







CIVIL SOCIETY ORGANIZATIONS' JOINT SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE ON THE 5^{TH} PERIODIC REPORT OF THE REPUBLIC OF ARMENIA REGARDING THE IMPLEMENTATION OF THE CONVENTION AGIANST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

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I. INTRODUCTION AND METHODOLOGY

Since Armenia's last review by the Committee in 2017, some progress has been made in preventing torture and ill-treatment. Notable advancements include the adoption of amendments to the previous Criminal Code, followed by the enactment of fundamentally new Criminal and Criminal Procedure Codes. Additionally, Armenia has joined the Rome Statute of the International Criminal Court and has undertaken significant reforms in the police, penitentiary, and justice sectors in recent years. However, civil society organizations in Armenia continue to raise concerns about persistent issues, including the lack of accountability for torture and ill-treatment, inadequate safeguards for detainees in closed institutions, and impunity in cases of non-combat deaths it the armed forces.

This joint submission has been prepared by a coalition of NGOs with extensive experience in monitoring, documenting, and reporting human rights violations in Armenia. The submission's preparation was coordinated by the Helsinki Citizens' Assembly-Vanadzor (HCAV), with contributions from the Democracy Development Foundation, Protection of Rights Without Borders NGO, and the Law Development and Protection Foundation. World Organisation Against Torture (OMCT) has provided the organizations mentioned above with general guidance and advisory support.

The submission is based on broad consultations with NGO partners, attorneys, and monitoring groups. It draws on first-hand evidence collected through systematic monitoring of torture and ill-treatment in Armenia. This includes an analysis of cases identified through free legal aid services, media reports, interviews with victims and their families, and engagement with relevant state bodies.

The report examines various aspects of Armenia's implementation of its obligations under the UN Convention Against Torture (UNCAT), highlighting key concerns and challenges in ensuring accountability and protection against torture and ill-treatment.

II. LEGISLATIVE FRAMEWORK: CRIMINALIZATION OF TORTURE AND ILL-TREATMENT AND RELATED REGULATIONS

Progress Achieved

The Government of Armenia has made significant progress in aligning its national legislative framework with the UN Convention Against Torture (UNCAT). In 2021, Armenia adopted new Criminal and Criminal Procedure Codes, which came into force on July 1, 2022. In accordance with the Committee's 2017 recommendations (para. 8), the new Criminal Code explicitly provides for:

- The prohibition of the statute of limitations, amnesty, and pardon for criminal offenses involving torture, abuse of power or official authority, and exceeding official powers through violence or threats thereof. To ensure consistency in legal practice regarding the the statute of limitations, on December 22, 2023, the Court of Cassation of Armenia issued a landmark ruling in the Grisha Virabyan case (UAC)/0009/01/18), affirming that the prohibition on the statute of limitations applies to torture cases dating back to August 1, 2003.
- An explicit prohibition on exemption from criminal liability based on the defendant's active repentance for committing torture.
- The non-application of the prohibition on double jeopardy in cases where a third country has unjustifiably exempted a person from liability for torture, granted complete or partial exemption from punishment, or imposed an unfairly lenient sentence.
- The criminalization of failure to report the preparation or attempted commission of torture when the crime or its consequences could still have been prevented.
- The introduction of a new offense, "exerting psychological pressure," which includes threats of
 murder, bodily harm, torture, crimes against sexual liberty or integrity, kidnapping, illegal
 deprivation of liberty, or large-scale destruction of property—provided there was a real danger of
 the threat being carried out and the victim was socially isolated or regularly subjected to
 humiliating treatment.
- An expanded definition of "public official." Under the revised legislation, perpetrators of torture may include public servants; individuals holding public positions; persons authorized to act on behalf of the state, the state governance system, local self-government bodies, or non-commercial organizations and institutions established by the state or community; as well as those performing functions that confer rights, obligations, or responsibilities on behalf of such entities (Criminal Code of Armenia, Article 3, Clause 20).

Several positive amendments have been introduced to the penal enforcement legislation. The new Penitentiary Code stipulates that the identification and documentation of possible bodily injuries, including those resulting from torture, may be conducted by medical personnel during the quarantine period.

Additionally, it introduces a separate medical examination form specifically for recording cases of torture and other forms of ill-treatment (Article 92, Penitentiary Code of Armenia). A dedicated article in the

Penitentiary Code (Article 94) regulates the procedure for documenting signs of alleged torture using a form developed in line with the Istanbul Protocol standards. This form is completed based on a written or oral statement from an inmate reporting bodily injuries or health issues allegedly caused by torture or ill-treatment, or at the initiative of medical personnel if they determine that an inmate's injuries or health complaints may be linked to torture or other ill-treatment. Beyond completing the form, medical personnel are also required to submit it to the investigative body.

Another significant development in the Penitentiary Code is the obligation for courts to review an inmate's complaint against the actions or inaction of penitentiary officials within 24 hours if there is a report of alleged torture, other ill-treatment, or a threat to the complainant's life (Article 160). To prevent contact between an inmate subjected to torture or other ill-treatment and the penitentiary staff or fellow inmates suspected of perpetrating the abuse, the warden is responsible for arranging protection for the affected inmate.

In line with the Committee's 2017 recommendations, Armenia fully ratified the Rome Statute of the International Criminal Court in 2023.

In addition to this, several measures aimed at preventing torture have been included in the National Strategy for Human Rights Protection and its Action Plan (2023–2025), namely introducing an anonymous torture reporting mechanism in closed institutions and establishing rehabilitation centers in different regions of Armenia. However, as of March 2025, the implementation of these measures remained pending.

Main Issues

Definition. Although the Criminal Code defines and criminalizes torture, it fails to define or criminalize other forms of cruel, inhuman, or degrading treatment. As a result, many offenses that do not meet the legal threshold for torture are prosecuted under unrelated articles, preventing them from being categorized as ill-treatment and consequently excluding them from official statistics.

Lack of Judicial Protection. The new Criminal Procedure Code does not provide for the suspension of criminal cases. A case must either be referred to court or the proceedings must be terminated. Previously, when a case was suspended, the decision could be challenged in court, allowing the exhaustion of domestic remedies before filing an application with the European Court of Human Rights. However, the new Code allowed for the reopening of suspended criminal cases as of January 31, 2023. In this context, all torture and ill-treatment cases suspended in 2016 were reopened. However, once a case is reopened, no new investigations have been conducted, and procedural safeguards have not been adequately upheld, leaving most cases without any procedural status and effectively depriving victims of their right to judicial protection.

