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Committee against Torture

Concluding observations on the fourth periodic report of Armenia*

ADVANCED UNEDITED VERSION

1. The Committee against Torture considered the fourth periodic report of Armenia (CAT/C/ARM/4) at its 1484th and 1487th meetings, held on 23 and 24 November 2016 (CAT/C/SR.1484 and CAT/C/SR.1487), and adopted the following concluding observations at its 1500th meeting, held on 5 December 2016.

A. Introduction

2. The Committee expresses its appreciation to the State party for having accepted the simplified reporting procedure and for having submitted its fourth periodic report under it in advance of the due date. It welcomes the dialogue with the State party's delegation and the responses provided orally and in writing to the questions and concerns raised during the consideration of the report.

B. Positive aspects

3. The Committee welcomes the following legislative measures taken by the State party in areas of relevance to the Convention, including:

(a) Adoption of amendments to the Criminal Code (article 309.1) providing for a definition and criminalization of torture in accordance with article 1 of the Convention, on 8 June 2015;

(b) Strengthening the protection against refoulement through the incorporation into the text of the amended Constitution (Article 55(1)) of an explicit prohibition of the deportation or extradition of a person to a country where there is a real risk of torture or inhuman or degrading treatment or punishment;

(c) Adoption of Amendments to the 2008 Law on Refugees and Asylum that introduce a definition of asylum-seekers and refugees with specific needs, including victims of trafficking, torture, rape or other forms of violence, on 16 December 2015;

(d) Constitutional Court's decision of November 2013 whereby article 17, paragraph 2, of the Civil Code was ruled unconstitutional for failure to envisage non-pecuniary damage and to provide a right to seek compensation for such damage;

(e) Adoption of the Law on Probation, on 17 May 2016.

4. The Committee also welcomes the initiatives of the State party to adopt policies, programmes and administrative measures to give effect to the Convention, including:

(a) Establishment of the Department for Investigation of Torture, comprised of eight investigators charged with investigating allegations of torture and ill-treatment, within the Special Investigation Service;

* Adopted by the Committee at its fifty-ninth session (7 November – 7 December 2016).

(b) Adoption of the Charter and the Structure of the Probation State Service, on 14 July 2016;

(c) Approval of the Plan of Actions for the implementation of the National Strategy on Human Rights Protection, in February 2014.

5. The Committee also commends the State party for the important work carried out within the Human Rights Council and UN General Assembly in promoting resolutions on the Prevention of Genocide and the establishment of the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

6. While noting with appreciation the information provided by the State party under the follow-up procedure (CAT/C/ARM/CO/3/Add.1), the Committee regrets that the recommendations identified for follow-up in its previous concluding observations concerning allegations of torture and ill-treatment in police custody, fundamental legal safeguards, and investigations into allegations of torture and/or ill-treatment and impunity (CAT/C/ARM/CO/3, paras. 8, 11 and 12, respectively), have not yet been fully implemented.

Statute of limitations, amnesty and pardon

7. The Committee regrets that, contrary to its previous recommendation (see CAT/C/ARM/CO/3, para. 10), the current legislation still maintains the statute of limitations in respect of the crime of torture and the possibility of granting pardon and amnesty to perpetrators of torture and that individuals convicted of torture or ill-treatment have benefitted from amnesty in practice. The Committee takes note of the State party's plans to discuss the possibility of excluding the pardon, amnesty and statute of limitations for torture in the context of a new legislative package that is currently being developed (arts. 1 and 4).

8. Recalling its previous concluding observations (see CAT/C/ARM/CO/3, para. 10), the Committee urges the State party to repeal the statute of limitations for the crime of torture or other acts amounting thereto under the Criminal Code. The State party should also ensure that pardon, amnesty and any other similar measures leading to impunity for acts of torture are prohibited both in law and in practice. In this regard, the Committee draws the State party's attention to paragraph 5 of its general comment No. 2 (2007) on the implementation of article 2 of the Convention by States parties, in which it states that amnesties or other impediments which preclude or indicate unwillingness to provide prompt and fair prosecution and punishment of perpetrators of torture or ill treatment violate the principle of non derogability.

