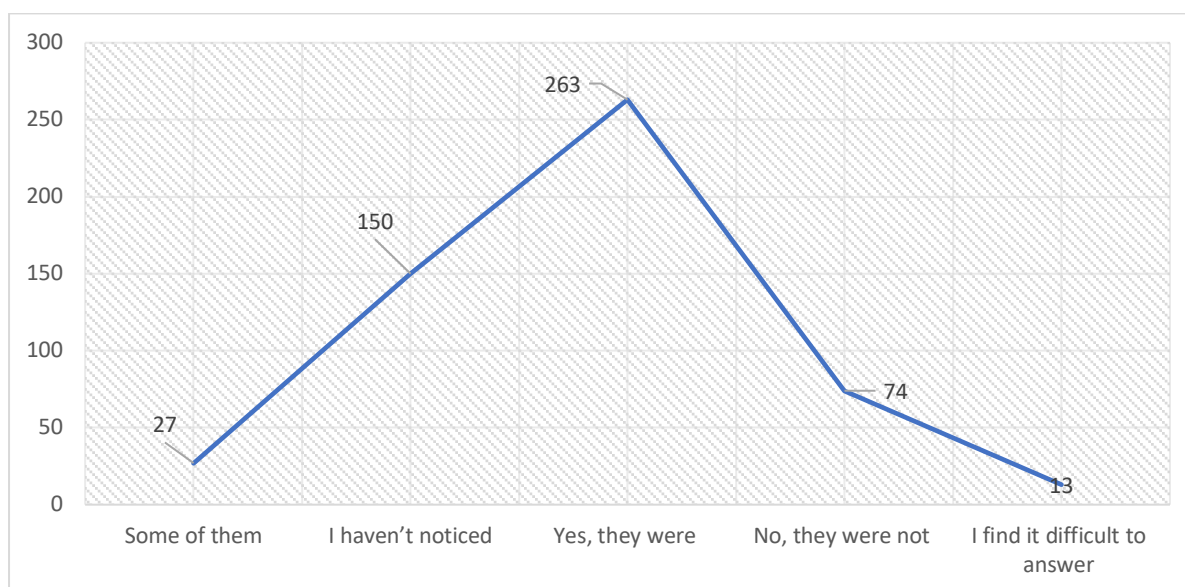
In February-March 2021, 406 (77%) out of 527 respondents mentioned the mask, and 336 (64%) said that they were not using any protective equipment.

In August 2020, 165 (84%) out of 196 respondents noticed that other conscripts waiting with them also complied with the anti-epidemic safety rules (See Image 16). From February to March 2021, 263 (51%) out of 514 respondents indicated that others followed the rules (See Image 17).

Image 16. Were the other conscripts following the anti-epidemic safety rules? (N=196, August 2020)



Image 17. Were the other conscripts following the anti-epidemic safety rules? (N=527, February - March 2021)



In August 2020, 158 (81%) of the 196 respondents stated that doctors wore masks and gloves during the medical examination, and 36 (19%) stated that doctors only wore masks (see Image 18).

In February-March 2021, 291 (55%) of the 527 respondents said that doctors wore masks and gloves, and 195 (37%) said they wore only masks (see Image 19).

Image 18. Were all the doctors wearing masks and gloves? (n=196, August 2020)