For instance, an alleged torture case related to events in the village of Marts in 2021 was initially suspended, later reopened, and, due to the absence of any substantive investigation, now remains without procedural status¹. This situation has also created obstacles regarding access to case materials and the

¹ Report on Police Officers' Illegal Actions in Marts Village of Lori Province: https://hcav.am/en/marts-police/

ability to appeal. Following the revision of the law, none of the five cases handled by HCAV have been finalized, despite nearly two years having passed since the legislative changes.

Fundamental legal safeguards. The Criminal Procedure Code provides that the victims of a crime can be presented in criminal proceedings only through qualified attorney. The previous Criminal Code allowed persons without legal qualifications to be involved as victims and victims' representatives, which allowed representatives of human rights organizations to represent the interests of victims within the framework of the criminal case. This significantly limits access to justice for marginalized groups and socially vulnerable people.

In addition, the Tax Code, which entered into force on January 1, 2025, among other things, provides that free /pro bono/ legal support should be taxed. A number of CSOs have expressed their concern that this provision makes legal services less accessible for victims of torture and ill-treatment and impedes their access to justice.

Recommendations:

- Amend Armenia's criminal legislation to explicitly criminalize all forms of cruel, inhuman, or degrading treatment or punishment in line with UNCAT standards.
- Revise the Criminal Code to eliminate the requirement that victims of torture be represented in court exclusively by a qualified attorney, ensuring broader access to legal representation.
- Amend the Tax Code to exempt legal professionals from taxation on pro bono legal services, facilitating access to free legal support.
- Strengthen the National Human Rights Protection Strategy and Action Plan by incorporating a comprehensive set of measures to eradicate torture and ill-treatment, and enhance oversight mechanisms to ensure effective implementation.

III. INVESTIGATION AND PROSECUTION OF TORTURE AND ILL-TREATMENT

Despite the progress made by Armenia since its last review, the quality of investigations remains a significant issue. Investigative bodies typically do not initiate criminal proceedings on their own to investigate incidents of police or state agent use of force (e.g., based on media reports). Investigations are generally only initiated following legal complaints submitted by individuals or legal entities.

Torture cases often remain unresolved, and reports of torture rarely lead to criminal charges. When cases are initiated, investigations are typically ineffective. Cases that are initiated based on torture reports are often closed due to the lack of *corpus delicti* or suspended because the perpetrator cannot be identified. The investigative bodies often rely on evidence provided by police officers, who claim they did not commit any crimes.

The Special Investigative Service (SIS), an independent body authorized to investigate torture crimes and offenses allegedly committed by public officials, was dismantled on October 23, 2021. In its place, the state

established the Anti-Corruption Committee, a new specialized investigative body. However, the mandate of this body does not include the investigation of torture crimes. The liquidation of the SIS occurred without consultation with civil society. Only after significant civil society pushback the investigation of torture cases was transferred to the Investigative Committee on June 18, 2022.

The Department for the Investigation of Torture, Abuse, and the Exceeding of Authority by Officials Using Violence, which operates within the Main Directorate for the Investigation of Particularly Important Cases of the Investigative Committee, has a staff of only eight investigators². This is insufficient to ensure timely and effective investigations into torture reports. According to civil society organizations working in this field, the investigators also lack the necessary experience and expertise, which negatively impacts the quality of the investigations. Furthermore, the Department does not have representative offices or investigators in the regions of Armenia.

In 2023, the Investigative Committee received 80 reports of torture, 74 of these cases led to criminal proceedings—28 under the article on torture and 46 under the article on abuse of power, official authority, or exceeding official powers with the use of violence or threats thereof. Two criminal cases involving four individuals were sent to court. In total, the Committee's investigators handled 261 cases of torture and abuse or exceeding authority with the use of violence in 2023.

In 2024, the Investigative Committee received 122 reports on torture and abuse of power involving the use of force, resulting in 101 criminal cases initiated. Additionally, 12 reports referred to instances where criminal cases had already been opened. Criminal case initiation was rejected in nine instances. In total, investigators examined 331 criminal cases based on allegations of torture (Article 450 of the Criminal Code) and 303 criminal cases based on abuse of power with the use of violence (Article 441, Part 2, Point 1 of the Criminal Code) during 2024. That same year, one case resulted in an indictment for torture (Article 450 of the Criminal Code), while seven cases led to indictments for abuse of power involving violence (Article 441, Part 2, Point 1 of the Criminal Code).

According to data published by the Prosecutor General's Office, in 2023, 507 criminal proceedings were initiated into suspected torture cases. 106 cases out of them were closed, and five were sent to court. The Prosecutor General's Office attributes the increased number of torture cases in 2023 to changes in the Criminal Procedure Code, which eliminated the "pre-investigation check" stage, now initiating criminal proceedings based on every report. There are significant discrepancies between the data and statistics provided by the Prosecutor General's Office and the Investigative Committee, which is a serious concern.

According to the Prosecutor General's Office, the large number of closed proceedings is due to insufficient factual data proving torture or abuse of power involving violence during the investigation. Many of these cases involve the use of force and "special means" by police officers. Specifically, the Prosecutor General's Office's responses indicate that the lawfulness and proportionality of the use of force are often confirmed by the testimonies of the complainants themselves. In some cases, complainants reported incidents of

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https://prwb.am/2021/10/22/%d5%b0%d5%a1%d5%b5%d5%a1%d5%bd%d5%bf%d5%a1%d5%b6%d5%a8-%d5%a3%d6%80%d5%a1%d5%b6%d6%81%d5%b8%d6%82%d5%b4-%d5%a7-%d5%a7%d5%a1%d5%af%d5%a1%d5%b6-%d5%b0%d5%a5%d5%bf%d5%a8%d5%b6%d5%a9%d5%a1%d6%81-%d5%ad/

torture long after the events, resulting in unrecorded evidence. The court found two decisions to terminate proceedings unlawful or unfounded, and these were quashed.