Fundamental legal safeguards

9. The Committee takes note of the amendments to the Law on Holding Arrested and Detained Persons aimed at improving the application of safeguards for all persons deprived of their liberty as well as of the draft Criminal Procedure Code, in particular article 110, that, if adopted, would provide for enhanced fundamental legal safeguards against torture and ill-treatment for such persons, in conformity with the Convention and the Subcommittee on Prevention of Torture (SPT) and the European Committee for the Prevention of Torture (CPT) standards. However, the Committee remains concerned about reports that detained persons do not always enjoy in practice all the fundamental legal

safeguards from the very outset of their detention, including prompt access to a lawyer and to a doctor (including a doctor of their own choice) and notification of their detention. It is also concerned about reports:

(a) That police officers do not keep accurate records of all periods of deprivation of liberty and that persons deprived of their liberty for whom no detention report has been drawn up are not informed of their rights and do not enjoy the fundamental legal safeguards;

(b) That the three-day time limit for transferring persons deprived of liberty from a police station to a detention facility is not systematically adhered to in practice and that persons deprived of their liberty have not been brought promptly before a judge, as evidenced in the context of the repression of the protests of June 2015 and July 2016;

(c) That police officers discourage detainees from requesting legal assistance, advising of the negative impact such requests may have during the investigation;

(d) That medical examinations often take place in the presence of police officers, are performed by personnel that, owing to their status, are likely to have their independence compromised, and that, in such circumstances, accurate recording and reporting of attested injuries is highly problematic (arts. 2 and 16).

10. The State party should take effective measures to guarantee that all detained persons are afforded in practice all the fundamental legal safeguards against torture from the outset of their detention, in accordance with international standards. Such rights include:

(a) The right to be promptly informed, orally and in writing, of their rights, the reasons for arrest and the charges laid against them;

(b) The right to have all periods of their deprivation of liberty accurately recorded immediately after arrest in a register at the place of detention and in a central register of persons deprived of liberty and to have detention reports drawn up accordingly to prevent any cases of unrecorded detention; the State party should consider in this respect introducing electronic detention reports;

(c) The right to have prompt and confidential access to a qualified and independent lawyer, or to free legal aid when needed;

(d) The right to promptly contact a family member or any other person of their choice;

(e) The right to access to a medical examination by an independent doctor that should be conducted out of hearing and, unless explicitly requested by the doctor, out of sight of police staff. The State party should guarantee in practice the independence of doctors and other medical staff dealing with persons deprived of liberty, ensure that they duly document all signs and allegations of torture or ill-treatment and provide the results of the examination without delay to the appropriate authorities and make them available to the detained person concerned and his or her lawyer;

(f) The right to be transferred from a police station to a detention facility within the prescribed three-day time limit;

(g) The right to be promptly brought before a competent, independent and impartial court within a maximum of 48 hours.

Audio and video recording of interrogations

11. The Committee notes that paragraph 2.3 of the Chapter concerning torture of the Financial Agreement of the Budget Support Program on Protection of Human Rights in Armenia (EU Program) requires establishment of legal framework to ensure audio-video recordings during interrogations in 10 pilot police stations during 2017. However, the Committee is concerned that, under the current legislation, it is not mandatory for law enforcement agencies to use audio or video recording equipment during interrogations, and regrets that the draft Criminal Procedure Code does not remedy this omission. The Committee also notes that the implementation of the joint project proposal on the use of audio-video recording during interrogations submitted to the government by the Ministry of Justice is conditional on the allocation of proper funds (arts. 2, 12, 13, 15 and 16).

12. The Committee reiterates its previous recommendation (see CAT/C/ARM/CO/3, para. 11). The State party should adopt the legislative and other measures necessary and allocate proper funds to ensure the mandatory video and audio recording of all criminal interrogations and equip all interrogation rooms in police stations and other places of deprivation of liberty with video and audio recording devices. It should also ensure that audio-visual footage is kept for a period sufficient for it to be used as evidence, including in court, that videotapes are reviewed to identify and investigate torture and other breaches of standards; and that tapes are made available to defendants and their counsels.

