

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING  
Warsaw, 28 September – 9 October 2009**

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**STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA**

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**Working session 4: Rule of law II, including:**

**Prevention of torture**

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Mme. Moderator,

Ladies and Gentlemen,

In recent years, wide institutional and legislative activities have been implemented towards elimination of torture and other cruel, inhuman or degrading treatment or punishment in the Republic of Armenia. The whole legislation in this field has been revised. The Constitution amended in 2005 recognising the human dignity, fundamental rights and freedoms thereof as the ultimate values, declares that no one shall be subjected to torture or to inhuman or degrading treatment or punishment.

By the Decision of the Government of the Republic of Armenia from October 2001, the institutions under the authority of the Department of Execution of Criminal Sanctions of the Ministry of Interior Affairs of the Republic of Armenia were reorganised into penitentiary establishments operating under the authority of the central agency of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia, and a Penitentiary Service was established within the system of the Ministry of Justice of the Republic of Armenia, which includes the Penitentiary Department and the establishments under its authority. The objective of the transfer to the authority of the Ministry of Justice of the Republic of Armenia of the Penitentiary Department and the establishments under its authority was to improve the whole system of the penitentiary service, as well as contribute to the improvement of conditions of detainees, and ensure the highest protection of their rights. The Law of the Republic of Armenia on the Custody of Arrestees and Remand Prisoners enacted on 7 March 2002 pursues the same goal.

In addition to the above-mentioned legal acts, the National Assembly of the Republic of Armenia adopted the Penitentiary Code of the Republic of Armenia on 24 December 2004. It is aimed at defining the procedure for and terms of executing criminal sentences and imposing compulsory medical measures combined with execution of the sentence, as well as ensuring necessary conditions for correction of the convict, and protecting the rights and freedoms of the convict. Thus, the establishment of the Penitentiary Department and the transfer of the establishments under its authority to the Ministry of Justice of the Republic of Armenia, as well as the above-mentioned legislative reforms serve as significant pre-conditions for establishing an independent monitoring system in detention facilities.

Mme. Moderator,

On 14 October 2006 the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entered into force for the Republic of Armenia, according to which the Republic of Armenia has undertaken to maintain, designate or establish one or several national preventive mechanisms for the prevention of torture at the domestic level (Article 17).

To implement this provision, the National Assembly of the Republic of Armenia in 2008 adopted a Law on Making a Supplement to the Law of the Republic of Armenia on the Human Rights Defender, which proclaimed the Defender as the national preventive mechanism provided for in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

At the same time it is worth mentioning that starting 2005 two monitoring mechanisms are effectively functioning in the Republic of Armenia. These are:

Public Monitoring Group in penitentiary establishments and bodies under the Ministry of Justice of the Republic of Armenia,

Public Monitoring Group for the police holding facilities under the Police of the Republic of Armenia.

The goals of the activities of the Groups are: to conduct public monitoring of protection of the rights of prisoners and persons under the control of police holding facilities and penitentiary bodies; to improve the working and living conditions for prisoners in penitentiary establishments; to report to the public on the issues relating to the penitentiary service; to launch activities aimed at the detection and prevention of human rights violations in the Penitentiary Service, and numerous other tasks.

The Groups may consist of the representatives of the non-governmental organisations working in the field and, where appropriate, may involve relevant qualified experts in its activities.

Members of the Group are entitled to free access to penitentiary establishments and bodies, to get familiar with the contents of various documents, including, upon the consent of a prisoner or a person under the control of penitentiary bodies, with their personal files and correspondence, except for confidential documents, to get familiar with the situation in the establishment, as well as to meet prisoners and persons under the control of penitentiary bodies.

To ensure fully-fledged monitoring, the Group under the Ministry of Justice must visit each penitentiary establishment at least once a year. Monitoring is conducted through visiting penitentiary establishments and bodies, and submitting reports to the Minister of Justice of the Republic of Armenia and to the public based on these visits. Three types of reports (progress reports, annual reports and urgent reports) are submitted, in regard with which the Ministry of Justice of the Republic of Armenia presents its comments. In February 2008 – May 2009 the Group submitted one annual report, one progress report and three urgent reports.

As regards to the Public Monitoring Group of the Police, its members must visit no less than half of all police holding facilities under the Police of the Republic of Armenia at least once a year. The Group conducts monitoring through visiting police holding facilities and submitting reports to the Head of the Police of the Republic of Armenia and to the public based on these visits. During its activities the Group has presented 28 progress reports and 2 annual reports (2006 and 2008). In recent three years, a number of large-scale reforms were implemented in police holding facilities under the Police of the Republic of Armenia as a result of the activities of the Group. Some police holding facilities were closed due to the lack of relevant conditions. Conditions of some police holding facilities were improved.

Thank you for your attention.