In 2023, no verdicts were issued by courts under the article on torture, and the Judicial Department does not maintain separate statistics on abuse of power or official authority, or exceeding official powers with the use of violence or threats thereof. In 2024, no verdicts were issued under the articles on torture or abuse of power involving violence. A major challenge is that statistics are compiled under the relevant articles of the Criminal Code as a whole, with no differentiation between the various types of abuse.

Here are some examples of ineffective torture investigation³:

1. G.K. and A.H. filed a report on the crime committed in 2016 with the Special Investigation Service of the Republic of Armenia, stating that they were subjected to torture in the Stepanavan department of the Police of the Republic of Armenia in order to extract information. The police officers with their car chased G.K. and A.H., who were in a taxi at that time, stopped the taxi, forcibly removed them from the car, made them lie on the ground in the street at gunpoint. Then they dragged them and put them in the police car and subjected them to violence all the way, and then in the department. They were kept in separate rooms and forced to confess to committing theft by threatening them with gunfire and beatings.

The case of violence was investigated for years, then the RA Court of Cassation recorded that the lower courts violated Article 3 of the European Convention, as well as Articles 11 and 17 of the RA Criminal Procedure Code, which could have significantly affected the outcome of the case. Based on the instructions given by the Court of Cassation, in 2025, the proceedings of the case were resumed and G.K. was questioned as a victim.

- 2. Representatives of the Investigative Committee of the Republic of Armenia (IC) and the Police of the Ministry of Internal Affairs of the Republic of Armenia (MIA) on April 23, 2023, conducted raids at the "Polygraph" club and on June 23, 2023, at the "Ban" club, using brute and disproportionate force. Law enforcement officers made employees and visitors lie on the floor, used brute force and violence against those who did not show any resistance, and threatened them with weapons. As a result, they confiscated a total of 1.95 grams of "Methamphetamine" and 5.87 grams of "Marijuana" in fixed weight. As a result, 41 persons in the first case and 37 persons in the second case were taken to police stations, where they were subjected to severe beatings and stripped naked for searches. Social media posts by those brought to police stations, as well as interviews with the media, document that the persons were ridiculed, humiliated, denied necessary medical care, and subjected to degrading treatment at the station. HCAV has undertaken to protect the rights of persons subjected to torture, humiliation of human dignity, and physical and psychological violence at the "Polygraph" club.
- 3. In 2021, a car crashed near the village of Marts during a police chase, killing two people. The police car was then set on fire, prompting the police officers to terrorize residents of Marts and neighboring villages and subject the men of those villages to mass violence. HCAV, having undertaken to protect the rights of dozens of residents who suffered from violence by police officers, submitted a report to the Special

³ https://hcav.am/en/workshop-20-11-2024/

Investigation Service of the Republic of Armenia, based on which a criminal case was initiated against the participants in the incident near the village of Marts and those suspected of participating in it, on the grounds of violence. Even in such a case, when there was a lot of evidence, recordings, and medical records of physical and psychological violence against residents, the investigators made a decision to suspend the criminal proceedings, which was only resumed after HCAV appealed and is now again in the investigation phase for an indefinite period.

Recommendations:

- Establish an independent investigative body to ensure independent and impartial probe into all torture and ill-treatment cases. The head of the institution should be elected by the National Assembly to avoid dependence on the executive.
- Enhance the capacity of law enforcement and oversight bodies to conduct independent, thorough and effective investigations into cases of ill-treatment and torture, ensuring accountability for perpetrators and protection for victims.

IV. DETENTION CONDITIONS IN PENITENTIARY INSTITUTIONS

The issue of overcrowding in certain penitentiary institutions remains relevant. Specifically, there are cases where the living area available per person in cells (particularly quarantine cells) is less than 4 square meters, which contradicts to both international standards and the national legislation of Armenia. In some penitentiaries (e.g., Artik Penitentiary), the distance between opposite walls in certain cells is about 1.3 meters instead of the minimum required 2 meters⁴. Armavir Penitentiary Institution is overcrowded, as well.

The overcrowding of penitentiaries can be attributed, among other factors, high number of detainees and the detention of accused persons in custody alongside convicted prisoners. The number of detainees has even increased, as evidenced by the statistics for 2023 compared to previous years. Specifically, in 2023, 2,040 motions for detention as a preventive measure were submitted to the courts, of which 1,559, or 76.4%, were approved. The number of motions increased by 441 per year, or 27.6%, and the approval rate rose by 0.9%⁵.

Detention areas for detained persons, as well as the various security zones within the penitentiary institution, shall be arranged in a manner that prevents any interaction between accused and convicted persons⁶.

In many instances, over 20 convicts were kept in cells designed for low-security zones with strict or medium-security zone with mild conditions, violating the requirements of the Penitentiary Code (Article

⁴ https://ombuds.am/images/files/c21b3daa983465bea149c85cf9f2cec3.pdf

⁵ https://www.prosecutor.am/storage/dynamic_web_pages/dyn_page_285_1465690793.pdf

⁶ According to Annex to the Decision on Approving the Internal Regulations of the Penitentiary Institutions of the Ministry of Justice of Armenia (section 2)

95, Part 3, and Article 96, Part 2), which stipulate a maximum of eight convicts per shelter in these zones. Due to overcrowding and poor management of prisons, civil society monitors have also registered cases when individuals who were supposed to be kept in different security zones, were kept in the same place without separation. In Nubarashen prison, for example, inmates in medium-security zones under strict conditions are housed in the same building as high-security inmates. Despite having the right to move for at least three hours within designated areas of the penitentiary during certain hours, they are granted only up to two hours of outdoor walks daily. These walks take place in a 20-square-meter roofless room with no facilities, which does not qualify as free movement within the penitentiary's territory.

The sanitary and physical conditions of many cells in penitentiary institutions have severely deteriorated; multiple reports of damp walls, peeling plaster on walls and ceilings, and worn-out floors were submitted to the Ministry of Justice by different monitoring groups. There is also a lack of natural lighting in the cells of Nubarashen Penitentiary. Since 2009, both international monitoring mechanisms and local human rights defenders have advocated for closing down some old penitentiary institutions, including the Nubarashen penitentiary.