Coerced confessions

13. The Committee welcomes the draft amendments to the Criminal Procedure Code stipulating clearly that any statement which is established to have been made under torture shall not be invoked as evidence in any proceedings, as well as the criminalization under the Criminal Code of acts of torture aimed, inter alia, at extorting confessions. However, it remains concerned (see CAT/C/ARM/CO/3, para. 16) about allegations that, in practice, forced confessions are still used as evidence in courts. The Committee is further concerned about the lack of legal basis for suspension of court proceedings pending investigation of claims of coerced confession. It also regrets the lack of information on the number of cases in which the courts have ruled inadmissible evidence obtained through torture and the number of revision of convictions based on such confessions owing to no such statistics being currently collected by the State party, notwithstanding the delegation's willingness to propose that such data be collected in the future (art. 15).

14. The Committee reiterates its previous recommendation (see CAT/C/ARM/CO/3, para. 16) that the State party should ensure that, in practice, statements obtained by torture are inadmissible as evidence in any proceedings, except when invoked against a person accused of torture. The State party should combat the practice of coerced confessions effectively; amend relevant legislation to ensure that, both in law and in practice, in any case in which a person alleges that a confession was obtained through torture, the proceedings are suspended until the claim has been thoroughly investigated; review cases of convictions based solely on confessions and provide redress to victims; ensure that officials who extract such confessions, including persons liable under the principle of command responsibility, are brought to justice, are prosecuted and punished accordingly. The State party should also provide the Committee with information on cases in which confessions were deemed inadmissible on the grounds that they were obtained through torture, on revision of convictions based on such confessions and indicate whether any officials have been prosecuted and punished for extracting such confessions.

Pretrial detention

15. The Committee is concerned about the extensive use of pretrial detention as a preventive measure, noting that 96 percent of such motions are approved by courts according to a study conducted by experts of the Office of the Human Rights Defender. It is further concerned at the reported failure of courts to justify the necessity of pretrial detention based on an assessment of individual circumstances. The Committee notes that representatives of the Association of Judges informed the Commissioner for Human Rights of the Council of Europe that judges are reluctant to grant preventive measures other than detention as their decision is likely to be reversed on the basis of a complaint lodged by the prosecution (see CommDH(2015)2, para. 50). The Committee is also concerned about allegations of: (a) lengthy pretrial detention up to three years and more and the adverse impact on the health of persons in pretrial detention, including in the case of Mr. Hrachya Gevorgyan; and (b) instances in which pretrial detention had been used to pressure individuals and their lawyers into making incriminating statements (arts. 2 and 11).

16. **The State party should:**

(a) **Ensure that pretrial detention is used as an exception, is applied for limited periods of time, is clearly regulated and subject to judicial review at all times in order to guarantee fundamental legal and procedural safeguards;**

(b) **Ensure that no one is held in pretrial detention for longer than prescribed by law;**

(c) **Decrease the resort to pretrial detention by ensuring a wider use of non-custodial preventive measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), and provide the Committee with statistical data on the percentage of cases in which non-custodial measures have been applied by courts;**

(d) **Ensure that redress and compensation are provided to victims of unjustified prolonged pretrial detention.**

Effective investigation of allegations of torture and ill-treatment

17. The Committee welcomes the legislative and institutional measures taken by the State party to combat torture and ill-treatment (see paras. 3(a) and 4(a) above). However, it remains concerned about persistent allegations of torture and ill-treatment perpetrated by law enforcement officials during arrest, detention and interrogation and about remaining deficiencies in investigating and prosecuting such complaints effectively, in particular by the Special Investigation Service, as evidenced by the discrepancy between the number of recorded complaints of torture and the particularly low number of resulting investigations and prosecutions. In this respect, the Committee is concerned about the reported practice of temporarily suspending officers suspected of torture and subsequently appointing them to an equivalent or even superior position in another service with a view to avoiding prosecution, as well as about existing institutional and operational shortcomings that reportedly preclude the effective investigation into and prosecution of complaints of torture and ill-treatment, including:

(a) The allegedly very high burden of proof required to pursue an investigation;

(b) The delays in conducting relevant medical examinations leading to disappearance of important evidence; allegedly, such delays are often deliberate to ensure a criminal investigation cannot be initiated;

(c) Involvement of the Special Investigation Service in investigating allegations of ill-treatment only once a criminal case is formally initiated, and not automatically upon reporting of such allegations;

(d) Delegation of collection of evidence by the Special Investigation Service to police officers;

(e) Corruption in the judiciary (arts. 2, 11, 12, 13 and 16).

