OBSERVATIONS REGARDING THE IMPLEMENTATION OF INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

INTRODUCTION

The Institution of the Human Rights Defender of the Republic of Armenia (hereinafter the HRDI) was established by the Law of the Republic of Armenia on the Human Rights Defender adopted on 21 October 2003 and entered into force on 1 January 2004. The Human Rights Defender is entrenched in the Constitution of the Republic of Armenia by Article 83.1 of the Constitution.

In 2006 the Institution of the Human Rights Defender of Armenia was accredited with 'A' status by the International Coordinating Committee of National Human Rights Institutions (ICC), meaning it is in full compliance with the Paris Principles of 1993.[1]

According to the Article 2 of the Human Rights Defender Law, the Human Rights Defender (hereafter – the Defender) is an independent and unaltered official, who, guided by the fundamental principles of lawfulness, social co-existence and social justice, protects the human rights and fundamental freedoms violated by the state and local self-governing bodies or their officials. This implies that the competence of the Defender extends to all the state bodies, local self-governing bodies and their officials without any exception. When executing his powers, the Defender is guided not only by national legislation but also by norms and principles of international law; as a result, he can directly cite norms prescribed in international documents and well-recognized principles of international law.

The Law provides for all the necessary powers and resources for the Defender to accomplish this function. According to Articles 8 and 12 of the HRD Law, the Defender is authorized to:

[1] Currently the HRDI is under the procedure of the periodic re-accreditation by the ICC Sub-Committee on Accreditation.

- have free access to any state institution or organization, including military units, prisons, preliminary detention facilities and penitentiaries;
- require and receive information and documentation related to the complaint from any state or local self-governing body or their officials;
- receive from the state or local self-governing bodies or their officials with the exception of Courts and judges, information clarifying the issues that arise in the process of examination of a complaint;
- instruct relevant state agencies to carry out expert examinations and prepare findings on the issues subject to clarification during analyses of the complaint;
- have guaranteed confidential, separate, unrestricted communication with persons in military units, in preliminary detention or serving their sentence in penitentiaries, as well as persons in other places of coercive detention;
- make a statement about initiating a disciplinary procedure against a judge;
- in exercising his/her powers the Defender enjoys the right to immediately meet with state and local self-governing bodies and their officials as well as by top management of organizations and other officials and coercive detention facilities .

The geographic jurisdiction of the HRDI covers the whole territory of the Republic of Armenia. With the assistance of international donors in April 2012 six regional offices of the HRDI were opened in March thus making the institution more accessible to the population from the regions and enhancing human rights protection in the country. It is very important to ensure the sustainability of the regional offices once the project with international donors will end in mid 2013.

In 2011, the HRDI has also created a special department dealing with the protection of the rights of vulnerable groups. This department focuses on religious and sexual minorities, children, women, people with disabilities, refugees, etc. Targeted programs are implemented in partnership with state authorities, civil society and international actors aimed at protection and promotion of the rights of the mentioned groups.

Based on analyses of the complaints filed with the HRDI**,** and through monitoring and analyses of the situation in the field of human rights, the Human Rights Defender of the Republic of Armenia has decided to provide the Human Right Committee with the observations regarding the implementation of the International Covenant on Civil and Political Rights by Armenia (hereinafter: the Observations).

POSITIVE IMPROVEMENTS

- In March 2012 the National Assembly has adopted the new Military Disciplinary Code which would improve the discipline in military establishments, and would enforce the rights of soldiers
- In February 2012, the Police and the Chamber of Advocates have signed a memorandum of understanding and cooperation with the aim to guarantee the participation of a defense attorney in those cases when the Law prescribes it as obligatory.
- Steps have been taken in rebuilding and repairing penitentiary institutions, including acquiring new medical equipment.
- Most recommendations by the Defender regarding individual cases of violation of human rights and freedoms have been accepted by state bodies and implemented.
- In April 2011, the National Assembly of the Republic of Armenia has adopted the Law on Freedom of Assembly, which has reduced the number of breaches of people's right to peaceful assembly.
- In May 2011, all the remaining political prisoners from the 2008 clashes were released in a general amnesty.