Visitation rooms in penitentiary institutions, particularly in the Nubarashen Penitentiary, are in poor conditions. Although one out three has been renovated recently, it still lacks windows, natural lighting, and adequate ventilation. The other rooms are also in poor condition. Only one visitation room has a window, which is broken, making it impossible to remain in the room during wintertime. All visitation rooms have worn-out and even broken furniture. Additionally, the visitation rooms are not suitable to accommodate young children for overnight stays. Nubarashen Penitentiary designed to house around 800 individuals⁷ has only three long-term visitation rooms. It is not sufficient as under the Penitentiary Code individuals held in different security zones are entitled to 4 to 12 visits per year, each lasting 3-5 days. This leads to scheduling issues, creating queues and complications in organizing the visits of the family members.

The Article 87 Part 2 of the Penitentiary Code of the Republic of Armenia provides the right for inmates with minor children to leave the penitentiary once a year for up to 10 days to visit their children, excluding travel time (not exceeding two days), provided the child wishes to meet and it aligns with the child's best interests. However, this provision is rarely applied, and when it is, inmates are typically allowed only a few hours for such visits. Authorities justify this verbally, citing the inability to provide escort staff overnight. Escorting, which is supposed to be mandatory only for inmates with negative profile, in practice is applied to all inmates.

The current legislation retains the possibility of restricting family communication (depriving the right to use phone calls or video calls for up to one month, or depriving the right to visits for up to one month) for any violation, not only in cases where the violations are directly related to such communication. This practice contradicts the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules (Rule 58, Rule 43(3)), as well as the European Prison Rules (Rule 24.1, Rule 99). According to these norms, disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for

⁷ The Minister of Justice's Order No. 397-N of 2022

the maintenance of security and order. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals, without any discrimination.

Although the Penitentiary Code stipulates that phone calls and video calls in penitentiary institutions can take place under the visual supervision of a penitentiary representative, excluding the possibility of listening to the conversation, this condition is not followed in some penitentiaries. There have been many reports by the inmates, their families and attorneys that, for instance, in Nubarashen prison, conversations are clearly audible to accompanying staff, and background noises from the penitentiary's corridors interfere with the communication.

There are concerns over the change of security conditions for inmates whose cases can be revisited after serving the prison term for a certain period of time. The prison administration is very reluctant to ease the security conditions requiring the inmates to have a positive profile as a precondition for that. However, in practice, even inmates without any penalties or recorded negative behavior are often denied their applications, as the absence of negative behavior is not considered sufficient. Instead, additional actions are demanded from inmates, which are evaluated by a resocialization commission. This commission, notably, does not engage in any actual resocialization activities with inmates. Moreover, despite previous calls from the CPT (European Committee for the Prevention of Torture) for inmates to participate as much as possible in the development and review of their rehabilitation programs, they are not specifically informed about the existence of the few educational programs or courses available in penitentiary institutions.

Nubarashen Penitentiary does not provide facilities for inmates to exercise as it lacks a gym. The administration also rejects nearly all inmate requests to organize self-employment activities (e.g., carpentry), justifying it with lack of conditions. The inmates' requests to have laptops without internet access for remote work are also denied by the prison administration. Thus, the penitentiary's conditions themselves obstruct activities necessary for the inmates' resocialization.

The statistics on suicides and deaths in penitentiary institutions of the Ministry of Justice of the Republic of Armenia is problematic. In 2025, two cases of suicide have already been recorded, both of which have still undisclosed causes.8 HCAV submitted a request for information to the Penitentiary Service of the Ministry of Justice of the Republic of Armenia. According to the information received, since 2021, the statistics of death cases have increased every year, including suicides. It is true that the majority of causes of death are somatic diseases, but information about whether a person had the opportunity to receive proper medical care due to their illness or not, and whether the death was not related to receiving medical care and services, is lacking.

The institution of conditional early release from serving a sentence does not apply to persons sentenced to life imprisonment at all, despite the fact that the law clearly establishes the preconditions. In October 2024, A. S., who was sentenced to life imprisonment, died in prison, having never had the opportunity to be released, even though he had all the preconditions for it by law.

Recommendations:

⁸ https://prisoninitiatives.am/news/33124/

- Develop a 1–2-year workplan to address the issue of overcrowding in prisons, including Armavir and Artik institutions, in line with the national legislation and international standards. Ensure that administration and staff at places of detention are regularly trained on these issues, with the involvement of the CSO representatives.
- Improve the detention conditions and ensure reasonable accommodation in the penitentiaries.
- Build the capacities of the judges, prosecutors and investigators to apply various preventative measures during the pre-trial stage to reduce the use of detention.
- Close down the "Nubarashen" penitentiary considering the systemic and unsolvable issues related to the detention conditions there.
- Ensure dignified conditions for visits with family members in all penitentiary institutions, improve the conditions of the visitation rooms in prisons.
- Guarantee the inmates' right to visit their minor children outside the prison premises.
- Ensure the inmates' right to meet the family members despite any measures used against the inmate.
- Exclude the possibility of inmates' phone conversations being audible to the administration in penitentiary institutions.
- Ensure that inmates who are not negatively profiled are transferred to facilities under milder security conditions.
- Implement the separation of security zones with varying degrees of severity in practice, ensuring that inmates held in milder conditions are afforded broader freedom of movement as stipulated by law.
- Ensure inmates' rights to engage in sports or other self-employment activities, and to have portable computers for work purposes within penitentiary facilities.

V. CONDITIONS IN PSYCHIATRIC AND SOCIAL CARE FACILITIES

There are seven psychiatric institutions and two social care facilities for adults with mental health conditions operating in Armenia, with a total of 619 residents as of December 2024. Public oversight conducted by the Public Oversight Board has revealed that individuals in these institutions are among the most vulnerable in terms of protection from torture and other cruel, inhuman, or degrading treatment or punishment.

Deprivation of liberty solely based on persons health problems is common in Armenia and leads to involuntary hospitalization and treatment. According to the official website of the Judiciary of the Republic of Armenia, 289 cases of involuntary treatment were concluded between 2012 and 2017. A judgment upholding the claim was issued in 226 cases (in 78 percent of cases). Only around one percent of those decisions were appealed. Between 2018 and 2023, 652 cases of involuntary treatment were

concluded. A judgment upholding the claim was issued in 494 cases (75.8 percent of cases). Only two percent of those decisions were appealed (10 cases). Appeal rates are low given the existence of obstacles for appealing judicial decisions, such as a state fee for appeal or a lack of awareness of the possibility of appealing, which hinders access to justice. In addition, there are credible reports indicating that gay individuals who disclose their sexual orientation to conscription authorities are referred to psychiatric institutions for forced treatment and diagnosis as military personnel often classify homosexuality as a mental disorder to justify granting deferrals.