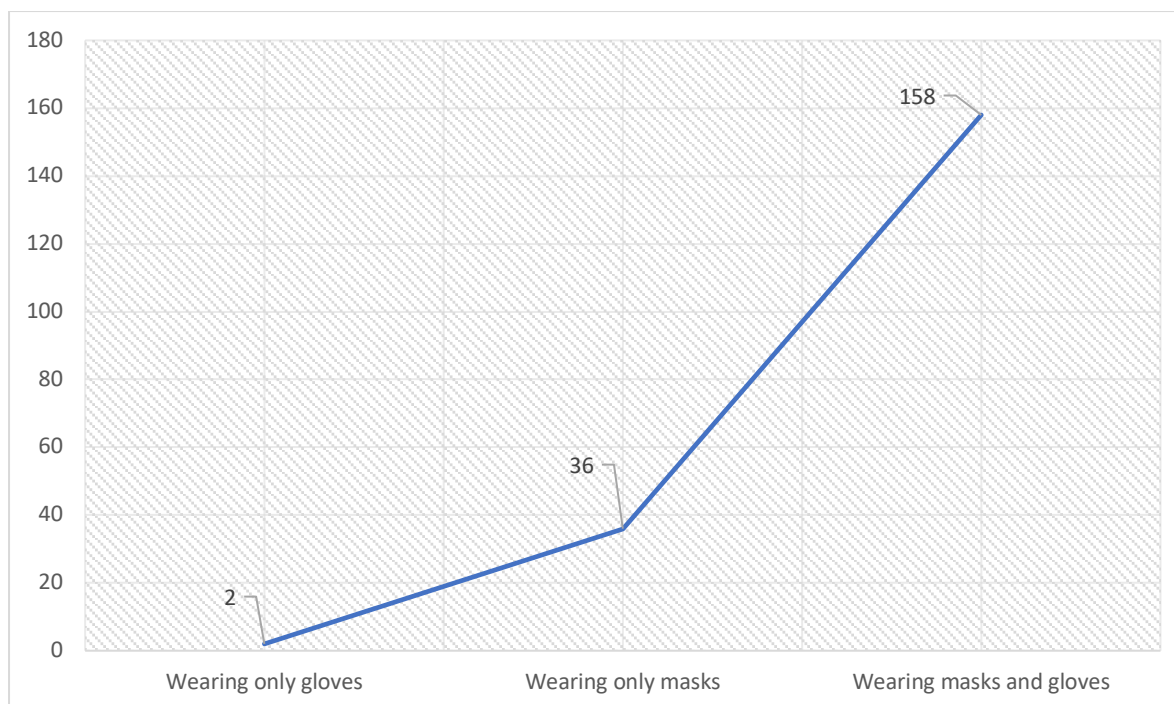
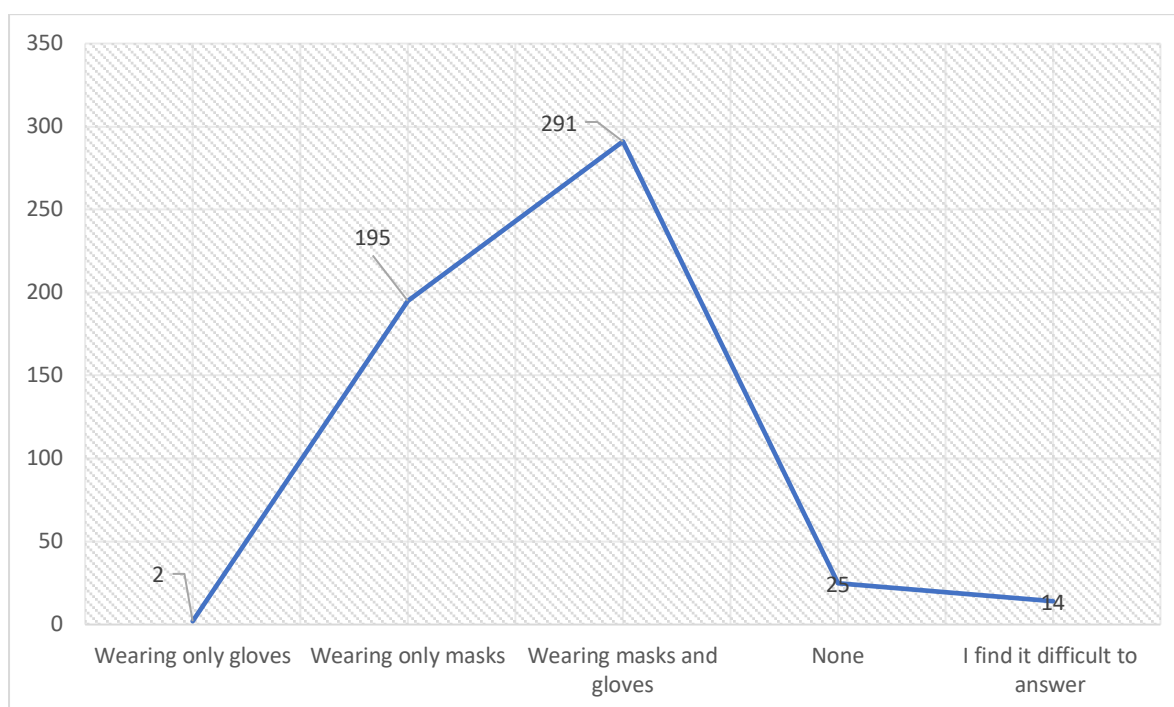