SELECTED ISSUES

Based on thorough analysis of the complaints filed to the HRDI from year 2010 to April of 2012, the most prominent issues connected with the implementation of the International Covenant on Civil and Political Rights (hereafter ICCPR) are listed below. During this period the HRDI received more than 700 complaints regarding the issues that will be presented below, more than 150 of them were accepted to consideration by the Defender. The fact that an issue is not raised in this report does not mean that it is not relevant to the implementation of ICCPR by Armenia or to the general human rights situation in the country.

Prohibition of Torture and ill-treatment

I. Torture definition

Although torture is prohibited under the Armenian Constitution, a major obstacle in bringing alleged perpetrators to justice is the lack of a specific offence of torture, as defined under Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

Current definition of torture in Article 119 of Armenian Criminal Code does not satisfy the requirements laid down in Article 1 of the UN Convention. In particular, it lacks the requirement of intentional infliction of severe pain or suffering for a specific purpose, such as obtaining a confession, intimidation, or punishment. Also the wording is missing which would prescribe not only a direct involvement of public official in the acts of torture but also hold public officials responsible "at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" as the UN Convention stipulates. Practice has shown that individuals usually complain of ill-treatment from state authorities for the purpose of obtaining information or a confession from them.

II. Ill-treatment by the police officers

According to the results of analyses of more than 300 complaints against the Police that were filed to HRDI, there have been more than 40 cases when the police operational staff has engaged in physical and mental ill-treatment of detained persons and witnesses during initial interviews in the period of inquest and preliminary investigation.

In 2011, the HRDI received a complaint from citizen A.A. concerning the actions of investigator S. Sedrakyan from the Kotayk marz police department. According to the complaint, the investigator had conducted mental ill-treatment towards A.A. As a result of the analyses and recommendations made by the HRDI, the investigator was fired from his position. Nevertheless, the HRDI stresses the view that in similar cases of ill-treatment by Police officials, mere disciplinary action is not sufficient to prevent such cases in the future.

Based on the complaints of physical and mental ill-treatment conducted by the police operational staff and after thorough analysis of those cases the HRDI has sent recommendations to the Head of the Police. In most of those cases, service investigations were conducted, but the results were not satisfactory as the police often concluded that the individuals had suffered physical harm before their apprehension or by the use of force during their apprehension and not as a consequence of ill-treatment towards them by the police. Thus, effective investigation of complaints on police brutality remains a serious concern.

To limit the possibilities of ill-treatment during interrogation and provide a factual recording for review, the Defender recommends video recording of all interrogations.

III. Ill-treatment by the National Security Service

The HRDI has received more than 20 complaints against the National Security Service, some of which were concerning cases of ill-treatment of detained persons during initial interviews and interrogations of suspects and witnesses by the National Security Service (hereafter - NSS) operational staff. According to details of a complaint, the investigator of the NSS conducted ill-treatment to citizen E.A. to obtain information and/or a confession from him during the preliminary investigation. In response to the inquiry by HRDI, the Head of NSS responded with the usual answer that the citizen had suffered physical harm from other sources and not as a consequence of ill-treatment towards him by the NSS. Due to the fact that the NSS is rather reluctant to provide information

because of the restricted nature of the institution, investigation of the cases of physical and mental ill-treatment remains a concern.

IV. Ill-treatment in the military

Concerning the physical and mental ill-treatment by military officers towards their fellow soldiers, the HRDI stresses the opinion that the physical and mental ill-treatment in military establishments takes place as a consequence of the non-enforcement of the Military Disciplinary Code, lack of effective preventive measures by the Ministry of Defense and also as a result of insufficient control of the disciplinary situation in military establishments by officials of military establishments. The HRDI stresses the opinion that the new Military Disciplinary Code which was adopted in 2012 can improve the disciplinary situation in the Army by making an attempt in the process of enforcing discipline in military establishments, which would eventually reduce cases of physical and mental ill-treatment by military officers towards their fellow soldiers, and therefore it should be considered as a positive improvement.