There is evidence of physical restraint being used as a form of punishment in psychiatric institutions. In one documented case, the Human Rights Defender (Armenian Ombudsperson) recorded an instance where an individual was confined in a physical restraint room for seven days and was forced to sleep on a restraint bed throughout this period.

Also, in February 2023, police officers discovered a patient chained to a heating radiator with a metal chain at the Vardenis Neuropsychological Boarding House. Investigations also revealed that the institution's director subjected patients to forced labor, compelling them to clean his pigsty and perform household tasks within the facility. Additionally, he deprived them of the food and cigarettes they were entitled to receive.

Ill-treatment in these institutions is further evident in the absence of decent living conditions. Both psychiatric and social care facilities have recorded degrading hygiene conditions, including toilets without partitions, the absence of hygiene supplies, multiple individuals being forced to use the same shower simultaneously, and restrictions on the use of toilet paper.

The lack of adequate personal care conditions makes women particularly vulnerable. For example, the lack of 24/7 hot water in some institutions is a significant concern for women, especially during menstruation, and the sharing of personal hygiene items (such as bath sponges) raises serious concerns about the spread of infections. Women are also vulnerable in terms of personal grooming and appearance. Many have their hair cut by staff who lack hairdressing skills, leading to undesirable results, such as cuts that are too short. The main justification for short haircuts is hygiene, but such an approach ignores women's fundamental right to control their appearance.

The area of the institutions and the arrangement of the rooms, as a rule, cause problems with having personal space, rest and other rights. In the bedrooms, people are provided with beds and, at best, with wardrobes. The strategies aimed at deinstitutionalization and decentralization, as well as substantive steps by the state in this direction, are absent. Moreover, renovation and reconstruction works are centralized, being planned and implemented at the state level and contradicting the idea of deinstitutionalization.

Recommendations:

- Implement substantive steps towards deinstitutionalization and decentralization to prevent longterm hospitalization and institutionalization of persons.
- Organize mandatory training for those working with persons with mental health problems to ensure that they receive services based on human rights and dignity regardless of gender, social origin, birth, and other characteristics.

• Introduce alternative mechanisms to exclude involuntary hospitalization and treatment and guarantee the fundamental right to judicial protection and a fair trial for persons undergoing involuntary hospitalization and treatment before alternative mechanisms are implemented.

Social care and special institutions for children. In Armenia, 24/7 care services for children are provided by five orphanages and three child and family support centers operating under the Ministry of Labor and Social Affairs⁹. As of December 2024, these orphanages house 610 residents, 234 of whom (38.4%) are adults with disabilities. For instance, in the Kharberd Specialized Orphanage only 45 out of 250 residents (18%) are minors, which brings significant risks of potential violence against children.

The hygiene conditions in these institutions are degrading and fail to meet basic standards of dignity. In one facility, financial constraints have led to water shortages, limiting children's bathing to just 1–2 times per week for 10–15 minutes. Hygiene products are insufficient in both quantity and quality. In one institution, residents were provided with only one sanitary pad and one general-purpose razor per day. In another, ten children had to share three bath towels, and there was a documented lack of toilet paper.

The absence of legal protections against corporal punishment remains a significant concern in Armenia. Despite committing to prohibit corporal punishment in 2010¹⁰, the country has yet to implement comprehensive measures to enforce this ban. Degrading treatment is often perceived as an effective disciplinary method due to a widespread lack of awareness regarding children's rights and what constitutes abuse. Children have reported being struck on the head, having their heads slammed against walls, being denied food as punishment, and being threatened with transfer to institutions with worse conditions. Additionally, they face restrictions on outdoor play as a form of discipline. An employee of one institution stated that children are sometimes forced to repeatedly tidy up closets if their initial attempt is deemed unsatisfactory.

The prevalence of inhuman and degrading treatment in orphanages and public schools, including mockery and bullying, is deeply concerning. Children with disabilities are particularly vulnerable, facing stigma both due to their institutional placement and their disabilities. In August 2024, the director of the state non-commercial organization "Children's Home" reported cases of cruel treatment of children by a nanny and a nurse, highlighting the urgent need for stronger oversight and protective measures.

Additionally, children's right to sexual and reproductive health in these institutions is being violated. They do not receive adequate education or counseling on puberty and sexual health. Furthermore, there is documented evidence of sexual activity among minors in at least one institution, highlighting serious gaps in protection and oversight. For instance, an 18-year-old student at the Gavar orphanage had sexual

¹⁰ See Corporal Punishment of Children in Armenia, End Corporal Punishment Platform, available at the following link: https://endcorporalpunishment.org/reports-on-every-state-and-territory/armenia-hy/

⁹ "Specialized orphanage of Kharberd" SNCO, Children's Home of Gyumri SNCO, Orphanage named after Mari Izmirlyan SNCO, Gavar orphanage SNCO, Infant's House of Yerevan SNCO, Zatik child support center in Yerevan SNCO, Shirak region Child and Family Support Center SNCO, Syunik region Child and Family Support SNCO

relations with a minor girl¹¹ from the same orphanage from October 2022 to March 2023. According to one of the boys in one of the orphanages, he was told that an older boy sexually abused a younger child with mental health problems.

There is no effective system in place to prevent exploitation, violence, or abuse in institutions. Despite the legal requirement to maintain a register of alleged and confirmed cases of violence against or between children in care and/or education institutions providing childcare and protection, not all institutions comply with this obligation.

Anonymous reporting boxes for complaints have been installed, and information about the hotline has been posted in institutions. However, these mechanisms do not function effectively. For instance, according to information provided by the Ministry of Labor and Social Affairs of Armenia, as of October 10, 2023, the hotline had not received any reports of violence in childcare institutions during 2022–2023. This is largely due to a lack of trust in the system and limited awareness of how the reporting mechanism operates.

The public oversight group, which monitored and documented human rights violations in care institutions, presented evidence of physical and sexual violence, self-harm attempts by students, including attempted hangings and jumping out of windows, and tensions among children. In some cases, children displayed obvious fearful behavior in the presence of peers who held authority. Notably, the oversight group, which operated under the order of the Ministry of Labor and Social Affairs, has ceased its activities following a decision by the Ministry, further reducing public oversight of these institutions.