18. The State party should take effective measures to eradicate torture and ill-treatment and to effectively investigate, prosecute and punish such acts, inter alia, by:

(a) Ensuring prompt medical examination of alleged victims of torture or ill-treatment with a view to recording their injuries accurately and securing important evidence for any subsequent investigation;

(b) Ensuring that standards of proof applied when determining whether a criminal investigation into an alleged act of torture or ill-treatment should be pursued are appropriate and reasonable;

(c) Reinforcing the measures aimed at preventing and combating corruption in the judiciary that may hinder the effective investigation, prosecution and punishment for acts of torture and ill-treatment;

(d) Strengthening the investigative capacity and the independence of the Special Investigation Service with a view to ensuring that all complaints of torture and ill-treatment, including any such allegations made by persons deprived of their liberty, are immediately referred to it, and that all allegations of torture or ill-treatment are promptly, impartially, thoroughly and effectively investigated, that suspected perpetrators are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of their acts; and that the Special Investigation Service publicly reports not only on the investigations initiated but also on the outcome of prosecutions;

(e) Ensuring, without prejudice to the presumption of innocence, that all persons under investigation for having perpetrated torture or ill-treatment are immediately suspended from their duties for the duration of the investigation.

Excessive use of force during demonstrations

19. With reference to its previous concluding observations (see CAT/C/ARM/CO/3, para. 20), the Committee remains concerned that, despite initiation of criminal cases for causing death by negligence and for unlawful intentional deprivation of life, no progress appear to have been made in investigating the 10 deaths that occurred as a result of excessive and indiscriminate use of force by police forces in connection with the protests held in March 2008, nor in investigating allegations of arbitrary detention, denial of access to a lawyer of choice and ill-treatment in custody committed in the immediate aftermath of the violence (arts. 12, 13 and 16).

20. The Committee is concerned about consistent reports of excessive use of force against protesters, including during the so-called Electric Yerevan protests of June 2015, when police used water cannons to disperse the demonstration and detained illegally 237 protesters. It is also concerned about the reported use of excessive force by law enforcement officials during the demonstrations of 17 to 31 July 2016 following the attack on a patrol service police regiment in Yerevan by a group of armed men, as well as the mass arrests and alleged arbitrary detention based on administrative procedure, ill-treatment, and denial of fundamental legal guarantees such as access to lawyers and

doctors, notification of detention, and violation of the three-day time limit for transferring persons deprived of liberty from a police station to a detention facility (arts. 12, 13 and 16).

21. The Committee reiterates its previous recommendation (see CAT/C/ARM/CO/3, para. 20) with regard to investigations into the 10 deaths occurred as a result of excessive and indiscriminate use of force by police in March 2008. As regards other allegations of excessive use of force against protesters, ill-treatment and denial of fundamental legal guarantees, including during the protests of June 2015 and 17-31 July 2016, the State party should:

(a) Ensure that prompt, impartial, and effective investigations are undertaken into all such allegations, that the perpetrators are prosecuted and that victims are provided with redress;

(b) Ensure that all law enforcement officers receive systematic training on the use of force, especially in the context of demonstrations, and employment of non-violent means and crowd control, and that the principles of necessity and proportionality are strictly adhered to in practice during policing of demonstrations.

Attacks on journalists

22. The Committee is concerned about reports that journalists have been subjected to violence, intimidation, arrest and detention, destruction or confiscation of their equipment, during the June 2015 and July 2016 events referred to in paragraph 20 above. It notes that a small number of criminal proceedings were initiated, mainly for “obstruction of lawful activities of journalists”, and that few investigations are still ongoing. The Committee is also concerned about the reported practice of initiating parallel criminal proceedings against journalists for perjury, non-compliance with the lawful orders of the police and violence against representatives of authorities in retaliation for their reporting of police violence (arts. 2, 12, 13 and 16).