The HRDI has received more than 200 complaints against the Ministry of Defense, 20 of which were alleged cases of ill-treatment. In 2011, citizen Z. M has complained that he had undergone beatings and degrading treatment by other soldiers of the military unit. Injuries were reported on different parts of his body (e.g. legs, hand, and ear) which were caused by kicks, cigarette burns and other ways (criminal proceedings have been launched). The mental condition of Z. M. has deteriorated because of those attacks. The HRDI had taken the complaint into thorough consideration. As a result of the HRDI interference, Z. M. was allowed to leave military service, and criminal proceedings are still in progress.

Right to Liberty and Security of a Person

I. Right to have a defense attorney

The HRDI has received more than 80 complaints concerning cases of limiting person's right to liberty and security. In several cases, individuals brought by force to a police department were denied their right to have a defense attorney. According to complaints addressed to the HRDI, authorized officials of the Police did not provide the individuals their right to a defense attorney and legal assistance before and at the time of drafting the protocol of detention as the law requires. The right of an individual to be entitled to legal assistance is defined in the provisions of article 20 of the Constitution of RA and in Section 63-2 (4) of the CCP. However, it is noteworthy that in 2010 the Head of the Police gave the 12-Ց (12-C) order to regulate this issue because of complaints for not guaranteeing the right of an individual to be entitled to legal assistance. Nevertheless, the order was not sufficient to exclude the above mentioned unlawful actions. The HRDI stresses the opinion that strict measures should be taken by the Head of Police to exclude such cases.

II. Exceeding procedural limits

Cases where the preparation of the report of the arrest of suspects exceeds the three hour limit set by the law are one of the main concerns for the HRDI. According to the oral and written complaints addressed to the HRDI, there are several cases when the 3 hour time limit is breached. However, police operational staff often does not register the entrance of the suspects to police stations in the record papers making this type of violation almost impossible to prove. As for the obligation of police officers to inform the detained person's relatives of his or her situation within three hours of arrival on police premises, the HRDI stresses the opinion that the three hour time limit is usually breached by the police officers because of the dissimilarity between the Code of Criminal Procedure (hereafter – CCP) Article 63 paragraph 2 item 9 which stipulates a maximum period of twelve hours during which close relatives should be notified and Section 5 of the Police Act that places an obligation on police officers to inform the detained person's relatives of his or her situation within three hours of arrival on police premises. Therefore, the two legal acts that regulate the same question should be brought in line with each other, and

the maximum period of time to inform the detained person's relatives of his or her situation should be within three hours of arrival on police premises

III. Absence of procedural status

The HRDI has also received oral and written complaints regarding the police practice of inviting individuals to police stations and keeping them there for hours without their consent and without granting them a procedural status in accordance with the Criminal Code of Procedure (CCP). In those cases, the police operational staffs justify their actions by claiming that those individuals were cooperating with the police and were not granted a procedural status because they were invited to the police station. The HRDI stresses the opinion that an amendment should be made in the CCP, as a result of which the process of inviting individuals to police stations should be strictly regulated.

Conditions of Detention

I. Holding of hunger strikes

The HRDI has received more than 90 oral and written complaints against Penitentiary Institutions, some of which were concerning conditions in penitentiary institutions (PIs) for prisoners' who have declared a hunger strike. The rights of prisoners who have declared a hunger strike are not regulated by the Penitentiary Code (PC). In 2011, there have been cases when such prisoners were kept in punishment cells or were not isolated from other prisoners and were kept in general cells due to the problem of overcrowding. Consequently, in those cases they witnessed other prisoners eat, which is a form of psychological pressure. Another issue connected with those prisoners is the need to regulate daily medical supervisions for them. It is noteworthy that the issue of daily medical supervision of these prisoners is also not regulated by the PC. In 2011, the HRDI received a complaint from A.M. who is serving a life sentence in Nubarashen PI, the latter had declared a hunger strike in December, 2011. Only after some time the complainant was isolated from other prisoners, however, he was transferred to a

punishment cell. The administration of Nubarashen PI had informed the HRDI staff members, that because of the overcrowding and lack of free cells, the prisoner for isolation purposes had been transferred to a punishment cell. The HRDI stresses the opinion that there is a need to make an amendment in the Penitentiary code by providing a special provision which would regulate the rights and conditions in Penitentiary institutions for prisoners' who have declared a hunger-strike.