The response of relevant state bodies to reported violations in childcare institutions remains inadequate. Criminal proceedings initiated by the Investigative Committee are rare. In November 2023, the Investigative Committee filed charges against a 56-year-old guard at the "Zatik" Children's Support Center for threatening 13-, 14-, and 15-year-old residents with death while waving a knife in the air to force them into silence. Additionally, a separate criminal case was launched concerning an alleged incident of sexual violence against a minor at the same center. Despite these cases, in general, the Investigative Committee and the Prosecutor's Office have failed to recognize sufficient grounds for initiating criminal proceedings in response to reports of violence submitted by the public oversight group. This lack of action has contributed to the persistence of abuse in these institutions.

Recommendations:

- Accelerate the deinstitutionalization process to eliminate long-term placement of children in care institutions
- Ensure prevention and accountability for alleged cases of violence against and between children in institutions, including:
 - ensuring the effectiveness of anonymous reporting mechanisms

¹¹ See Human Rights Protection in State Care Institutions, 12.07.2023, article, EVN Report independent, non-profit platform, available at the following link: https://evnreport.com/arm/law-society-arm/human-rights-in-state-care-institutions/

- establishing accountability for improper reporting of cases of violence
- ensuring proper submission of reports to competent authorities
- conducting continuous training courses for employees of institutions
- ensuring that every case of violence is promptly and effectively investigated and held accountable
- Ensure decent living conditions for children
- Ensure individual work with children on puberty and sexual health
- Make a legislative change prohibiting corporal punishment against children in all settings, including in care institutions
- Take measures to eliminate bullying of children in educational institutions

VI. POLICE BRUTALITY

The practice of torture and other forms of ill-treatment by the police remains a persistent and deeply concerning issue in Armenia. Human rights organizations have repeatedly raised alarms over the increasing number of reports of violence against detainees in police stations¹². There have also been documented cases of abuse against attorneys carrying out their professional duties at police facilities.

Substantial evidence points to a growing trend of police ill-treatment in various contexts, including inside police departments and vehicles, during mass protests, and at the moment of arrest. A key factor contributing to this issue is the widespread lack of accountability at multiple levels. While several criminal investigations have been launched into police abuse cases in recent years, the overall response of the law enforcement system remains inadequate¹³. In some instances, police officers accused of ill-treatment have been promoted within the law enforcement system even while trials against them were ongoing. This practice further erodes public trust and undermines efforts to ensure justice and accountability.

A particularly alarming case occurred on February 9, 2023, when a group of police officers used violence against attorneys Marzpet Avagyan and Emmanuel Ananyan while they were carrying out their professional duties at the Erebuni Police Station in Yerevan. According to the lawyers, the officers punched and kicked them repeatedly while shouting insults. One of the lawyers was forcibly removed from the police station by officers. Although a criminal investigation was initiated, it was not based on any provision of the Criminal Code related to abuse of official powers. Instead, it was classified under Article 195 of the Criminal Code ("Physical Interference"), which does not apply to public officials, further highlighting the systemic failure to hold perpetrators accountable.

¹² https://prwb.am/2024/04/03/haytararuthyun%d5%9d-vostikanuthyan-sharunakakan-brnuthyunneri-veraberyal/; https://prwb.am/2024/05/28/haytararuthyun-mayisi-27-i-ostikanuthyan-gortcoghuthyunneri-veraberyal/

¹³ https://hcav.am/en/ngos-statement03-07-2023/

On June 7, 2023, another attorney was subjected to violence by duty and patrol police officers at the Central Police Station in Yerevan. According to the lawyer, he had arrived at the station to represent his client when he heard screams from a nearby room. Upon opening the door, he witnessed five or six police officers beating his handcuffed client. When he intervened, the beating temporarily stopped, but one officer began shouting at the detainee while others forcibly removed the lawyer from the room, leaving the detainee alone with the officers. The lawyer then heard his client's continued screams. He was subsequently handcuffed, subjected to physical force, and detained at the station for approximately six hours. Later, he was charged with group hooliganism alongside his client and accused of interfering with public officials. While a criminal case was initiated, as of June 26, 2024, the investigation remained ongoing and did not meet the standards of an effective investigation according to the attorney.

On June 22, 2023, T.A. reported that he had been subjected to torture a few days earlier while in the custody of the Investigative Committee, where he had been taken as an accused. He alleged that both the Chair of the Investigative Committee and his deputy personally participated in his beating. On June 19, from a detention center, he reported the abuse to the Human Rights Defender's hotline. Although a criminal investigation into suspected torture was launched, no information is available regarding its progress.

On April 1, 2024, a video spread on social media showed police officers trying to extract information from the detained V. N. through using violence, insults and swearing. The violence of police intelligence officers was carried out outside the police station in an effort to conceal the crime. The failure to take a person to the police station immediately after being taken into custody jeopardizes the rights guaranteed by the Armenian Constitution and procedural guarantees arising from the status of a person.

On April 17, 2024, S. V. was arrested on charges of hooliganism after an altercation with an MP of Parliament from the ruling party, Hakob Aslanyan, on a bus in Yerevan. It was announced by lawyers of S. V. that he was beaten by a group of masked men while being escorted to a detention center by two police officers who stopped the car and left to use toilet. A group of masked people in black approached the car, dragged S. V. out and beat and insulted him. The lawyer also added that men pulled his trousers down and held a stick between his legs in an act of humiliation and sexual harassment whilst he was kneeling, handcuffed on the ground. While a criminal case was initiated on the basis of a report filed by NGO "Protection of Rights without Borders", no one has been charged for abuse and violence against S. V.

There are also documented cases of police brutality in the context of peaceful assemblies. In May–June 2024, opposition protests in Yerevan were met with unlawful and excessive force, arbitrary detentions, and other violations of the right to liberty. Civil society organizations publicly stated that these police tactics are a direct result of a long-standing policy of impunity within law enforcement agencies¹⁴. For instance, on May 27, 2024, police officers used physical violence, beatings, and verbal insults against Member of Parliament Ashot Simonyan near the ARF Dashnaktsutyun party headquarters. Despite video footage of the incident being widely circulated online, no police officer has faced criminal charges. In

¹⁴ https://prwb.am/2023/07/03/vostikanakan-brnuthyunnereh-darnum-en-hamakargayin-hk-neri-haytararuthyuneh/

response to public outcry, one officer's powers were briefly terminated, but he was reinstated shortly afterward without any consequences¹⁵.