23. **The Committee calls on the State party to publicly condemn threats and attacks on journalists; ensure their protection, including against reprisals, and their safety; abstain from undue obstruction of their professional activities; investigate effectively all allegations of violence, intimidation and destruction of property of journalists and sanction perpetrators with penalties commensurate with the gravity of their acts; and refrain from initiating criminal proceedings against journalists in retaliation for their reporting of police violence.**

Domestic violence

24. The Committee, while welcoming the measures taken to combat violence against women, including the establishment in 2013 of a separate division on the fight against domestic violence within the police, remains concerned (see CAT/C/ARM/CO/3, para. 18) that domestic violence is still prevalent and often goes unreported due to entrenched gender stereotypes justifying such violence and the lack of due diligence of law enforcement officials in pursuing cases. It is further concerned: (a) that cases of domestic violence are subject to private prosecution and investigations can only be initiated upon official complaint by the victim and that such complaints are, with few rare exceptions, withdrawn by victims due to reconciliation with the perpetrator; (b) about the discrepancy in the official number of domestic violence cases compared to information from other sources; (c) about the lack of specific legislation criminalizing domestic violence and of adequate protection measures and support services for victims, including emergency accommodation, medical, social and legal services. It notes in this context that the revised draft law on domestic violence had been re-submitted to the Government in September 2016 (arts. 2, 12-14 and 16).

25. The State party should strengthen its efforts to prevent and combat domestic violence, including by adopting without undue delay a law criminalizing domestic violence and ensuring its effective implementation. It should also:

(a) Strengthen preventive measures, including raising awareness of the unacceptability and adverse impact of violence against women, and encourage reporting of such violence;

(b) Ensuring that law enforcement, the judiciary, social workers and medical staff receive appropriate training on how to detect and deal properly with cases of violence against women;

(c) Classify acts of violence against women, including domestic violence, as public prosecution cases subject to ex officio investigation and prosecution;

(d) Ensure that all cases of domestic violence are promptly and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with effective and dissuasive sanctions and that victims have access to means of protection and redress, including sufficient, safe and adequately funded shelters as well as access to medical, social, legal and other support services.

Conditions of detention

26. The Committee welcomes the measures taken by the State party to address overcrowding and improve conditions of detention in prisons, including the opening of the newly build Armavir prison and the transfer of 17 prisoners sentenced to life imprisonment to that prison, and the initiative to amend the Penitentiary Code in order to abolish the legal obligation of segregating life-sentenced prisoners from other prisoners as well as the limitations for family visits. However, it remains concerned about poor material conditions in some prisons, especially Nubarashen, Vanadzor and Yerevan-Kentron prisons, including inadequate sanitary conditions, low quality of nutrition and extremely limited offer of extra-regime activities affecting disproportionately life-sentenced prisoners in particular, and failure to meet gender-specific needs of female inmates held at Abovyan prison. The Committee is also concerned about reports that inmates rely on personal resources to improve their living conditions, including food, medicine and sanitary products from outside the prison, which leads to unequal conditions of detention.

27. While acknowledging some positive initiatives such as the memorandum of cooperation between the Ministry of Justice and the State Medical University and the activities carried out under the EU/Council of Europe project "Support to Healthcare and Human Rights Protection in Prisons in Armenia", the Committee remains concerned about the access to, and quality of, health care within police and prison establishments, in particular for life-sentenced prisoners, including poor access to psychiatric care, and about reports of failure to provide free health care guaranteed by the State and to allow inmates to benefit from services of other medical professionals at their own expense in some cases. It is also concerned about the outdated medical equipment or lack thereof, the shortage of medical staff in places of deprivation of liberty owing to financial constraints and the independence and impartiality of the medical personnel employed in such facilities.

28. While welcoming relevant legislative measures (see paras. 3(e) and 4(c) above), and noting that, according to the State party, both the draft Criminal Procedure Code and the draft Penitentiary Code would stress more firmly the principle of imprisonment as a last resort, and would further liberalize the rules governing life imprisonment and early and conditional release, the Committee is concerned about the very low rate of conditional release and the lack of clear procedures for the early release of prisoners, including on health grounds. The Committee is also concerned that, despite positive improvements, the programs of social rehabilitation and preparation for release need further strengthening.