II. Overcrowding

One of the main issues connected with PIs is the issue of overcrowding, which is the evidence that the international and national legislative provisions on the population of detainees and convicts in penitentiaries are not always enforced. Analyzing this issue, the HRDI stresses the view that if a PI is overcrowded, cases of violence are unavoidable. Most European countries and the U.S. Supreme Court consider overpopulation as a form of violence.

When detainees and convicts are transferred to penitentiaries, the issue of selection of persons that share the same cell is important. Persons serving sentences for different criminal offenses and different criminal behavior often have to share the same cell due to the overcrowding, which is a violation of Article 68 of the Penitentiary Code. This hinders the rehabilitation process of prisoners and creates an atmosphere where those who have committed lesser criminal offenses are physically and mentally abused by the others. Therefore, it should be of paramount importance for state body officials to take strict measures in order to exclude the above mentioned cases. The HRDI stresses the opinion that the best method for preventing cases when persons serving sentences for different criminal offenses and different criminal behavior share the same cell is to solve the issue of overcrowding in Penitentiary Institutions.

During visits to PIs, obvious breaches of the living space requirement of each detainee/convict were registered: in Vardashen PI there were 241 people instead of the permitted 154 at the time of the visit, in Erebuni PI there were 576 people instead of the permitted 391, in Nubarashen PI there were 1200 people instead of 840 with 16-20 inmates living in cells intended for 8 people.

The issue of overpopulation is aggravated due to the irregular and unequal approaches of the administrations of penitentiary institutions and the independent committee of early conditional release concerning cases when the remaining term of sentence can be changed into a milder punishment. One of the concerns connected with the policy of the independent committee of early conditional release (hereafter the Committee) is the reluctance to change the remaining term of sentence in cases of deprivation of liberty with a conditional release or other form of punishment that is not connected with deprivation of liberty. The prisoners usually complain that the Committee simply rejects the option of an early conditional release without going into the details of the cases. Although it is of great importance that the Committee should be independent from any state official, a mechanism should be implemented which would oblige the Committee to make a thorough analysis of each case prior to making a reasonable decision. That could bring to the end of the atmosphere of distrust to the Committee by the prisoners. The latest amnesty has relieved the PIs, however as of today four penitentiaries are overpopulated (Nubarashen, Vardashen, Kosh, Sevan).

In response to the inquiry of the Defender on addressing the overcrowding, the RA Minister of Justice stated that the issue would be resolved completely within ten years. From the point of view of human rights, this is not a reasonable period of time, especially as overcrowding of the penitentiary institutions is increasing. In April 2006, the number of detainees and convicts was 2997, while in November 2011 it was 4868, we can conclude that a 60% growth had taken place. It should be noted that all the penitentiary institutions of Armenia combined are prescribed by law to hold only 4395 people. The Defender recommends that overcrowding be addressed urgently by State authorities because it is one of the main reasons for generating violence and inhuman treatment.

Freedom of Movement

I. Public transportation

The HRDI has received more than 10 written and oral complaints concerning cases of the limitation of the right to freedom of movement within the territory of RA. In 2011, the HRDI has received complaints stating that buses from the regions were not following the hours of transportation set in the timetable. Analyses of the complaints showed that transporting companies were not conducting transportation at all or the transportation was done only in one direction on the days when the Armenian National Congress (the opposition party) organized assemblies. As a consequence of a recommendation by the Defender, the Ministry of Transport and Communication warned some of those companies to not violate the law in future and others were called to administrative account. According to the official data of the Ministry of Transport and Communication, in 2011 ten transporting companies were called to administrative account for not conducting transportation on the days of assemblies organized by opposition parties.