During a mass demonstration on June 12, 2024, police used more than twenty types of special measures, including stun grenades, resulting in injuries to approximately 100 protesters and police officers. Among the injured were ten journalists. Human rights defenders and civil society organizations have strongly criticized the use of such measures as unnecessary and disproportionate to crowd control needs. Criminal investigations were launched into the actions of both protesters and police officers; however, while 16 protesters were charged, no police officers have been held accountable to date¹⁶. The day after the events, Prime Minister Nikol Pashinyan publicly described the police response as legitimate and professional, sending a clear signal to investigative bodies and reinforcing impunity for law enforcement's illegal actions¹⁷.

Unlike previous instances where special measures were used, the police did not disclose information regarding the type and quantity of measures deployed during the protests on June 12. The NGO "Protection of Rights without Borders" filed a lawsuit against the Ministry of Internal Affairs, demanding full disclosure of this information, including the specific types of measures used and the number of officers involved. On January 16, 2025, the Administrative Court ruled in favor of the NGO, obligating the Ministry to provide complete information. However, the Ministry has appealed the ruling, and the judgment is not yet final.

Throughout 2024, human rights organizations have documented numerous cases of repeated police violence and the disproportionate use of force against protesters, journalists, and civilians¹⁸. Additionally, under the pretext of a "war on drugs," police raids on nightclubs have been marred by physical and psychological abuse against club staff and patrons. Victims have reported severe violations of their rights during these operations. Reports indicate that LGBTQI+ individuals have been discriminatorily targeted, facing heightened levels of abuse and mistreatment.

Recommendations:

- Strengthen the independence of Internal Control and Anti-Corruption unit, include human rights NGOs into the police disciplinary commission.
- Enhance internal control mechanisms and integrity standards within police departments to deter future incidents of torture and ill-treatment.
- Amend legislation to mandate permanent audio-visual recording in police stations, extending storage timelines for recorded footage to at least 8–12 months. Ensure that lawyers, civil society

¹⁵ https://prwb.am/en/2024/05/28/haytararuthyun-mayisi-27-i-ostikanuthyan-gortcoghuthyunneri-veraberyal/

¹⁶ Armenia: Violence during street protests must be investigated", Amnesty International, 2024;

https://www.amnesty.org/en/latest/news/2024/06/armenia-violence-during-street-protests-must-be-investigated/

¹⁷ https://www.azatutyun.am/a/hauk-mijotc-daniel-ioannisyan-zhanna-aleksanyan-baghramyan-/32991761.html (available in Armenian)

Yerevan Municipality Assists Police in Raiding Another Techno Club", (2024);
https://epress.am/en/2024/11/28/yerevan-municipality-assists-police-in-raiding-another-techno-club.html; 'An attack on the clubbing community': popular Yerevan club raided by police, (2023); https://oc-media.org/an-attack-on-the-clubbing-community-popular-yerevan-club-raided-by-police/

monitors, and the National Preventive Mechanism (NPM) have unhindered access to these recordings to support investigations into police abuses.

- Strengthen the capacity of law enforcement and oversight bodies to conduct independent, thorough, and effective investigations into allegations of torture and ill-treatment, ensuring accountability for perpetrators and protection for victims.
- Establish independent and secure reporting channels that allow for the anonymous and safe submission of complaints regarding torture, inhuman, or degrading treatment in closed institutions. These reports should be reviewed by the General Prosecutor's Office or another centralized, independent oversight body.
- Develop human rights-based training curricula for newly established police units to improve education on proportionate use of force, crowd control, and the absolute prohibition of torture and ill-treatment. These training programs should be integrated into the Academy of the Ministry of Internal Affairs.

VII. ASYLUM SEEKERS AND NON-REFOULEMENT

Over the past two years, 210 citizens of the Russian Federation and Belarus have sought assistance from HCAV for the protection and restoration of their rights. The vast majority of these individuals were subjected to politically motivated criminal prosecutions in their home countries.

In 50 cases, restrictions on fundamental rights—particularly the right to freedom of movement—imposed in Armenia due to politically motivated criminal charges in their countries of origin were successfully lifted. As a result, these individuals were allowed to leave Armenia without hindrance. In this regard, Armenia has prioritized its international legal obligations, particularly the principle of non-refoulement, over its commitments under the CIS extradition agreement.

HCAV has established a systemic approach to handling such cases, advocating for the immediate removal of legal restrictions imposed on individuals facing political persecution in undemocratic countries. In practice, this means that upon receiving a request from HCAV, the Ministry of Internal Affairs of Armenia temporarily lifts border-crossing bans for foreign nationals accused in politically motivated cases, enabling them to travel to third countries.

HCAV is currently providing legal representation in the cases of 20 individuals before state authorities and judicial bodies in Armenia, as well as the European Court of Human Rights. These legal proceedings enable citizens from non-democratic states, including Belarus, Iran, and Russia, who face political persecution, to seek asylum in Armenia. Notably, two individuals targeted by the Migration and Citizenship Service of the Ministry of Internal Affairs of Belarus were officially recognized as refugees in Armenia and granted asylum due to the risk of inhumane treatment. As a result, their extradition requests were rejected, reinforcing Armenia's commitment to its international human rights obligations, particularly the principle of non-refoulement. In general, none of the foreign citizens under the protection of the HCAV were extradited to their country of origin; on the contrary, decisions were made to refuse

extradition for 10 persons¹⁹. This is a positive practice for the protection of the rights of foreign citizens in Armenia.

However, serious concerns remain regarding cases of unlawful extradition and violations of due process. On December 6, 2023, Russian law enforcement officers, without any legal justification, arrested D. Setrakov within a jurisdiction under the authority of Armenian law enforcement and unlawfully detained him for 27 days. The arrest was based on criminal charges under Article 337 of the Russian Federation's Criminal Code. After several days in detention, officers from a Russian military base, acting without legal authorization, carried out an extrajudicial extradition and forcibly transferred D. Setrakov to Russia.

There is no statistical information collected by the Office of Prosecutor General regarding the extradition cases, however HCAV has received information that in 2025 two citizens of the Russian Federation were extradited to the country of their origin.