29. The Committee also remains concerned about the reported instances of denial of access for the Police Monitoring Group, mandated to monitor police temporary detention facilities and comprised of human rights NGOs, to police establishments (arts. 2, 11 and 16).

30. The Committee reiterates its previous recommendation (see CAT/C/ARM/CO/3, para. 19) and urges the State party to continue to take effective measures with a view to ensuring that conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and, in particular, to:

(a) Step up efforts aimed at improving living conditions in penitentiary establishments and address, inter alia, unequal living conditions; and enhance the measures designed to prevent overcrowding in the future, particularly through the wider application of non-custodial measures as an alternative to imprisonment, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(b) Improve access to and quality of health care, including psychiatric care, for prisoners in all places of deprivation of liberty, including for life-sentenced prisoners, provide for adequate medical equipment, increase the number of professional medical staff in all detention facilities, and ensure their independence and impartiality;

(c) Implement the legal and institutional framework on probation effectively; adopt clear procedures for the early release of prisoners on health grounds, ensure proper examination of such requests by the relevant commission, provide for an appeal against negative decisions of commissions charged with consideration of requests for early release and release on parole, and address their independence and impartiality, inter alia by ensuring a more balanced membership of such commissions; and develop and further strengthen existing programs of social rehabilitation and preparation for release to ensure successful social reintegration of prisoners upon release;

(d) Ensure that the Police Monitoring Group has access to all police stations and the ability to conduct unannounced visits.

Inter-prisoner violence and violence and degrading treatment against homosexual prisoners and sex-offenders

31. The Committee is concerned about reports of high incidence of inter-prisoner violence in penitentiary institutions, including incidents of self-harm, and notes the lack of official statistics in this regard. It notes with concern that the incidence of such violence may be the result of the existence of a criminal subculture and informal hierarchy in prisons which, despite its decrease in recent years, appears still to exercise substantial influence within the penitentiary system. The Committee, while welcoming the recruitment of additional prison staff and some recent salary increases, remains concerned about the shortage of prison staff, which, taken together, increases reliance on "criminal leaders" to ensure security within prisons. The Committee is also concerned about persistent discrimination, hate speech, violence and humiliating and degrading treatment of sex offenders and homosexual prisoners by other prisoners and about their degrading and involuntary segregation from other inmates that may aggravate their detention conditions. The Committee regrets that no relevant measures appear to have been taken to prevent such incidents, to ensure their protection and that such acts occur with impunity (arts. 2, 11–13 and 16).

32. The State party should:

(a) Take robust measure to prevent inter-prisoner violence and self-harm incidents and to protect the life and safety of all prisoners; implement appropriate programs to prevent, monitor and document incidents of inter-prisoner violence and self-harm, compile official statistics on such incidents; and ensure effective investigations of all allegations of violence between prisoners and hold those responsible accountable;

(b) Recruit and train a sufficient number of prison personnel to ensure adequate prisoner/staff ratio, improve the authority of prison administrations and take steps to reduce the impact of the criminal subculture and informal hierarchy in prisons;

(c) Put an end to the discrimination and violence against homosexual prisoners and sex-offenders, abolish the practice of their degrading and involuntary segregation and all other degrading and humiliating practices that still persist in the vast majority of prisons; investigate effectively all such allegations, and bring perpetrators to justice.

Deaths in custody, including suicides

33. While noting the efforts made by the State party to develop and improve the psychological assistance provided to inmates, the Committee is concerned about cases of deaths in custody, including the large number of suicides which appear to be criminal cases, and the failure to investigate them promptly and impartially. In particular, it is gravely concerned about an alarming pattern of suicides by inmates, noting that between 2012 and 2016, in 23 out of 24 cases of suicide, criminal cases were initiated under article 110, part 1 of the Criminal Code (causing suicide), including into the three cases of suicide by hanging that occurred in the newly built Armavir prison in December 2015, and that, out of the 23 criminal cases, 18 were discontinued or suspended on various grounds such as non-identification of the accused, and 5 cases are still under investigation (arts. 2, 11–13 and 16).