Image 19. Were all the doctors wearing masks and gloves? (n=527, February-March 2021)



In August 2020, 167 (85%) of the 196 respondents said that they were not tested for COVID-19, and 29 (15%) said that they were tested (See Image 20). From February to March 2021, 489 (93%) out of 527 respondents stated that they were not tested for COVID-19, and 38 (7%) mentioned that they were tested (see Image 21).

Image 20. Did you get tested for COVID-19? (n=196, August 2020)

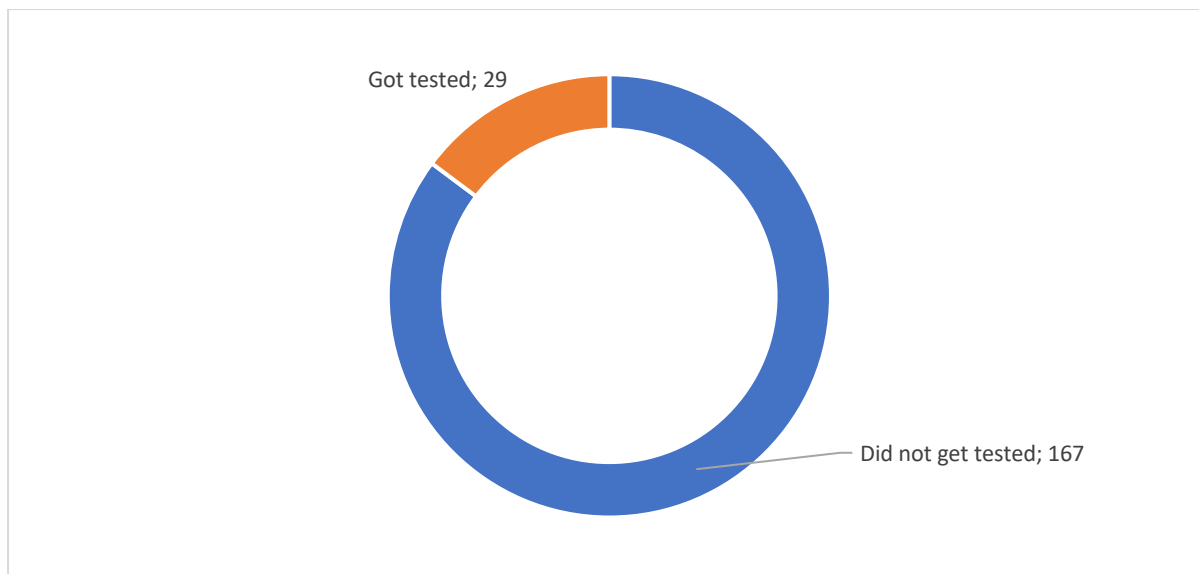
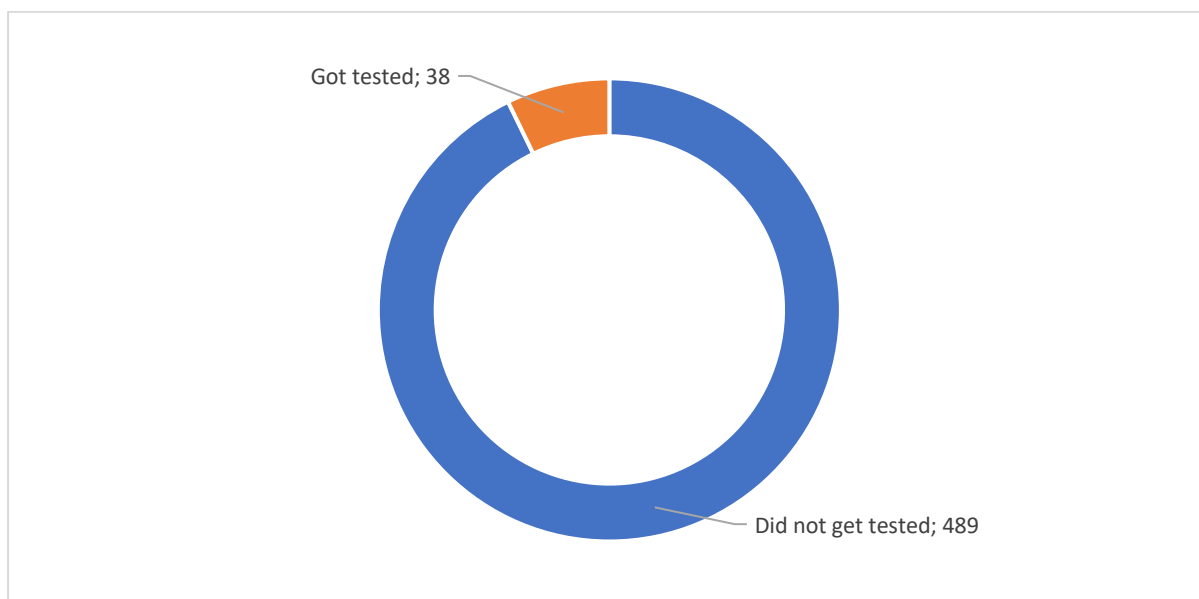