II. Accessibility for the persons with disabilities

The HRDI stresses the need to ensure accessibility of public transport for people with disabilities, which is still one of the most prominent issues in RA. Because of the absence of accessible public transport, the right to freedom of movement of people with disabilities is significantly limited, with taxis and other high cost forms of private transportation being the only options for them. In 2011, the Ministry of Transport and Communication admitted the absence of public transport available for people with disabilities and stops equipped with ramps but mentioned that measures are being taken to solve this issue. As of this moment the HRDI stresses the opinion that this issue has not been solved, and it should be addressed urgently by State officials.

Right to a Fair Trial

The underperformance of the justice system is one of the main problems in the Republic of Armenia, and the Defender has focused on the right to a fair trial and judicial reform since he took his post in March 2011. Injustice by certain judges, obvious shortcomings of the highest court authorities and imperfect conditions in the judicial system result in people losing faith in the justice system, which in turn, makes them disappointed with all state institutions. In 2010, request for the protection of the right to a fair trial formed 40% of the complaints received by the Defender. However, the Defender's competences regarding the judicial system are very restricted. The Defender cannot interfere into any issue that is subject to judicial inquiry and cannot give an assessment to a case when it is under the procedure of the court. The only power that the Defender has with regard to the protection of the right to a fair trial is the power to make a statement about initiating disciplinary proceedings against a judge, which entered into force on 1 January 2011.

The citizens mostly complain about unfair judgments, length of legal proceedings, frequent delays of the hearings, absence of judges from trials, irregular service of the summons or documents, untimely making of decisions and decisions not based upon the legal remedies. Legal aid guaranteed by the Courts is not sufficiently available – attorney services are inaccessible to many due to high prices, and free legal aid services in municipalities pose stringent criteria for rendering their services. In cases of unlawful actions by the judge, the complainants are informed about Article 12 of the HRD Law according to which Defender is authorized to make a statement about initiating a disciplinary procedure against a judge.

In 2011, the Defender submitted three statements to the RA Council of Justice requesting to initiate disciplinary action against three judges, Y.Y. M.R. Y.I., who conducted obvious and gross violations of the law.

It took judge Y.Y. nineteen months to solve a dispute between mother and son regarding a mere 9.6 square meters of residential space. The judge did not meet the requirement of the law to examine the case within a reasonable time.

Judge M.R. ignored a citizen's lawful plea to submit the arguments examined by the RA Court of First Instance to the RA Court of Appeal for re-examination on the grounds that no motion of that kind had been made.

Judge Y.I. made the citizen's guilt a subject of discussion while ruling on the case of detaining him, which is an obvious and gross infraction of the presumption of innocence, and moreover, the judge did not provide an interpreter for the defendant. Another violation involved the lack of the date of the arrest in the court decision. Afterwards, in violation of the law, the arrest date was added to the court decision. This correction was also in violation as the issue was resolved without the defendant's participation.

The RA Council of Justice, without providing sufficient facts or evidences, decided that the judges were not subject to disciplinary sanctions. As mentioned above, the underlying disciplinary mechanism itself remains very weak. The striking demonstration of this is the fact that when the Defender exercised his new power of requesting an initiating of a disciplinary procedure with the purpose of correcting injustices and vividly exposing these systemic problems in the judiciary to the public, he was the subject of spurious accusations and unfounded claims made by persons within the judicial system. The Defender has presented to the attention of the Council of Justice two more cases of violation of the right to a fair trial by judges, which again were dismissed without proper examination.

The Defender recommends that an independent oversight system be created to ensure accountability of the judges. It should involve members of the civil society who will be independent and impartial in the process of monitoring the judicial system. The oversight should be limited to only conduct fact-finding and monitoring in order not to impinge on the impartiality of the judiciary.