34. The State party should take robust measures to prevent suicides and deaths in custody, inter alia by:

(a) Establishing effective early prevention strategies and programmes and improving the identification of persons at risk of committing suicide;

(b) Providing timely and quality medical care to inmates, including psychological assistance, with a view to reducing drastically the number of deaths in custody due to health issues and the number of suicides;

(c) Ensuring prompt, thorough, effective and impartial investigations by an independent body into all cases of deaths in custody, including suicides, prosecution of persons suspected of having committed such acts and, if found guilty, their punishment in accordance with the gravity of their acts; allowing independent forensic examinations of all cases of death in custody, permitting family members of the victims to commission independent autopsies, ensuring that their results are accepted by courts as evidence in criminal and civil cases, and providing redress to families of victims.

The Committee also encourages the State party to launch a thematic investigation into the pattern of suspicious suicides in custody with a view to establishing the possible complicity of police and/or prison staff and to bringing perpetrators to justice.

Non-combat deaths in the army, hazing and ill-treatment

35. The Committee remains concerned about the number of non-combat deaths in the armed forces and allegations of continued hazing and other mistreatment of conscripts by officers and fellow soldiers. While welcoming the separation of the General military investigative department in charge of investigations from the Ministry of Defense in 2014, the Committee is concerned that effective investigation and prosecution for such acts remains limited (arts. 2, 4, 12, 13 and 16).

36. The Committee reiterates its previous recommendation (see CAT/C/ARM/CO/3, para. 9). The State party should redouble its efforts to prevent and non-combat deaths in the military, hazing and mistreatment of conscripts, and ensure prompt, impartial and thorough investigations into all allegations of abuse of conscripts in the army and into all non-combat deaths; prosecute and punish those responsible with appropriate penalties; provide compensation and rehabilitation for victims of hazing and mistreatment, including through appropriate medical and psychological assistance. The State party should also ensure that complaints against military personnel are considered by an independent body.

Juvenile justice

37. The Committee reiterates its concern (see CAT/C/ARM/CO/3, para. 21) about the absence of a comprehensive juvenile justice system. It is further concerned about limited educational rehabilitation programs and shortage of qualified officers specially trained to work with juveniles that could account for the high rate of young adult offenders (45 percent in 2015) and about the continued use of solitary confinement as a disciplinary sanction for up to 10 days, in contradiction with international standards. The Committee notes that relevant measures are contained in the draft Criminal Procedure Code, but regrets that the draft in its current form does not contain provisions abolishing solitary confinement or imposing an obligation to use audio and video recording during interrogations of juveniles (arts. 11, 12 and 16).

38. The State party should:

(a) Consider establishing an effective, specialized and well-functioning juvenile justice system in compliance with international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);

(b) Pursue and improve the training on juvenile justice matters for all professionals involved in the juvenile justice system and ensure that such training covers not only relevant international standards, including the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, but also practical and relevant training courses on specific topics such as conduct of interrogations in respect of juvenile offenders, witnesses or victims;

(c) Integrate the so-called progressive approach of the sentence involving motivational measures and not only punishment;

(d) Bring its legislation and practice on solitary confinement into line with international standards by abolishing solitary confinement of juveniles as a disciplinary measure, both in law and practice;

(e) Strengthen existing and develop new educational and rehabilitation programs aimed at reducing juvenile recidivism and encouraging pro-social behaviour, address the shortage of qualified officers specially trained to work with

juveniles, and provide adequate extra-regime activities conducive to their social integration.

Violence of children in special care institutions

39. The Committee is concerned about reports of violence and ill-treatment of children in special schools and closed or partially closed institutions such as the Vanadzor Children's Home and the Vanadzor Care and Protection Centre and about the reported denial of access for human rights non-governmental organizations to places of detention and special schools under the Ministry of Education and Science (art. 16).