Image 21. Did you get tested for COVID-19? (n=527, February -March 2021)



Recommendations regarding COVID-19

- Review and update the National Strategy document and the HRAP 200-2022, taking into account the new human rights challenges caused by the COVID-19 pandemic in the Armed Forces and their impact on the effectiveness of the actions envisaged by the action plan.
- Develop and apply measures in order to safely carry out defense sector related training, awareness-raising actions and studies in the face of COVID-19 pandemic.

Armed conflict September 27 November 9, 2020

As it is known, the obligations of the state in terms of ensuring human rights protection continue to operate in the context of military operations. Armenia continues to fulfill its international obligations to ensure the rights to life, to be free from torture, ill-treatment or discrimination, and the right to a fair trial in the armed forces both in peacetime and in armed conflict.

In the context of ensuring human rights in the Armed Forces, however, neither the National Strategy nor the HRAP 2020-2022 took into account the risks of war resumption or escalation of border tensions, and therefore no action was taken to ensure human rights in the context of armed conflict.

As a result of the war unleashed by Azerbaijan and Turkey against Artsakh and Armenia on September 27, 2020, serious challenges have arisen, especially in the field of human rights protection in the Armed Forces.

These issues include the deaths of thousands of servicemen and volunteers, disappearances, and injuries of varying severity, as well as hundreds of people held captive and hostage, who are being tortured and ill-treated.

In terms of responding to the post-war issues, it was proposed to add 48.1 point as an amendment to the HRAP 2020-2022 in the "Equality of rights and Non-Discrimination" section, which envisages in 2021-2022 the implementation of programs for the effective protection of the rights of the displaced persons, the disabled, the dead, the missing, the captives and their families as a result of the Artsakh war.

It is expected that the needs of social, psychological and legal support services available for these individuals will be collected and met, as well as targeted assistance programs will be developed and implemented.²⁶⁵ However, the deadline for this action was postponed, as mentioned in the report.

At the time of publication of the report, the Peace Dialogue NGO did not have access to information on needs assessment, as well as the availability and content of specific support programs.

²⁶⁵ HRAP 2019, Amendments and additions to the National Strategy 2020-2022, page 5

At the time of the publication of the report, eight months after the war, the state had not published unified numbers on casualties, missing persons, prisoners of war and wounded persons.

In 2020, the General Department on Health Care and Social Protection of Service Persons and Veterans' Affairs was established in the system of the Ministry of Defense, within which a separate department of social and legal assistance was established.²⁶⁶

At the time of publication of the report, there is no detailed information on the activities of the department, particularly on the assistance provided to servicemen and other persons involved in hostilities, or the impact of that assistance on the exercise of their rights.

²⁶⁶ RA Mod, General Department on Health Care and Social Protection of Service Persons and Veterans' Affairs