Freedom of Religion

The HRDI is dealing with all complaints based on any form of discrimination including those that are submitted by religious minorities. There have been several complaints

addressed to the HRDI concerning the alternative service by Jehovah's witnesses. Most male Jehovah's witnesses refuse to participate in alternative military service because it is not under civilian control. It is a positive improvement that steps have been taken to review the Law on Alternative service. However, the Law has not yet been amended, with the result that there are currently more than 50 people imprisoned for evasion from regular military service. Concerning draft Law on Alternative service, the Venice Commission stated the opinion that if the amendments and additions to the Law will be adopted by the National Assembly, that should be a considered a step in the right direction and would be an attempt to extent the Law's conformity with international standards relating to conscientious objection to military service. However, the Venice Commission stressed its concern about the duration of the alternative labor service that lasts 42 months compared to 24 months of military service, which is not in conformity with the international standards relating to conscientious objection to military service.

The HRDI stresses the opinion that the Amendments to the Law on Alternative service should be immediately adopted and the provision of the Law that stipulates the 42 months for alternative labor service should also be amended.

Freedom of Expression

As a result of amendments made to the RA Criminal Code in 2010, defamation and insult were decriminalized, whilst the order and terms of compensation of damages caused by insulting or defamatory statements to honor, dignity and business reputation of a person have been prescribed in the RA Civil Code. One of the main purposes for the decriminalization was to prevent pressure on journalists. However, following the decriminalization in cases of complaints against journalists the courts have adopted a

policy of making the journalist pay the maximum amounts of compensation allowed by the RA Civil Code.

Based on complaints concerning the courts' decisions, the Defender emphasized that the application of the law by the courts is hampered by irregular interpretation by judges and some ambiguity text of the law. After an appeal by the Defender in October 2011, the Constitutional Court of the Republic of Armenia outlined a number of important legal interpretations in its decision. The Constitutional Court noted that the expressions made in media cannot be considered as insult if they have factual basis and that a court must first apply forms of non-financial compensation, e.g. apology, denial etc. Financial compensation should be provided only in cases when the non-financial compensation is not enough to compensate the caused damage.

Right to Peaceful Assembly

The HRDI has received written and oral complaints concerning limitations on the right to freedom of assembly. In April 2011, the National Assembly of the Republic of Armenia adopted the Law on Freedom of Assembly, which helped to reduce cases of breaches and/or limitations of people's right to peaceful assembly. The adopted Law does not apply to all types of "events" but only to "assemblies". The Law clearly differentiates two main types of assemblies: assemblies that are subject to permission from State officials and those which are not. The Law also clearly defines the places where conducting assemblies is prohibited. The principle approach inherent to the Law is that if the meeting is peaceful, the Police cannot stop it. The HRDI stresses the opinion that the Police should always be responsible for violating someone's right to a peaceful assembly.

On 21 March 2011, the Defender was informed about the hunger strike of the Parliament member Raffi Hovannisian and the fact that Police had prohibited him from setting up a tent in Freedom Square in Yerevan. The Defender expressed his opinion that this was a

violation of Raffi Hovhannisian's rights and the actions of the Police were illegal because the request of installing a tent as a part of a non-mass event is not a violation of public order. The Police implemented the recommendation made by the Defender, allowing the tent to be installed; however, the Police did not punish the police officers who violated the right to peaceful assembly.

According to other complaint received in 2011 regarding freedom of assembly, two separate groups had organized demonstrations in front of the building of the Government of the RA. During the demonstration, one of the groups started to violate public order and a decision was taken by the police to take immediate measures to stop the demonstration in front of the Government building and move them to the other side of the street. The aggressive demonstrators were dispersed but the right to freedom of assembly of the second separate group of demonstrators that was not violating public order was also limited, and as a result they could not exercise their of assembly in frond of the Government building. The Head of the Police vigorously denied any breach of the law by the police and did not implement the recommendation made by HRDI.

National Minorities

Among the challenges that the national minorities face in the Republic of Armenia are the general social-economic issues in RA and lack of participation in the cultural life due to lack of cultural centers. National minorities are represented in local governmental bodies as head of villages or other similar level positions. The current situation shows that even though the law does not prohibit it, however there are no representatives of national minorities in executive or legislative bodies. The above mentioned issue cannot be considered as discrimination, but the involvement of members of national minorities in the activities of governmental bodies would be an additional guarantee for the realization of their rights.