40. **The State party should provide effective protection against all forms of abuse, violence or ill-treatment of children in special schools and closed or partially closed institutions; investigate such allegations and bring perpetrators to justice; and ensure access of specialized NGOs to these institutions to monitor conditions therein.**

Asylum seekers and non-refoulement

41. The Committee, while welcoming the measures aimed at strengthening the protection against refoulement (see paras. 3(b) and 3(c) above), is concerned about the absence of any legal basis for remaining in the State party by persons who may not be refouled due to human rights obligations, but do not at the same time meet the requirements of the refugee definition under the Law on Refugees and Asylum that may potentially leave this category of persons in a situation of legal insecurity. While noting amendments expanding the provision on exemption from liability for illegal border crossing (article 329(3) of the Criminal Code) to all persons seeking asylum and not only to those who are considered for "political asylum", the Committee is concerned about reports that this provision is not always respected in practice and that some asylum seekers are still detained for illegal border crossing. It is also concerned that, despite the amendments to the Law on Refugees and Asylum that entered into force in January 2016 and provides for access to asylum procedures in penitentiary establishments, such access remains problematic in practice and that conditions of detention in reception centres are poor, including because of overcrowding and inadequate sanitary conditions (arts. 2, 3 and 16).

42. **The State party should:**

(a) **Ensure that the exemption from criminal responsibility for irregular border crossing for refugees and asylum-seekers is strictly enforced in practice and refrain from detaining refugees and asylum-seekers on this ground;**

(b) **Establish a legal basis for regularizing the stay of individuals who are eligible to benefit from protection against refoulement under international human rights law but do not fall under the refugee definition of the Law on Refugees and Asylum;**

(c) **Develop and implement a comprehensive mechanism to ensure the rights of persons in penitentiary institutions who may be in need of international protection to access asylum procedures, and address, as a matter of priority, the sub-standard detention conditions.**

Training

43. The Committee appreciates the information provided by the State party on the variety of human rights training for law enforcement, police and prison staff, including healthcare personnel from prisons, and other relevant stakeholders. Nonetheless, it notes with concern the lack of information on the evaluation of the impact of those programmes (art. 10).

44. The State party should:

(a) Strengthen and further develop mandatory in-service training programmes on prevention of torture and to effective identification and documentation of torture in accordance with the Istanbul Protocol for all relevant authorities, in particular law enforcement officials, prison staff and medical personnel employed in detention facilities, forensic experts, judges and prosecutors;

(b) Develop and implement specific methodologies to assess the effectiveness of educational and training programmes relating to the Convention and the Istanbul Protocol and ensure that training sessions on these particular topics are based on the real training needs of all target groups;

(c) Establish training programs on non-coercive investigation and inquiry techniques and strengthen the procedural safeguards to make effective the fight against torture with techniques respectful of human dignity and the presumption of innocence as recommended in the Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A / 71/298).

Redress, including compensation and rehabilitation

45. The Committee welcomes (see also para. 3 (d) above) the adoption of legislative amendments in 2014 providing for compensation for non-pecuniary damage caused by a violation of one's rights, including torture, as a result of a decision, action or omission of a state body or official and of further amendments in 2015 inter alia increasing the benchmark amounts of compensation. However, it is concerned that there is no public specialized center providing multidisciplinary, holistic rehabilitation services for victims of torture and ill-treatment established or financed by the State party, with only one NGO providing such services (arts. 2 and 14).

46. The State party should provide for adequately-funded specialized rehabilitation services for victims of torture and ill-treatment, including medical, psychological, social, and legal services for the victims. It should provide the Committee with data on the total number of requests for compensation received, the number of requests granted and the amount of the compensation awarded by courts. The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14 by States parties, in which it elaborates on the nature and scope of the State parties' obligations under article 14 of the Convention to provide full redress and the means for full rehabilitation to victims of torture.

Follow-up procedure

47. The Committee requests the State party to provide, by 7 December 2017, information on follow-up to the Committee's recommendations on statute of limitations, amnesty and pardon (see para. 8), excessive use of force during demonstrations (see para. 21), and deaths in custody, including suicides (see para. 34). In the same context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

48. The Committee recommends that the State party consider making the declarations envisaged under articles 21 and 22 of the Convention, in order to recognize the competence of the Committee to receive and consider inter-State and individual communications.

49. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party, as well as the Rome Statute of the International Criminal Court.

50. The State party is invited to submit its fifth periodic report by 7 December 2020. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.
