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STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA

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Working session 4

Rule of Law I including

- Legislative transparency**
- Independence of the judiciary**
- The right to a fair trial**

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Mr./Mme. Moderator,

Thank you for this opportunity to present you a piece of information on latest developments in ensuring the right to fair trial in the Republic of Armenia.

One of the main goals of judicial reform underway in the Republic of Armenia is the reformation of judiciary with a special stress on ensuring its independence and the protection of rights and legitimate interests of persons in accordance with recognized principles and norms of international law.

Article 19 of the Constitution of the Republic of Armenia stipulates that “Everyone shall have the right to restore his violated rights, and to reveal the grounds of the charge brought against him in a fair public hearing under the equal protection of the law and observance of all requirements of justice by an independent and impartial court within a reasonable time.” For full compliance with the requirements of international human rights instruments and case law of the European court, it is imperative to assure adherence to and application of the standards in question not only in the legislation, but also in the law-enforcement practice.

Armenia has spared no effort to carry out legal reforms as envisaged in the amended Constitution. As of January 2010, all laws in the Republic of Armenia are brought into compliance with the Constitution, the Criminal Code included. However, the full and unhindered implementation of all legal provisions remains a major challenge. The recent Trail Monitoring carried out with the assistance of OSCE/ODIHR for the period of April 2008 and July 2009 allowed to identify the shortcomings in the criminal justice system. The project was undertaken to gather information about compliance of the monitored trials with relevant domestic and international fair trial standards, the project staff monitored 93 criminal cases involving a total of 109 defendants. As a result, recommendations were put forward and thoroughly discussed in a workshop organized by the OSCE office in Yerevan with the participation of all relevant stakeholders. Those recommendations that enjoyed the support of the participants and were in line with the on-going legal reform processes were taken aboard and would be implemented through different projects.

Various measures have been undertaken by the Government of Armenia to improve the criminal justice system and increase transparency of court hearings and access to information on existing legislation and procedures for implementation. A special website is created /www.arlis.am/ by the Ministry of Justice that allows the general population to get updated on

all legal changes and legislative acts being adopted in the country. Another website is created giving full access to all judgments passed by the courts. Special trainings and awareness raising campaigns are organized to improve the legal awareness and the utilization of the existing capacities by the general public.

The UNDP and the OSCE Office in Yerevan have supported the Prosecutor General's Office create and upgrade its website in order to promote interactive communication and help users learn about the activities of the Prosecutor's office. This helps not only raise public awareness but to ensure active participation of citizens in the protection and promotion of their rights.

As we are all aware this is a lengthy process requiring persistent efforts to achieve substantial changes in the behavior and approaches in the society. This would be impossible to achieve without consistent support and guidance from the international community, inter alia, via strengthening of the civil society.

Thank you.