

# Report on visit to Armenia

5 to 9 October 2014

## Administration of justice



### Positives

- » on-going efforts in justice sector reform
- » new legal provisions allow compensation for non-pecuniary damage in cases of miscarriage of justice and illegal actions of law enforcement bodies
- » monitoring and cooperation activities by NGOs are taking place in relation to the army
- » conscientious objectors are no longer prosecuted and imprisoned for refusing to perform military service



### Recommendations

- » strengthen judicial independence & self-governance
- » review procedures for the selection, appointment, promotion and dismissal of judges & circumscribe the powers of the President of the Republic
- » establish safeguards against arbitrary disciplinary proceedings
- » allocate sufficient resources to the judiciary

### Concerns

- » persistent allegations about interference by senior courts and the executive in the work of lower-court judges
- » widespread allegations and perception of corruption in the judiciary
- » wide discretionary powers of the President in the procedures of selection, appointment, promotion & dismissal of judges
- » reports about using disciplinary proceedings to influence or retaliate against judges
- » low number of judges & increasing caseload of courts at all levels
- » legacy of prosecutorial bias; equality of arms and adversarial proceedings are not guaranteed
- » strong perceptions about selective justice
- » cases of breach of the presumption of innocence
- » excessive resort to & length of pre-trial detention; lack of use of alternatives to detention
- » persistent allegations about torture &

ill-treatment by law enforcement officials

- » lack of effective investigations, which leads to impunity for serious human rights violations
- » reports that coerced confessions are regularly used as evidence by courts
- » non-combat deaths in the army
- » no progress in ensuring accountability for 10 deaths during March 2008 events

- » increase use of non-judicial mechanisms for the resolution of disputes
- » investigate all allegations of corruption in the judiciary
- » ensure the right to defence & access to legal aid during police custody, investigation and trial; uphold presumption of innocence
- » develop alternative measures to detention & use pre-trial detention only in exceptional cases
- » amend definition of torture in the

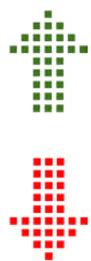
Criminal Code

- » zero tolerance for cases of torture & ill-treatment
- » enhance the independence of the Special Investigation Service and increase its capacity
- » introduce recording of police interrogations & stronger safeguards against torture & ill-treatment
- » proper training to increase use of physical evidence and reduce the reliance on confessions and information

obtained through questioning

- » exclude using all evidence obtained under duress from court proceedings
- » eliminate non-combat violence in the army & establish a Military Ombudsman
- » duly implement the National Human Rights Action Plan in full cooperation with NGOs

# Women's rights and gender equality



## Positives

- » increased discussion of the rights of women and gender equality
- » adoption of action plans and policies on gender equality and to combat gender based violence

- » adoption of the law on Equal Rights and Equal Opportunities for Women and Men
- » increased efforts by the Police to provide gender-sensitive training and collect statistics

## Concerns

- » prevalence and seriousness of violence against women and domestic violence not fully acknowledged
- » manifestations of social attitudes accepting or justifying violence against women

- » insufficient legal framework to combat violence against women and domestic violence
- » low level of reporting and complaints regarding cases of domestic violence
- » poor response from state institutions in cases of domestic violence

- » no comprehensive anti-discrimination law
- » low participation of women in political and public decision-making; salary gap
- » pre-natal sex-selection symptomatic of lower value society attaches to girls

## Recommendations

- » empower women & increase their participation in public & political life
- » ensure that education system is free from gender bias & stereotypes
- » adopt specific legislation against domestic violence
- » improve identification, investigation & prosecution

- » of cases of violence against women
- » increase data collection & strengthen training of police, investigators, prosecutors & judges
- » amend law to allow investigation & prosecution of cases of violence against women even if the victim withdraws complaint
- » ratify the Council of Europe

- » Convention on preventing and combating violence against women and domestic violence
- » provide support to shelters for victims of domestic violence
- » reinforce protection of human rights defenders; ensure that women's organisations can carry out their activities without intimidation or threats

- » take effective measures to address prenatal sex-selection