A significant issue for national minorities is the lack of trained personnel in the communities, as a result of which some educational institutions do not have enough

specialists, for others the teaching staff is being invited from other villages, which is causing additional expenses. Such situation has an impact on the quality of the specialists due to the lack of competition. The HRDI stresses the opinion that a Law on National Minorities should be adopted by the National Assembly which would strictly list all the rights and obligations that the national minorities have.

The State officials should take steps in order to help the communities of national minorities to build cultural centers that would guarantee their right to participation in cultural life and to uphold their cultural identity. In 2011, the Defender issued a special report on the state of protection of the rights of national minorities in the country with relevant recommendations addressed to state authorities.[2]

[2] http://ombuds.am/library/library/page/101/type/3. The Report is in Armenian.

RECOMMENDATIONS

- National strategy on human rights protection should be adopted without further delay. Following this, the National Human Rights Action Plan should be developed as soon as possible with broad participation of the civil society.
- Article 119 of Armenian Criminal Code should be amended in compliance with definition of torture in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.
- Take steps to provide police stations with video recording equipment, specifically in interrogation rooms for recording the process of the interviews and in other rooms where possible contact between suspects or witnesses and police officers can occur. Video recording of police interviews will provide facts concerning the duration of interrogations, prevent the potential ill-treatment or pressure that may be conducted towards the suspects or witnesses, also such kind of monitoring mechanism would show the time period starting from which the individuals were in the police department and whether the compiling/preparation of the protocol of the arrest of suspects exceeds the three hours limit set by the law.
- Amendment should be made in the CCP that would strictly regulate the process of inviting individuals to police departments and granting them a legal status.
- Any situation where someone has potentially been physically or psychologically abused by the police or other state body official should be followed by thorough investigation, after which criminal charges should be filed against the official whose actions violated the fundamental rights of a person. In those cases when the actions state body official did not reach the level of criminal responsibility disciplinary or administrative penalties should be executed.
- The Defender recommends that an amendment should be made in the Code of Criminal Procedure that would obligate the bodies conducting the criminal proceedings to inform the detained person's relatives of his or her situation within three hours after detention.

- The issue of overcrowding and physical or psychological abuse in penitentiary institutions should be addressed urgently by State authorities because it is one of

the main reasons for generating violence and inhuman treatment. Three approaches are recommended:

1. Implementation of international best practices that suggest that smaller penitentiary institutions are better;
2. Improvement of premises (increasing the number of cells and ensuring that prisoners are placed in cells with other prisoners who conducted crimes of similar severity);
3. Implementation of legislative amendments which will decrease the number of people in PIs:
   - increase the application of crime prevention measures and
   - increase the possibilities of replacing detention with milder or alternative forms of punishment.

- Amend the Penitentiary Code by regulating the rights and obligations of prisoners who have declared a hunger strike.
- A mechanism should be implemented which would oblige the Independent committee of early conditional release to make thorough analysis of each case prior to making a reasonable decision
- Measures should be taken to ensure full compliance by the Police with the provisions of the Law on Freedom of Assembly. This includes clear regulations for when the Police are allowed to stop an assembly and repercussions for any police officers or operational staff that violates the fundamental rights of the people.
- In defamation and insult cases, the courts should follow the guidelines provided by the Constitutional Court of RA. This will ensure the right to freedom of expression will not be disproportionally limited.
- Immediate measures should be taken for ensuring the accessibility of public transport for people with disabilities and constructing ramps in bus stops.
- An independent oversight system should be created to review the actions of the judges and ensure some form of accountability without impinging on its impartiality.

- The new Amendment to the Law on alternative service should be adopted without further delay and taking into account the recommendations of the Venice Commission.
- Adopt a Law on National Minorities, which would regulate and guarantee their rights and obligations.
- The State body officials should take steps to create cultural centers for national minorities, as a result of which their right to participate in the cultural life will be guaranteed.