Additionally, in February 2025, HCAV lawyers documented a case when the law enforcement officers of Russia entered the police department of Armenia to see their citizens who were invited there by the Armenian police officers. Notably, these two Russian citizens escaped political prosecution in Russia and were seeking refuge in Armenia. The case was referred to the administrative court to challenge the legality of the actions of police officers.

Recommendations:

- Suspend the enforcement of interstate agreements with the Russian Federation, Belarus, Kazakhstan, Kyrgyzstan, Turkmenistan, and other authoritarian states when their application risks violating human rights obligations under Armenia's commitments as a Council of Europe member.
- Prohibit the extradition of foreign nationals in all cases where there is a real risk of torture, inhuman, or degrading treatment in the requesting state.
- Eliminate restrictions on entry and exit for individuals targeted for political prosecution by foreign governments, ensuring that the BEMI system is not misused for politically motivated travel bans.
- Ensure that no individual is deprived of liberty based on extradition requests from authoritarian states, non-democratic regimes, or countries that retain the death penalty. Such petitions should be immediately rejected in accordance with international human rights principles.
- Grant political asylum to all foreign nationals who have been subjected to political persecution and have chosen Armenia as a safe state.

VIII. REDRESS AND REHABILITATION OF VICTIMS

¹⁹ 'Report on the situation of human rights of foreign citizens seeking asylum in the Republic of Armenia due to political persecution" (2024); https://hcav.am/en/report-on-extradition-13-06-2024/

Although the 2017 amendments to the Civil Code of Armenia provide for the possibility of redress for victims of torture, including compensation, the right to claim such redress remains contingent upon a court's conviction regarding the act of torture. If no criminal prosecution has been initiated, or if the proceedings were terminated for reasons not related to rehabilitation, or if the proceedings were otherwise concluded, victims are still eligible for redress. However, no redress is available if the perpetrator remains unidentified as a result of the criminal proceedings. If the crime is solved, compensation for non-pecuniary damage is provided by the state in accordance with established legal procedures, while compensation for material damage is provided by the individual found guilty by a court verdict.

This regulation contradicts Armenia's international obligations. Under Article 14 of the Convention Against Torture, the state is required to ensure that victims of torture receive redress, including fair and adequate compensation. The Convention stipulates that individuals should be considered as victims of torture regardless of whether the perpetrator is identified, apprehended, prosecuted, or convicted, and irrespective of the relationship between the perpetrator and the victim²⁰. The same right to redress is reflected in the European Convention on the Compensation of Victims of Violent Crimes, which Armenia signed in 2001.²¹ By signing this convention, Armenia is bound to uphold its object and purpose, including ensuring that victims have access to redress even when the perpetrator cannot be prosecuted or punished²².

However, it should be noted that the Civil Code of Armenia allows for compensation not only for torture but also for moral harm caused by inhuman or degrading treatment, even though such treatment, unlike torture, is not criminalized.

In the meantime, there are no state-run rehabilitation services available to provide psychological and medical support to victims of torture, preventing them from receiving the necessary care to overcome the suffering they have endured.

Recommendations:

- Amend the Civil Code of Armenia to ensure that victims of torture have the right to redress, including compensation, even if the perpetrator has not been identified.
- Establish state-run rehabilitation services for victims of torture, providing comprehensive psychological and medical support to help them recover from trauma and suffering. In the absence of qualified rehabilitation services within the state-owned healthcare system, provide adequate funding to CSOs to provide rehabilitation services to victims of torture.
- Ratify the European Convention on the Compensation of Victims of Violent Crimes.

IX. DEATH CASES IN THE ARMED FORCES

²⁰ Committee against Torture, General comment No. 3 (2012), Implementation of article 14 by States parties, United Nations, CAT/C/GC/3

²¹ https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=116

²² Article 2, European Convention on the Compensation of Victims of Violent Crimes

HCAV documents instances of death in the armed forces of Armenia through monitoring media reports, official information received through state bodies, and family members of deceased persons. This information is published annually, which also includes a comparative analysis with the previous year in order to show the dynamics of the problem. There are many instances of suicide and assasination, which speaks of continued non-statutory relationships among the army servicemen.

During 2023-2024, 123 servicemen died in the armed forces, of which 23 were in combat conditions due to ceasefire violations, and 100 were in non-combat conditions. In particular, the causes of death of servicemen in non-combat conditions are:

- > 27: car accident,
- > 9: suicide or inciting suicide,
- ➤ 17: violation of the rules for dealing with weapons, munitions, and dangerous substances,
- ➤ 17: health problems,
- ➤ 12: unfortunate incident (car explosion, helicopter explosion, garage explosion, lightning strike, drowning, avalanche, electrocution, carbon monoxide poisoning),
- ➤ 7: murder.
- ➤ 1: fire.

During 2021-2022, 140 deaths of servicemen were recorded in the armed forces of the Republic of Armenia and the Nagorno-Karabakh Republic/Artsakh Republic, of which 33 were due to ceasefire violations, and 107 were in non-combat conditions. In particular, the causes of death of servicemen in non-combat conditions are:

- ➤ 34: health problems,
- ➤ 32: car accidents (of which two were deaths when cars ran over those persons; the Prosecutor's Office included those cases in the number of death cases as a result of car crash)
- ➤ 17: murder,
- ➤ 15: suicide or inciting suicide,
- > 7: unfortunate incidents (avalanche, lightning strike, hit by a car part, falling tree, (burns due to fire, electrocution, drowning, sudden death,).
- ➤ 1: violation of the rules for dealing with weapons, munitions, and dangerous substances,
- ➤ 1: mine explosion²³.

²³ <u>Report on death cases in the Armed Forces of the Republic of Armenia and Armed Forces of the Republic of Artsakh/Nagorno-Karabakh in 2023 | HCAV</u>

Due to its nature, armed forces are not open to public oversight. At the same time, there are no sufficient measures taken to mitigate the consequences of non-statutory relationships among servicemen, where violence is common.

Recommendations:

- Provide commanders and officers with specialized training to address harassment, bullying, social tensions, and the early detection of suicidal tendencies, while implementing a zero-tolerance policy and accountability measures to foster a safer environment.
- Ensure rigorous monitoring of human rights violations in the armed forces, provide strict prosecutorial control over the criminal cases instituted for crimes committed in the armed forces.